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# STATUTES OF CALIFORNIA

EXTRA SESSION OF THE FIFTIETH LEGISLATURE,

1934.

Began Wednesday, September twelfth, and adjourned  
Saturday, September fifteenth, nineteen  
hundred thirty-four.

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# PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION

## EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA.

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

I, FRANK F. MERRIAM, Governor of the State of California, by virtue of the power and authority in me vested by section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session, at Sacramento, California, on Wednesday, the twelfth day of September, one thousand nine hundred thirty-four at twelve o'clock m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. (a) To consider and act upon an amendment to the Constitution of the State, for proposal to the people at the general election to be held in November, 1934, providing for relief for unemployment and destitution in this State by means of grants and the issuance of bonds of the State in the aggregate principal sum of twenty-four million dollars, to provide funds therefor and providing for the administration of such relief; and (b) to consider and act upon legislation concerning the qualifications and requirements of persons applying for relief.

2. To consider and act upon a joint resolution memorializing the President and Congress of the United States to provide pensions for the aged.

3. To consider and act upon a concurrent resolution providing for a joint legislative committee to study the subject of unemployment insurance and to report its recommendations thereon to the Legislature at its next regular session.

4. To consider and act upon emergency legislation relating to relief for owners of real property by providing for the extension of periods of redemption, reduction of penalties, and postponement of times of sale, resale, and execution of deeds in respect to delinquent State, county and irrigation district taxes and assessments upon real property.

5. To consider and act upon emergency legislation relating to relief of debtors, including a moratorium on defaults on contracts of purchase and on the foreclosure of mortgages and deeds of trust and on the sale under power of sale contained in mortgages or deeds of trust executed upon real property, with ample protection and safeguard for the holders thereof.

6. To consider and act upon emergency relief legislation validating bonds of irrigation and reclamation districts, including refunding bonds thereof.

7. To consider and act upon emergency legislation consenting to the acquisition by the United States of such lands in the State as in the opinion of the Federal government may be needed for the establishment, consolidation and extension of national forests in this State, as provided in the act of Congress approved March 1, 1911 (36 U. S. Statutes at Large, page 961, Chapter 186) as amended.

8. To consider and act upon emergency legislation relating to relief from special assessments, authorizing cities, counties, and cities and counties to assist in providing such relief, relating to unpaid assessments for improvements of streets and highways which have become a part of the State highway system, providing for determination of the benefits to be derived by the State therefrom and for assumption by the State of payment thereof, and relating to the readjustment and refinancing of the obligations of taxing districts and special improvement districts under the provisions of the act of Congress entitled "An act to amend an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898 and acts amendatory thereof and supplementary thereto," approved May 24, 1934.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereunto the Great Seal of the State of California, at my office in the State Capitol, this fifth day of September, in the year of our Lord one thousand nine hundred thirty-four.

FRANK F. MERRIAM, Governor.

[GREAT SEAL OF THE  
STATE OF CALIFORNIA]

Attest: FRANK C. JORDAN, Secretary of State.  
By FRANK H. COBY, Deputy.

# STATUTES OF CALIFORNIA

PASSED AT THE

EXTRA SESSION OF THE FIFTIETH LEGISLATURE

## CHAPTER 1.

*An act to prohibit until February 1, 1935, sales under certain mortgages and deeds of trust, and the forfeiture of the interest of the purchaser under certain contracts of purchase, for default in the payment of the principal sum of obligations secured thereby or contracted to be paid thereunder, to extend the statute of limitations upon such obligations, to make voidable at the instance of the owner any sale or forfeiture made in violation of the act, to prescribe the time within which an action to avoid the same may be brought, to postpone sales for default in payment of installments due between effective date of act and February 1, 1935, to authorize waiver hereof, to prevent actions against guarantors' obligations the enforcement of the security for which is affected by the act, and to declare the urgency hereof.*

See Stats  
1935,  
Ch 348.

[Approved by the Governor September 15, 1934. In effect immediately.]

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

SECTION 1. A large proportion of the real property in this State is held subject to mortgage or deed of trust or under contract of purchase, and many owners and purchasers thereof are finding it extremely difficult or impossible, because of present economic conditions, to meet their obligations to retain their property. Prices for farm products are at present so low and unemployment in industry and business is so widespread, that farmers and wage earners, and those who do business with them, have as a class lost a considerable part of their income, and large numbers of such individuals have no income or scarcely enough for food and other necessities.

Necessity  
for act.

The value to the State of a large body of owners of land is inestimable, as such owners have a vital interest in the State and its welfare, and participate in governmental affairs to such an extent and in such a way that they constitute an essential factor in the political and economic life of the State.

If steps are not taken immediately to permit delay of foreclosures and sales under mortgages, deeds of trust, and contracts of purchase, and forfeitures and terminations under

contracts of purchase, a large number of owners of real property will be forced to abandon their interests in their property.

Emergency  
declared

An emergency therefore exists, and it is necessary to provide for the permitting of delays of foreclosures and sales under mortgages, deeds of trust, and contracts of purchase, or of forfeitures and terminations under contracts of purchase. The following provisions are intended to permit such delays and to safeguard the interests of creditors who will be affected thereby.

Moratorium  
on certain  
sales and  
forfeitures

SEC. 2. Until February 1, 1935, except in the case of mining property, no sale shall be made under any power of sale contained in any mortgage or deed of trust heretofore executed upon real property, nor shall any sale be made under any final decree of foreclosure rendered in any action to foreclose a mortgage heretofore executed upon real property nor shall the interest of any purchaser under a contract of purchase of real property heretofore executed, be terminated or forfeited, in any case in which the only default in the performance of the obligation for which said mortgage or deed of trust was given as security or in the performance of such contract consists solely of the failure to pay when due the principal sum of such obligation.

Acceleration  
of principal

Nothing contained in this act shall prevent the acceleration, by reason of the nonpayment of taxes, interest or insurance, of the entire obligation secured by any such mortgage or deed of trust, nor prevent the sale thereunder by reason of such default.

Limitation  
of actions  
extended

SEC. 3. In all cases in which the time within which an action upon any obligation founded upon a written instrument secured by a mortgage or deed of trust upon real property, or any guaranty thereof, may be commenced would expire by virtue of section 337 of the Code of Civil Procedure during the period extending between the date upon which this act takes effect and the first day of February, 1935, such time is hereby extended so as not to expire until April 1, 1935.

State 1933,  
p. 2116.

Effect of  
violation.

SEC. 4. Any sale of real property under a deed of trust or mortgage with power of sale made in violation of this act shall be voidable, except as against a bona fide purchaser or encumbrancer for value, at the instance of the record owner of such real property at the time of such sale; provided that any action to avoid such sale or any deed executed pursuant thereto must be brought within one year of the date of such sale.

Exceptions.

SEC. 5. Nothing contained in this act shall apply to or be deemed to affect (a) any mortgage, deed of trust or contract of sale upon real property executed after the effective date of this act, or (b) any mortgage or deed of trust securing the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations or made by public utilities subject to the provisions of the Public Utilities Act.

SEC. 6. Except in the case of mining property, no sale shall be made under any power of sale contained in any mortgage or deed of trust executed before the effective date of this act upon real property, nor shall any sale be made under any final decree of foreclosure rendered in any action to foreclose a mortgage executed before the effective date of this act upon real property, nor shall the interest of any purchaser under a contract of purchase of real property executed before the effective date of this act be terminated or forfeited, in any case in which the only default in the performance of the obligation for which said mortgage or deed of trust was given as security or in the performance of the obligation of such contract consists solely of the failure to pay when due installments of the principal sum of such obligation which became due according to the terms of such obligation between the effective date of this act and February 1, 1935, until at least six months after the due date of the last installment of the principal sum of such obligation.

Default in  
payments on  
principal

Nothing contained in this section shall prevent the acceleration by reason of the nonpayment of taxes, interest or insurance, of the entire obligation secured by any such mortgage or deed of trust, nor prevent the sale thereunder by reason of such default.

Acceleration  
of principal

In all cases in which the time within which an action upon any installment of the principal sum of an obligation, or any guaranty thereof, a sale for default in the payment of which is postponed by this act, would expire by virtue of section 337 of the Code of Civil Procedure prior to the time when such sale is permitted by this section, then such time in which such action may be brought is extended to and until three months after the date upon which such sale might be held under this section.

Limitation  
of actions  
extended

Stats 1933,  
p 2116

SEC. 7. No suit or action shall be commenced against the guarantor of any note secured by a mortgage or deed of trust upon real property in any case while by virtue of any law no sale may be made under any power of sale contained in such mortgage or deed of trust, or while no sale may be made under the final decree of foreclosure rendered in an action to foreclose such mortgage.

Actions  
against  
guarantors.

SEC. 8. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect.

Urgency.

The facts constituting the necessity are as follows: A severe economic depression exists throughout the State, rendering many of its citizens unable to pay the principal sum of their debts or to otherwise refinance their loans. As a result thereof, through foreclosure actions, they are being deprived of their property.

## CHAPTER 2.

*An act making an appropriation for pay of officers and clerks for, and for contingent and other expenses of, or authorized by, the special session of the Legislature which convened on September 12, 1934, and declaring the urgency hereof.*

[Approved by the Governor September 15, 1934 In effect immediately.]

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

Appropriation  
Legislative  
expenses

SECTION 1. The sum of two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated for pay of officers and clerks for, and for contingent and other expenses of, or authorized by, the special session of the Legislature which convened on September 12, 1934.

Current  
expenses.

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

## CHAPTER 3.

*An act expressing the consent of the Legislature of the State of California to the acquisition of lands in the State under the provisions of the act of Congress entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911, as amended.*

[Approved by the Governor September 20, 1934. In effect  
December 15, 1934.]

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

Federal  
acquisition  
of State  
lands

SECTION 1. The Legislature of the State of California hereby consents to the acquisition by the United States by purchase, gift or condemnation with adequate compensation, of such lands in the State of California as in the opinion of the government of the United States may be needed for the establishment, consolidation and extension of National forests in this State under the provisions of the act of Congress approved March 1, 1911, and entitled "An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of

lands for the purpose of conserving the navigability of navigable rivers," as amended; provided, that the State of California shall retain a concurrent jurisdiction with the United States in and over lands so acquired so far that civil processes in all cases, and such criminal processes as may issue under the authority of the State of California against any person charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this consent had not been granted; provided further, that the State of California shall retain a concurrent jurisdiction to tax persons and corporations and their property and transactions on such lands so acquired.

Reservations

#### CHAPTER 4.

*An act in relation to relief from special assessments and in relation to financial relief therefrom, and of taxing districts, as defined in Chapter IX of the act of Congress entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, validating petitions and proceedings under or in contemplation of proceedings under, said Chapter IX, and authorizing contribution by cities and counties toward the payment of such assessments, and declaring the urgency thereof, to take effect immediately.*

[Approved by the Governor September 20, 1934. In effect immediately.]

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

##### Chapter 1. Bankruptcy relief.

SECTION 1. For the purpose of this act a "taxing district" is hereby defined to be a "taxing district" as described in Chapter IX of an act of Congress entitled "An act to establish a uniform system of bankruptcy throughout the United States," as approved July 1, 1898, and as amended by the addition thereto of Chapter IX, approved May 24, 1934. Said act of Congress and acts amendatory and supplementary thereto, as the same may be amended from time to time, are herein referred to as the "Federal Bankruptcy Statute."

"Taxing district"

SEC. 2. All powers herein granted to taxing districts may be exercised by such districts, or, in the event that such districts have no officers of their own, such powers may be exercised by the officers who have the power to contract on behalf of such districts, or to levy special assessments or special taxes within such districts.

Exercise of powers

SEC. 3. Any taxing district in the State of California is hereby authorized to file the petition mentioned in the Federal Bankruptcy Statute, and to incur and pay the expenses thereof and any and all other expenses necessary or incidental to the

Petition by district.

consummation of the plan of readjustment contemplated in such petition or as the same may be modified from time to time.

Resolution.

SEC. 4. Before the filing of any petition referred to in section 3 hereof, such taxing district shall adopt a resolution authorizing the filing thereof and authorizing its duly and regularly elected or appointed attorney or special counsel duly appointed for such purpose, to file the same and to represent it in the proceedings with respect thereto in the competent United States District Court.

Plan of  
readjustment  
authorized

SEC. 5. Any taxing district is hereby authorized and empowered to take any and all action necessary to carry out any plan of readjustment contemplated in said petition, or as the same may be modified from time to time, subject only to the provisions of the Constitution of the State of California, notwithstanding any other provisions of law.

Prerequisite  
to decree

SEC. 6. No final decree or order of the United States District Court confirming a plan of readjustment shall be effective for the purpose of binding the taxing district unless and until such taxing district files with the court a certified copy of a resolution of such taxing district, adopted by it or by the officials referred to in section 2 hereof, consenting to the plan of readjustment set forth or referred to in such final decree or order.

Powers of  
district

SEC. 7. Upon the filing of such certified copy of such resolution, any taxing district shall have power to consummate the plan of readjustment including the following powers:

(a) To cancel in whole or in part, or remit or reduce, the moneys payable under any bonds, warrants or evidences of indebtedness or other obligations of or issued by, such taxing districts, sought to be refunded by such plan of readjustment.

Refunding  
bonds

(b) To issue refunding bonds to refund obligations specified in paragraph (5) of this subdivision, subject to the following:

(1) Such obligations may be those of, or issued by, such taxing district, as described in such plan of readjustment. Such refunding bonds shall have such denominations, rates of interest, and maturities, and shall be payable by taxes, special assessment taxes, or special assessments, assessed or levied in the manner provided in such plan of readjustment, except that no such refunding bonds shall exceed in amount, or bear a higher rate of interest than the total obligation sought to be refunded.

Elections.

(2) In those cases where the bonds sought to be refunded were issued pursuant to statute requiring any election of voters or electors as a prerequisite for the issuance of such bonds, it shall not be necessary to hold any election to authorize the issuance of such refunding bonds except in those cases where refunding bonds are to be issued by one of the political subdivisions mentioned in section 18 of Article XI of the Constitution. In the latter case:

(1) In the case of cities such election must be held in accordance with the procedure for the holding of an election



set forth in an act of the Legislature entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," enacted February 25, 1901, as amended. Stats 1901, p. 27

The limitations provided by law upon the power of a city to incur a bonded indebtedness not exceeding fifteen (15%) per cent of the total assessed valuation of taxable property in such city shall not apply to any bonded indebtedness issued pursuant to the provision of this act.

(II) In the case of a county, such election must be held in accordance with the procedure for the holding of an election set forth in section 4088 of the Political Code. Stats 1933, p. 864

(III) In the case of school districts, such election must be held in accordance with the procedure for the holding of an election set forth in sections 4 960 to 4 1063, inclusive, of the School Code.

(3) The refunding bonds need not be payable out of taxes or special assessments levied or assessed in the manner in which the bonds sought to be refunded were payable. By way of illustration of, but not by way of limitation upon, the powers herein granted, bonds payable by taxes levied in whole or in part according to the assessed valuation of real or taxable property in a district, may be refunded by the issuance of refunding bonds so payable or by the issuance of refunding bonds constituting specific liens upon real property described in such refunding bonds and subject to enforcement, collection and foreclosure pursuant to the plan of readjustment. Payment of bonds

In further illustration hereof but not by way of limitation upon the powers herein granted, any city is hereby authorized to issue such refunding bonds substantially in the manner and form and with the effect provided in the Improvement Act of 1911, such refunding bonds to be payable and to entitle the holders thereof to enforce, foreclose and collect the same, as provided in said Improvement Act of 1911; provided, however, anything to the contrary herein contained notwithstanding, no refunding bonds shall be payable by the levy of taxes or special assessment taxes upon all taxable property in a district, unless the bonds sought to be refunded were payable by the levy of taxes or special assessment taxes upon all taxable property in a district. Stats 1911, p 730.

(4) It shall be sufficient for the purposes of this act that the petition shall set forth by reference or otherwise: Requisites of petition

(I) The procedure to be followed, respectively, in the levy and collection of taxes, special assessment taxes, or special assessments for the payment of such refunding bonds.

(II) The character and effect of, and method of enforcing the liens sought to be created by the issuance of such refunding bonds.

(III) The rights of the holders of such refunding bonds upon the issuance thereof.

Refunding  
bonds  
defined.

(5) The refunding bonds herein authorized shall include bonds to refund bonds secured by unpaid assessments heretofore levied upon real property in a district, and shall also include bonds to fund or refund or pay any obligation of such taxing district whether reduced to judgment or not and whether represented by any written instrument or not and whether arising by contract, statute or otherwise.

Adoption  
of ordinances

(c) To adopt such ordinances as are necessary to accomplish the purposes of this act or to provide due process of law with respect to any proceedings herein authorized. The officers of such taxing district, or the officers referred to in section 2 hereof, are hereby constituted a legislative body of the taxing district for such purpose.

Taxes and  
assessments

(d) To assess, levy and collect taxes, special assessment taxes and special assessments and to enforce the collection thereof in the manner and with the effect provided in the plan of readjustment.

Notice and  
hearing

(e) In the event that the plan of readjustment contemplates the issuance of refunding bonds payable by special assessment taxes, or by special assessments or reassessments, which will constitute liens upon real property, the taxing district shall not have jurisdiction to adopt the resolution mentioned in section 6 hereof unless, before the issue of the final decree or order confirming the plan of readjustment, it holds a hearing after notice thereof as herein provided. In such event before the signing of the order or decree of the Federal District Court approving the plan of readjustment, the taxing district shall cause to be given a notice, for a reasonable time and in a reasonable manner, of its intention to adopt the resolution mentioned in section 6 hereof after the issue of the final decree or order and of the fact that by the plan of readjustment it is proposed to levy special assessments or reassessments or special assessment taxes upon real property in the amounts and in the manner set forth in such plan of readjustment and of the time and place when and where all persons interested in any such assessments or reassessments or special assessment taxes will be heard by such taxing district.

(f) The taxing district shall prescribe by ordinance or resolution the manner of holding such hearing and of giving notice thereof and the effect to be given to its determination at such hearing.

Reductions  
and  
cancellations

(g) To cancel or reduce the taxes or special assessment taxes heretofore levied or assessed by such taxing district or in its behalf upon any taxable or real property within such district, if such levy or assessment was for the purpose of paying the principal or interest on the bonds sought to be refunded by the plan of readjustment, in the manner and as set forth in such plan of readjustment, and the powers herein granted shall include cancellation or reduction of interest, penalties and costs that may be levied or assessed upon such property within

such district by reason of any previous delinquency in the payment of such taxes or special assessments.

(h) The provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not be applicable to any proceedings taken under this act. Stats 1931, p. 1372.

(i) The above enumeration of powers shall not be deemed to exclude powers not herein mentioned that may be necessary for or incidental to the accomplishment of the purposes hereof.

SEC. 7a. Whenever any taxing district has heretofore filed or purported or attempted to file a petition under Chapter IX of the Federal Bankruptcy Statute or has taken or attempted to take any other proceedings under or in contemplation of proceedings under Chapter IX of the Federal Bankruptcy Statute, all acts and proceedings of such taxing district and of the governing board or body and of public officers of such taxing district in connection with such petition or proceedings, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes and the power of such taxing district to file such petition and take such other proceedings is hereby ratified, confirmed and declared, but all such proceedings taken after the date this act takes effect shall be taken in accordance with and pursuant to this act. Validation

## Chapter 2. Relief by contribution from cities or counties.

SEC. 8. Any city or county of the State may finance or assist in the financing of, and may incur indebtedness to finance, or to assist in the financing of, any plan of readjustment mentioned in the Federal Bankruptcy Statute, either for itself as a taxing district or for any taxing district entirely within, or the exterior boundaries of which are coterminous with the boundaries of, such city, or county. In the case of a city, such indebtedness may be incurred in accordance with the provisions of "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," enacted February 25, 1901, as amended. In the case of a county, such indebtedness may be incurred in the manner provided in section 4088 of the Political Code. Indebtedness authorized  
Stats. 1901, p. 27.  
Stats. 1933, p. 364

SEC. 9. In the event that such plan of readjustment contemplates the incurring of indebtedness under this section, the petition mentioned in section 3 shall so state, and the final decree or order of the United States District Court shall not be effective for any purpose unless such city or county files in the United States District Court in which the petition is filed a certified copy of a resolution consenting to such plan of readjustment as set forth or mentioned in such final decree or order. Petition and resolution

SEC. 10. Such city or county may use in the financing or assistance of the financing of such plan of readjustment any funds that are available therefor including Funds.

Stats 1933, funds described in section 13½ of the Motor Vehicle Fuel  
p 1250. License Tax Act, which are hereby specifically authorized to  
be used therefor, subject to the restrictions contained therein  
as to the purposes and the proportion of the total moneys  
received by any county or city and county that may be so used.

### Chapter 3. General provisions.

Effect. SEC. 11. This act shall in no wise affect any other act  
or acts now existing or which may hereafter be adopted  
covering the same subject matter, or apply to any proceedings  
thereunder, but is intended to and does provide, among other  
matters, an alternative system for the refunding of bonds,  
the same to be used pursuant to the provisions of, and in con-  
junction with the Federal Bankruptcy Statute.

Constitu-  
tionality SEC. 12. This act and all of its provisions shall be liber-  
ally construed to the end that the purposes hereof may be made  
effective. If any section, subsection, sentence, clause or phrase  
of this act is for any reason held to be unconstitutional, such  
decision shall not affect the validity of the remaining portion  
of this act. The Legislature hereby declares that it would  
have passed this act irrespective of the fact that any one or  
more sections, subsections, sentences, clauses or phrases thereof  
be declared unconstitutional.

Urgency. SEC. 13. This act is hereby declared to be an urgency  
measure within the meaning of section 1 of Article IV of the  
Constitution, necessary for the immediate preservation of the  
public peace, health and safety, and shall take effect immedi-  
ately.

The facts constituting such necessity are as follows: There  
exist throughout the State of California economic conditions  
which make it impossible for property owners to pay their  
taxes and special assessments levied upon real or taxable prop-  
erty. The burden of such taxes and special assessments is so  
onerous in amount that great delinquencies have occurred in  
the collection thereof and seriously affect the ability of taxing  
districts to obtain the revenue necessary to conduct govern-  
mental functions and to pay obligations represented by bonds.  
It is essential that financial relief, as set forth in this act, be  
immediately afforded to such taxing districts in order to avoid  
serious impairment of their taxing systems, with consequent  
crippling of the local governmental functions of the State.  
This act will aid in accomplishing this necessary result and  
should therefore go into effect immediately.

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### CHAPTER 5.

*An act to postpone proceedings by the holder or owner of any  
bond to enforce the lien arising out of the levy of any  
special assessment or special assessment tax, or arising out  
of the issuance of any special assessment bond, levied or*

*issued to pay the cost of the improvement or acquisition of property for public purposes, declaring the urgency thereof, and providing that it shall take effect immediately.*

[Approved by the Governor September 20, 1934 In effect immediately ]

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

SECTION 1. From and including the date this act takes effect until February 28, 1935, no proceedings, in court or otherwise, shall be commenced, had or continued by the holder or owner of any special assessment bond or lien to enforce any lien arising out of the levy of any special assessment or special assessment tax or to enforce any lien arising out of the issuance of any special assessment bond, levied or issued to pay the cost of the acquisition or improvement set forth in section 2 of this act. Moratorium on lien of special assessment bond

SEC. 2. Except as provided in this section, the provisions of section 1 of this act shall apply to all special assessments, special assessment taxes, and special assessment bonds, issued or levied to pay the cost of the construction of any public improvement or the acquisition of any property for public use, where the cost of such construction or acquisition is payable in whole or in part by special assessments, or through special assessment taxes upon lands; and to all other special assessment districts and proceedings, regardless of the particular statute under which any proceedings are undertaken and regardless of whether the special assessment made is or will be upon specific land or a special assessment tax upon lands wholly or partially according to the assessed value of such lands. The provisions of section 1 of this act shall not apply to: Scope of act.

(a) Any flood control, irrigation, reclamation, sanitary, sanitation or other district organized or incorporated under the laws of the State of California, where such district constitutes a State agency or a public or municipal corporation. Exceptions

(b) Any bonds issued or to be issued to provide money with which to construct or acquire any public improvement, work or public utility, or for the acquisition, construction or completion of such public improvement, work or public utility, where such bonds have been voted, pursuant to the law under which said bonds are issued or to be issued, by a majority or two-thirds vote of the persons entitled to vote at the election upon the proposition of issuing such bonds.

(c) Any assessment levied for the maintenance or operation of any improvement.

SEC. 3. The period during which suit or other proceedings provided by statute to enforce any such lien may be brought or instituted is hereby extended by a period of time equal to the period from the commencement to the conclusion of the period set forth in section 1 of this act. The periods prescribed by sections 581, 581a, 581b, and 583 of the Code Limitation of actions extended

of Civil Procedure are hereby extended in the case of any proceeding affected by this act by a period of time equal to the period set forth in section 1 of this act.

Constitutionality.

SEC. 4. This act and all of its provisions shall be liberally construed to the end that the purposes hereof may be made effective. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional.

Urgency.

SEC. 5. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution and shall therefore take effect immediately.

The following is the statement of the facts constituting such necessity: As a result of peculiar and exceptional economic conditions arising out of the present business depression a large number of owners of homes and other real property are unable to meet special assessments on their property and will be so unable during the next year. Such property, as a result of the depression, has neither a reasonable existing sale value nor does it at present furnish satisfactory or realizable security for raising funds with which these assessments can be paid. If these persons lose their homes as a result of proceedings arising out of nonpayment of these assessments, the tremendous burden of their support and maintenance will have to be assumed by the State or by local taxation to the great injury of the State or local governments of this State. It is therefore necessary that the temporary relief given by this act be immediately extended and therefore this act should take effect immediately.

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## CHAPTER 6.

*An act to amend sections 3817c and 3817d and 3897 of the Political Code and to add to said code new sections numbered 3817b2, 3817c2, 3817f, 3817g, 3817h and 3817i, relating to taxation, including tax delinquencies, tax penalties and costs, tax redemptions and tax sales, and declaring the urgency thereof, to take effect immediately.*

[Approved by the Governor September 19, 1934. In effect immediately.]

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

Stats. 1933,  
p. 2585.

SECTION 1. Section 3817c of the Political Code is hereby amended to read as follows:

3817c. The word "taxes," wherever used in this section, includes all taxes and assessments and annual installments of assessments charged on the tax roll.

See Stats.  
1935,  
Ch. 799

"Taxes"  
defined.

Optional  
extension of  
redemption  
period,  
prior to  
April 20,  
1934

In all cases where real estate has been sold to the State on or before September 6, 1933, for delinquent taxes, and the State has not disposed of the same, the person whose estate has been sold, his executors, administrators, or other successors in interest shall on or before April 20, 1934, have the right to elect to pay such delinquent taxes in installments as hereinafter provided and by the payment of each of such installments, together with current State and county taxes, to extend the period of redemption of such real estate and to postpone the date of sale of such property at auction, as provided in section 3771a of this code, and time of making a deed of such property to the State, as provided in section 3785, and in the event such property has been deeded to the State, postpone the resale of such real estate by the State as provided in section 3897 of this code.

Upon payment to the county treasurer on or before April 20, 1934, of ten per cent, or more, of an amount equal to the total of unpaid taxes computed as prescribed in section 3817b of this code, plus interest on the whole of said amount at the rate of seven per cent per annum from July, 1932, to date of such payment (except that interest upon taxes for the fiscal year 1932-1933 shall be computed from July 1, 1933), and by the further payment on or before April 20, 1934, of all State and county taxes levied and assessed for the fiscal year 1933-1934, together with penalties and costs due thereon, the right of redemption in installments hereunder shall be extended to and including April 20, 1935, during which time no sale at auction of such property shall be made as provided in section 3771a of this code, and no deed to the State shall be made as provided in section 3785 and no resale by the State shall be made in accordance with the provisions of section 3897 of this code. Upon payment to the county treasurer, on or before April 20, in each of the years of 1935 to 1943, inclusive, or until said amount has been paid, of ten per cent or more of said total amount together with interest, at the same rate from the date of the preceding payment, on that part of said total amount remaining unpaid after such preceding payment, and upon payment on or before April 20 in each of the years of 1935 to 1943, inclusive, of State and county taxes for each of said years, with penalties and costs thereon, the right of redemption shall be extended, the time of sale at auction to the public and of deed to the State shall be postponed and resale by the State shall be suspended, for successive periods of one year. In the event of failure to make any of the payments herein specified to be made on or before the dates herein set forth, the right to pay such delinquent taxes in installments shall cease and terminate and such property shall thereupon be subject to sale at auction or may be deeded to the State or resold by the State, in the same man-

Installment  
redemption  
payments

Effect of  
default.

ner as though no election to pay delinquent taxes in installments had been made.

Effect of  
installment  
payments.

No such payment, nor all of them, shall be deemed a redemption of real estate nor affect the right, title or interest of the State thereto, but shall be deemed and considered as compensation for the use and occupancy of said real estate; provided, that if each installment of delinquent taxes and interest be paid on or before the respective dates specified in this section, and if redemption of such property shall be made, on or before the twentieth day of April, 1943, in the manner hereinafter in this section provided, the amounts previously paid under the authority of this section shall be credited on the amount to be paid for such redemption.

Payments  
by April 20,  
1943.

The amount to be paid on or before the twentieth day of April, 1943, to effect redemption of such property under this section shall be the sum of the following amounts:

(a) Unpaid taxes as prescribed in section 3817b of this code, with interest thereon equal to the amount of interest included in all installment payments previously made, as authorized by this section, and, in addition, interest equal to the amount of interest due at the time of such redemption on the remainder, if any, of the amount payable in installments, as authorized by this section.

(b) Unpaid taxes for the fiscal years following the year ending June 30, 1933, with redemption penalties thereon computed in accordance with section 3817 of this code.

Manner of  
redemption.

Except as in this section provided, such redemption shall be made in the manner prescribed in section 3817 of this code.

All interest received by the county treasurer pursuant to the provisions of this and the preceding section shall be distributed in the same manner as redemption penalties in accordance with section 3816 of this code.

New  
section.

SEC. 2. A new section numbered 3817b2 is hereby added to Political Code, to read as follows:

"Taxes"  
defined.

3817b2. The word "taxes" wherever used in this section, includes all taxes and assessments and annual installments of assessments charged on the tax roll.

Right to  
redeem  
prior to  
April 20,  
1935.

In all cases where real estate has been sold to the State on or before July 6, 1934, for delinquent taxes and the State has not disposed of the same, the person whose estate has been sold, his heirs, executors, administrators or other successors in interest shall, at any time on or before the twentieth day of April, 1935, have the right to redeem such property by paying to the county treasurer of the county wherein the real estate may be situated, the amount of taxes due thereon at the time of such sale, and also all taxes that were a lien upon said real property at the time said taxes became delinquent, and also all unpaid taxes of every description assessed against the property together with all taxes that are a lien against the property for each year since the sale, as shown on the delinquent assessment rolls in the then permanent custody of the county auditor, or, if not so assessed, then upon the value of the property



as assessed in the year nearest the time of such redemption, with interest on the whole amount of such taxes at the rate of seven per cent per annum computed from the first day of July, 1934, to the time of such redemption.

The provisions of this section shall be deemed to allow the redemption of such real estate, on or before the twentieth day of April, 1935, free from the payment of any costs, interest (other than the interest hereinbefore in this section provided), penalties for delinquency, or redemption penalties, which may have accrued against said real estate on or before April 20, 1935. The provisions of this section shall have no application to the amount or rate of penalties for delinquency or upon redemption, for taxes for the fiscal year 1934-1935.

Except as otherwise in section 3817c2 and this section provided, such redemption shall be made in the manner prescribed in section 3817 of this code.

SEC. 3. A new section numbered 3817c2 is hereby added to the Political Code, to read as follows:

3817c2. The word "taxes," wherever used in this section, includes all taxes and assessments and annual installments of assessments charged on the tax roll.

In all cases where real estate has been sold to the State on or before July 6, 1934, for delinquent taxes, and the State has not disposed of the same, the person whose estate has been sold, his heirs, executors, administrators, or other successors in interest shall, on or before April 20, 1935, have the right to elect to pay such delinquent taxes in installments as hereinafter provided and by the payment of each of such installments, together with current State and county taxes, to extend the period of redemption of such real estate and to postpone the date of sale of such property at auction, as provided in section 3771a of this code, and time of making a deed of such property to the State, as provided in section 3785, and in the event such property has been deeded to the State, postpone the resale of such real estate by the State as provided in section 3897 of this code.

Upon payment to the county treasurer on or before April 20, 1935, of ten per cent, or more, of an amount equal to the total of unpaid taxes computed as prescribed in section 3817b2 of this code, plus interest on the whole of said amount at the rate of seven per cent per annum, beginning July 1, 1934, to date of such payment and by the further payment on or before April 20, 1935, of all State and county taxes levied and assessed for the fiscal year 1934-1935, together with penalties and costs due thereon, the right of redemption in installments hereunder shall be extended to and including April 20, 1936, during which time no sale at auction of such property shall be held as provided in section 3771a of this code, and no deed to the State shall be made as provided in section 3785 and no resale by the State shall be made in accordance with the provisions of section 3897 of this code. Upon payment to the county treasurer, in each succeeding fiscal year but not later

Effect of section.

Manner of redemption

New section

See Stats. 1935, Ch. 799, "Taxes" defined.

Optional extension of redemption periods prior to April 20, 1935.

Installment redemption payments

than April 20 until said amount has been paid, of ten per cent or more of said total amount together with interest, at the same rate from the date of the preceding payment, on that part of said total amount remaining unpaid after such preceding payment, and upon payment on or before April 20 in each of said succeeding fiscal years of State and county taxes for each of such years, with penalties and costs due thereon, the right of redemption shall be extended, the time of sale at auction to the public and of deed to the State shall be postponed and resale by the State shall be suspended, for successive periods of one year. In the event of failure to make any of the payments herein specified to be made on or before the dates herein set forth, the right to pay such delinquent taxes in installments shall cease and terminate and such property shall thereupon be subject to sale at auction or may be deeded to the State or resold by the State, in the same manner as though no election to pay delinquent taxes in installments had been made.

Effect of default.

Effect of installment payments

No such payment, nor all of them, shall be deemed a redemption of real estate nor affect the right, title or interest of the State thereto, but shall be deemed and considered as compensation for the use and occupancy of said real estate; provided, that if each installment of delinquent taxes and interest be paid on or before the respective dates specified in this section, and if redemption of such property shall be made, on or before the twentieth day of April, 1944, in the manner hereinafter in this section provided, the amounts previously paid to the county treasurer under the authority of this section shall be credited on the amount to be paid for such redemption.

Payments by April 20, 1944.

The amount to be paid on or before the twentieth day of April, 1944, to effect redemption of such property under this section shall be the sum of the following amounts:

(a) Unpaid taxes computed as prescribed in section 3817b2 of this code, with interest thereon equal to the amount of interest included in all installment payments previously made, as authorized by this section, and, in addition, interest equal to the amount of interest due at the time of such redemption on the remainder, if any, of the amount payable in installments, as authorized by this section;

(b) Unpaid taxes for the fiscal years following the year ending June 30, 1934, with redemption penalties thereon computed in accordance with section 3817 of this code.

Manner of redemption.

Except as in this section otherwise provided, such redemption shall be made in the manner prescribed in section 3817 of this code.

Stats 1933, p 2597

SEC. 4. Section 3817d of the Political Code is hereby amended to read as follows:

See Stats 1935, Ch. 313. Sales at auction, and deeding to State.

3817d. Notwithstanding the provisions of sections 3764 and 3771a of this code no sale at auction to the public shall be made of unredeemed property in the years of 1933, 1934 or 1935, but at the day and hour fixed in accordance with subdivision two of section 3764 of this code all property other-

wise subject to sale to the public shall be deeded to the State as provided in section 3785 of this code. No sale of any property shall be made in accordance with the provisions of section 3897 of this code after the effective date of this act and prior to the first day of July, 1936; provided that the provisions of this amendment to this section further postponing the time when sale or resale at auction to the public may be made shall not apply to any real property which prior to the effective date of this act has been deeded pursuant to sale for delinquent taxes or assessments to any taxing agency as that term is defined in section 3897d of this code and as to which the right of redemption from such sale no longer exists.

In the year 1935, the notice required by subdivision (1) of section 3764 of this code shall be in substance and may be in form as follows: "To be deeded to the State. See No. ---- in addenda to this list."

In the year 1935, the notice required by subdivision (2) of section 3764 of this code shall be in substance and may be in form as follows: Form of notices.

"Addenda to Delinquent Tax List.

Notice of Disposal of Properties for Delinquent Taxes

In pursuance of law, public notice is hereby given that the undersigned tax collector will make deeds to the State of California for the several parcels and lots of property hereinafter described unless, on or before the ----- day of -----, 1935, at the hour of ----- o'clock --m., redemption from sale for delinquent taxes is made in accordance with the provisions of section 3817 of the Political Code, or a postponement of sale is had in accordance with the provisions of section 3817a of said code, or a conditional payment is made in accordance with the provisions of section 3817c or 3817c2 of said code; on said date, five years or more will have elapsed from the date of the sale of said property to the State.

Dated this ----- day of -----, 19---

-----  
Tax Collector of -----  
County, State of California.

The properties which are to be so deeded and which are the subject of this notice are situated in the county of -----, State of California and are particularly described as follows, to wit:

No. (description of property) assessed to -----  
Sold to State for \$-----.

SEC. 5. A new section numbered 3817f is hereby added to the Political Code, to read as follows: New section.

3817f. Any person, his heirs, executors, administrators or other successors in interest, who has made or who shall make a payment or payments on account of delinquent taxes in See Stats 1935, Ch 313

Credit on  
taxes paid  
under Sec.  
3817a.

accordance with the provisions of section 3817a of this code and who, in addition, has elected or shall elect to pay the delinquent taxes on the same property in installments in accordance with the provisions of section 3817c or 3817c2, as the case may be, of this code, shall receive credit, on the amount of taxes payable in installments, for the total amount, without interest, previously paid to the county treasurer in accordance with the provisions of section 3817a. At the time an installment payment is made on or next following the date this act takes effect and before the computation of interest then to be paid, such credit shall be applied on and deducted from the amount of taxes of which an installment is then payable. Such credit shall be in addition to and not a substitute for the payment of the whole or any part of such installment then payable.

New  
section.

SEC. 6. A new section numbered 3817g is hereby added to the Political Code, to read as follows:

See Stats.  
1935,  
Ch. 313.  
Credit on  
taxes paid  
under Sec.  
3817c

3817g. Any person, his heirs, executors, administrators or other successors in interest, who elected, on or before April 20, 1934, to pay delinquent taxes in installments in accordance with the provisions of section 3817c of this code and who failed to pay the taxes for the fiscal year 1933-1934 as in said section required, on or before said date, and who elects to pay the delinquent taxes on the same property in installments in accordance with the provisions of section 3817c2 of this code shall receive credit, on the amount of delinquent taxes payable in installments under said section 3817c2, for the total amount, without interest, previously paid to the county treasurer in accordance with the provisions of section 3817c. At the time of so electing to pay in installments under section 3817c2 and before the computation of interest then to be paid, such credit shall be applied on and deducted from the amount of taxes of which an installment is then payable. Such credit shall be in addition to and not a substitute for the payment of the whole or any part of such installment then payable.

New  
section.

SEC. 7. A new section numbered 3817h is hereby added to the Political Code, to read as follows:

See Stats.  
1935,  
Ch. 313.  
Credit on  
redemption  
under Sec.  
3817 or  
3817b2.

3817h. If the person electing to pay such delinquent taxes in installments, in accordance with the provisions of section 3817c or 3817c2, his heirs, executors, administrators or other successors in interest, has failed or shall fail to make any of the payments, of installments or of current taxes, therein required therefor on or before the dates therein fixed at the time the first payment was made and if the State has not disposed of the property and redemption thereof is made in accordance with the provisions of section 3817 or 3817b2 of this code within five years after April 20 of the fiscal year within which such failure to pay occurred but not later than April 20, 1944, there shall be credited, on the amount to be paid for such redemption in accordance with the provisions of said section 3817 or 3817b2, the amounts previously paid to

the county treasurer in accordance with the provisions of said section 3817c or 3817c2.

All moneys received by the county treasurer in accordance with the provisions of section 3817a of this code shall be distributed in the manner prescribed in section 3816 of this code for taxes, delinquency penalties, costs and redemption penalties. Distribu-  
tion of  
moneys

All moneys received by the county treasurer in accordance with the provisions of sections 3817b, 3817b2, 3817c and 3817c2 of this code shall be distributed in the manner prescribed in section 3816 of this code for taxes and for redemption penalties, provided, that amounts received on account of taxes shall be so distributed and applied on account of the oldest unpaid taxes.

SEC. 8. A new section to be numbered 3817i is hereby added to the Political Code, to read as follows: New  
section

3817i. The word "taxes" wherever used in this section includes all taxes and assessments and annual installments of assessments charged on the tax roll. Taxes  
defined

In all cases where real estate has been sold to the State on or before September 1, 1934, for delinquent taxes and the State has not disposed of the same, the person whose estate has been sold, his heirs, executors, administrators, or other successors in interest, shall, within six months from the effective date hereof, have the right to elect to pay such delinquent taxes in installments as hereinafter provided, and by the payment of each of such installments, together with interest hereinafter prescribed, to extend the period of redemption of such real estate and to postpone the date of sale of such real estate at public auction as provided in section 3771a of this code, and the time of making a deed of such real estate to the State as provided in section 3785, and in the event such real estate has been deeded to the State to postpone the resale of such real estate by the State as provided in section 3897 of this code. Optional  
extension of  
redemption  
period.

To avail himself of the right of redemption afforded by the provisions of this section, such person, his heirs, executors, administrators or other successors in interest shall, prior to the expiration of six months from the effective date hereof, in writing file with the auditor of the county or city and county in which the real estate is situate, his declaration of intention, duly acknowledged by him, to redeem such real estate under the provisions of this section, and at the same time pay to the treasurer of the county or city and county in which the real estate is situated, the first installment, with interest, hereinafter prescribed, which declaration of intention shall be in substantially the following form: Declaration  
of intention.

"I -----, the undersigned, am the owner of that certain real estate situate in the county (city and county) of -----, State of California, described as follows: ----- and hereby declare my intention to redeem said real estate from taxes delinquent thereon in the manner and by making the pay-

ments prescribed in section 3817i of the Political Code, and tender herewith payment of the first installment of said taxes as provided in said section.”

Tax  
payments  
required

The total amount of taxes required to be paid to effect redemption of such real estate under the provisions of this section consists of (1) the amount of taxes due thereon at the time of such sale, (2) all taxes that were a lien upon said real estate at the time said taxes became delinquent, (3) all unpaid taxes of every description assessed against said real estate and (4) all taxes that are a lien against the property for each year since the sale as shown on the delinquent assessment rolls in the then permanent custody of the county auditor, or, if not so assessed, then upon the value of such real estate as assessed in the year nearest to the time of the filing of said declaration of intention to redeem; but does not include any taxes levied or assessed for the fiscal year 1934-35 nor for any year subsequent thereto, less the amount, if any, previously paid to the county treasurer on account of such taxes on such real estate (but not including the amount of any interest, penalties or costs so paid) in accordance with the provisions of sections 3817a or 3817c of this code.

Number,  
etc., of  
installments

The number of installments in which said total amount of taxes upon such real estate shall be paid shall be determined by the auditor of the county or city and county in which such real estate is situate upon the date of the filing of said declaration of intention and shall be such whole number as nearest equals one-third of twice the number of calendar months which upon said date have elapsed since the day of said sale of such real estate, but in any event such number of installments shall not be greater than will enable such person to complete the redemption of the property under the provisions of this section within ten years from and after the date of filing the declaration of intention prescribed in this section. Said installments shall be in equal amounts and the first thereof shall be paid at the time of the filing of the declaration of intention as hereinabove stated, the remainder of such installments to be paid quarter-annually on or before the twentieth day of the month, the first installment of said remainder to be paid on or before the twentieth day of the third calendar month next succeeding the date of the filing of said declaration of intention.

Payment of  
accrued  
interest

At the time of payment of the first installment the redemptioner shall also pay to said county treasurer the amount of interest which shall have accrued upon said total amount of taxes from and after the first day of July, 1934, computed at the rate of seven per cent per annum. Upon the payment of any subsequent installment there shall also be paid to said county treasurer the amount of interest which shall have accrued upon the unpaid residue of said total amount of taxes, computed at the rate of seven per cent per annum, accruing subsequent to the first day of July, 1934, and not theretofore paid hereunder.

During such time as the right to redeem the real estate under the provisions of this section exists, the period of redemption of such real estate is postponed, the date of sale thereof at public auction is postponed, the time of making a deed thereof to the State is postponed, and the resale thereof by the State, if heretofore deeded to the State, is postponed, except only as otherwise herein prescribed in respect to delinquencies occurring in the payment of taxes levied upon such real estate for the fiscal year 1934-35 and for years subsequent thereto.

Effect on  
redemption  
period

Upon the payment of the total amount of taxes and of interest required to redeem under this section, if fully paid before termination of the right to redeem under this section, redemption of such real estate is deemed consummated in respect to all taxes thereon which became delinquent prior to September 1, 1934. Except as in this section otherwise provided, such redemption under this section shall be made in the manner prescribed in section 3817 of this code.

Redemption.

All moneys received by the county treasurer in accordance with the provisions of this section shall be distributed in the manner prescribed in section 3816 of this code for taxes and redemption penalties, except that amounts received on account of taxes shall be so distributed and applied on account of the oldest unpaid taxes.

Distribution  
of moneys

If taxes, or any portion thereof, levied upon such real estate for the fiscal year 1934-35 or any year subsequent thereto, become delinquent and the right to redeem under the provisions of this section still exists, such taxes shall be collected and proceedings had for the collection thereof in the same manner in every respect as if such real estate had not been sold to the State on or before September 1, 1934, for delinquent taxes.

Effect on  
future de-  
linquencies

In the event of failure to make payment of four installments of taxes and interest under the provisions of this section, or in the event of failure to make payment of all installments of taxes and interest required under the provisions of this section within the period determined by the county auditor or city and county auditor hereunder, the right to pay such delinquent taxes in installments and to redeem such real estate under the provisions of this section, shall cease and terminate and such real estate shall thereupon be subject to sale at auction or may be deeded to the State or resold by the State in the same manner as though no election to pay delinquent taxes in installments under the provisions of this section had been made.

Effect of  
default.

If the person electing to pay such delinquent taxes in installments in accordance with the provisions of this section, his heirs, executors, administrators or other successors in interest, shall fail to make payment of four installments, with interest, herein required therefor on or before the dates herein prescribed therefor and if the State has not disposed of such real estate and redemption thereof is made in accord-

Redemption  
after  
default.

ance with the provisions of section 3817 of this code or partial redemption thereof is made in accordance with the provisions of section 3817a of this code within five years after April 20 of the fiscal year within which occurred the due date of said fourth consecutive installment which he failed to pay, there shall be credited, on the amount to be paid for such redemption in accordance with said section 3817 or for such partial redemption in accordance with said section 3817a, the amounts previously paid to the county treasurer in accordance with the provisions of this section.

Effect on  
cities of  
fifth and  
sixth class

Nothing contained in this section shall prevent cities of the fifth and sixth class from providing by ordinance their own system for the assessment, levy and collection of taxes, unless this exception of such cities is held unconstitutional by a final decision of a court of competent jurisdiction. In the latter case this section shall operate as to such cities.

Stats 1933,  
p 2586

SEC. 8a. Section 3897 of the Political Code is hereby amended to read as follows:

See Stats  
1935,  
Ch 396  
Sale of  
tax delinquent  
lands

3897. Except when otherwise disposed of as provided in section 3897a and 3897b of this code, whenever the State shall have become the owner of any property sold for taxes and the deed to the State has been filed with the Controller as provided in section 3785, the tax collector of the county, or city and county, in which said land is located shall sell at public auction to the highest bidder for cash in lawful money of the United States the property or any part thereof when directed by the board of supervisors of his county in the manner following; provided that the tax collector shall not proceed with the sale of any land within any political subdivision or taxing agency which has taken title to said land, if the governing body of said subdivision or agency shall file with the tax collector and the board of supervisors certified copies of a resolution adopted by such governing body objecting to such sale.

Notice

He must give notice of such sale by publication once in some newspaper published in the county or city and county, or if there be no newspaper published therein, then by posting a notice in three conspicuous places in the county or city and county, one of which shall be in the United States post office nearest the land. In addition to such publication or posting a copy of the notice shall be conspicuously posted on the land itself. Such publication and posting must be completed not less than three weeks prior to the sale. Such notices must state specifically the place and the day and hour of sale and shall contain a description of the property to be sold and shall also contain the name of the person to whom the property was assessed, on the county assessment roll for each year on which there may be delinquent taxes against said property or any part thereof. It shall be the duty of the tax collector to mail within five days, after the publication of said notice of sale a copy of said notice, postage thereon prepaid to the party to whom the land was last assessed nearest before the sale, at his last known post-office address, and shall also mail a copy of



said notice, postage prepaid, to the State Controller and clerk or secretary of the governing board of each political subdivision or taxing agency having the right to levy taxes or assessments on the land involved and any such subdivision or agency having taxes or assessments levied on any parcel may bid on such parcel.

All moneys received on account of any such sales shall be immediately transmitted by the tax collector to the county treasurer together with a report showing the amount of costs which the county has expended on account of the making of such sale, showing the total sums received for individual parcels, which parcels shall be identified in said report by year, page and number of delinquency roll, and a duplicate thereof shall be filed with the county auditor and the board of supervisors, which shall, at its first regular meeting in not less than five nor more than thirty days thereafter, confirm or reject said sale. Upon rejection the purchase money shall be refunded. Upon confirmation, the tax collector shall issue a deed to the purchaser. The amount of expenses so reported shall be deposited in the county general fund and the balance shall be deposited in the delinquent tax sale trust fund.

Disposition  
of moneysDeed to  
purchaser.

Upon the receipt of said duplicate report and such confirmation by the board of supervisors the auditor shall mail a copy thereof to the State Controller and to the secretary or clerk of the governing board of each political subdivision capable under the law of levying taxes or assessments upon the land covered by such sale, and shall enclose therewith a notice describing such land, and that claims on the amount received from the sale thereof must be made within a period of six months from the date of the mailing of such notices.

Notice to  
other taxing  
agencies

Upon the receipt of such notices it shall be the duty of the State Controller and the governing board of any political subdivision having taxes levied upon the land described in said notices to forward a claim thereon to the county auditor setting forth the amount of the tax or assessment first delinquent levied on such land, by, and still unpaid to, the political subdivision or district for which said claim is being made. On the first meeting day of the board of supervisors following the expiration of six months from the date of mailing such notices, as aforesaid, by said county auditor, the county auditor shall present all such claims received by him to the said board of supervisors and the board of supervisors, if said claims be correct, shall order the money received from the sale of each parcel of land to be divided pro rata among the taxing agencies having filed claims in accordance with the proportion which such first delinquent tax or assessment bears to the total of all such taxes or assessments first delinquent in each district or political subdivision involved, and the auditor shall draw and mail warrants on said delinquent tax sale trust fund in accordance with said order. If the board of supervisors dispute the correctness of any such claim, the money received from the sale of the individual parcel or parcels involved in

Claims.

such disputed claim shall remain in said trust fund until the settlement of said claim by agreement of the governing boards or officers of the various taxing agencies or by judgment of a court of competent jurisdiction.

Effect of deed.

A deed given by the tax collector upon a sale made as in this section provided shall convey title to the purchaser free and clear of all liens, taxes, assessments or encumbrances of any kind or character whatsoever levied or assessed or liened on the property which are due at the time of such sale so conveyed prior to the date of such sale, and, except as against actual fraud, such deed duly acknowledged shall be prima facie evidence of the regularity of all proceedings from the assessment of the assessor to and including the execution of such deed. Nothing in this section contained shall be deemed to nullify or amend the provisions of section 12 of "Improvement Bond Act of 1915" or of any provisions amendatory thereof or supplemental thereto with reference to the title acquired by a purchaser at a tax collectors sale or at a resale by the city.

Stats. 1923, p. 304.

Limitation of actions.

No action, suit or proceeding to set aside, cancel, or question the validity of any proceedings instituted under the provisions of this section shall be instituted or maintained unless the same shall have been commenced within six months after the date of the execution of the deed of the tax collector and thereafter all persons shall be barred from commencing or prosecuting any such action or maintaining any defense in any action based upon the alleged invalidity or alleged irregularity in such proceeding. The burden of proof in any such action or proceeding shall be upon the plaintiff to show invalidity of taxes, assessments, or sales of which he complains.

Disposition of moneys.

If no other taxing agencies, except State and county, or city and county, are involved the amount received from the sale shall be distributed as provided in section 3898.

See Stats. 1935, Ch. 396

Urgency.

Any deed given under this section shall be subject to any lease theretofore given under the provisions of section 3774.

SEC. 9. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows: Due to the widespread depression, many taxpayers have been unable to pay their taxes, or to redeem their property from sale to the State for delinquency. By permitting redemption without penalties, many taxpayers will be enabled to redeem their property, restore the same to the tax rolls, and thereby add revenue for the operation and maintenance of government.

## CHAPTER 7.

*An act relating to the redemption of property sold to irrigation districts for delinquent assessments, and declaring the urgency thereof.*

See Stats.  
1935,  
Ch. 348

[Approved by the Governor September 20, 1934. In effect immediately.]

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

SECTION 1. In all cases where land has been sold to an irrigation district prior to September 10, 1934, for any delinquent irrigation district tax or assessment and the district still holds the certificate of sale, and a deed for the land has not been taken by the district at any time prior to redemption of the land as provided by law, or by this act, and if all installments of taxes or assessments which have become due and payable after July 1, 1934, are paid, then the owner of said land may, notwithstanding any of the provisions of sections 43 and 46 of the California Irrigation District Act, or the provisions of any other section or sections of said act or the provisions of the Palo Verde Irrigation District Act, as amended, redeem the same by the payment in ten equal annual installments plus seven per cent interest from July 1, 1934, on all unpaid assessments from the date of sale to the date of redemption. The first installment shall be paid on or before July 1, 1935, and each succeeding installment on or before July first of the year in which such installment is due. No other amount shall be required to be paid in order to effect such redemption either by way of penalties for delinquencies, redemption penalties or costs. This act is not intended to repeal or modify any of the provisions of the California Irrigation District Act, nor any of the provisions of the Palo Verde Irrigation District Act, as amended, except as to those sales for delinquent assessments made prior to September 10, 1934.

Redemption  
of land  
sold to  
irrigation  
district  
prior to  
September  
10, 1934.

Stats 1933,  
pp. 1628,  
1630

Stats. 1933,  
p. 1067.

SEC. 2. In the event that such property is not redeemed in accordance with section 1 of this act, such property can be redeemed only in accordance with the provisions of law which would govern the redemption of such property but for the provisions of this act, and any moneys paid pursuant to the provisions of section 1 of this act shall be credited on the amount necessary for redemption.

Alternative.

SEC. 3. This act shall not affect taxes or assessments accruing after September 10, 1934, on any property subject to the provisions of this act. This act shall not affect the operation of any existing law providing for such redemption by installments, but shall be a separate independent means of such redemption.

Effect of  
act.

SEC. 4. This act is hereby declared to be an urgency measure within the meaning of section 1 of Article IV of the Constitution, necessary for the immediate preservation

Urgency

of the public peace, health and safety and as such shall take effect immediately.

The following is a statement of facts constituting such necessity:

Due to the agricultural depression which has existed for the past several years, many landowners in irrigation districts in the State have been unable to meet their annual taxes and assessments with the result that their land has been sold to the district. The heavy penalties necessary to be paid as now provided by law, and which continually increase, makes it impossible for the landowner to redeem his land and thousands of landowners are now threatened with the loss of their land. If the land is not redeemed and it is deeded to the district, it then becomes nonassessable for district purposes, and the burden becomes all the heavier on the other landowners in the district, causing more delinquency and loss. The result will seriously affect the revenues of the districts during the current and succeeding fiscal years, with consequent danger to the functioning of the districts, unless a means of retaining the lands in possession of their owners, is immediately provided.

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#### CHAPTER 8.

*An act to validate bonds, including refunding bonds, of reclamation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest on such bonds.*

[Approved by the Governor September 20, 1934 In effect  
December 15, 1934]

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

Reclamation  
district  
bonds  
validated.

SECTION 1. Whenever proceedings have heretofore been taken by any reclamation district organized or existing under any law or laws of this State, for the issuance and sale or exchange of bonds, including refunding bonds, of such district for any purpose or purposes, all acts and proceedings of the board of trustees of such district and all acts of the board of supervisors of the county or counties in which such district or any part thereof is situated and all acts of public officers in connection therewith leading up to and including the issuance of such bonds, including refunding bonds, if they have hitherto been issued or sold or exchanged, and all such acts and proceedings heretofore taken if such bonds, including refunding bonds, are not yet issued or sold or exchanged, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes, and the power of such district to issue such bonds, including such refunding bonds, is hereby ratified, confirmed, and declared, and such bonds and refunding bonds heretofore issued and sold or exchanged are declared to be and shall be,

in the form and manner in which such bonds and refunding bonds have been actually issued and delivered, the legal and binding obligations of and against such district, and the bonds and refunding bonds heretofore authorized to be issued which may be hereafter issued and sold or exchanged are declared to be and shall be the legal and binding obligations of such district, and the full faith and credit of such district is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds, including refunding bonds.

SEC 2. For the purpose of paying the interest on such bonds or refunding bonds as it becomes due and the principal thereof at maturity, the board of trustees of the district and the board of supervisors of the county or counties in which such reclamation district, or any part thereof, lies, and the various county officers of the respective counties who are charged with duties in connection with the assessment, levy and collection of taxes, shall have the same powers and shall perform the same duties as are provided by law relative to the assessment, levy and collection of taxes and custody of funds, for the payment of the principal and interest of bonds of such districts, at the times and in the manner respectively set forth in the respective law or laws authorizing or purporting to authorize the incurring of bonded indebtedness or issuance of bonds by such districts.

Taxes for  
payment.

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## CHAPTER 9.

*An act relating to and providing for a moratorium with respect to forfeitures of State school lands as provided for in section 3513 of the Political Code, and declaring the urgency thereof, to take effect immediately.*

[Approved by the Governor September 29, 1934 In effect immediately.]

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

SECTION 1 A moratorium is hereby declared with respect to the forfeiture of State school lands effective on the date of the approval of this act and terminating upon the thirty-first day of January, 1935; provided, however, that this act shall not be construed as otherwise modifying the provisions of section 3513 of the Political Code, and during the period of the moratorium herein declared, the obligations contained in outstanding certificates of purchase to pay interest shall not be affected by this act, and any and all penalties which have accrued, or which may accrue during the period of this moratorium herein declared, on account of failure to pay interest as provided for in section 3513 of the Political Code, shall not be affected by this act.

Moratorium  
State school  
lands  
forfeitures

Stats 1931,  
p 1141.

Urgency

SEC. 2. This act is hereby declared an urgency measure deemed necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and as such it shall take effect immediately. The facts constituting such necessity are as follows:

Extensions of time given by statutes of this State similar to this act will soon cease. The Legislature declares that an economic crisis and period of financial distress still exists in this State. It is necessary for this act to take effect immediately to prevent the loss of lands and homes by a large number of school land purchasers.

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## CHAPTER 10.

*An act to validate bonds, including refunding bonds, of irrigation districts and all proceedings relative thereto, and to provide for the levy and collection of taxes to pay the principal and interest on such bonds.*

[Approved by the Governor September 29, 1934. In effect December 15, 1934.]

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

Irrigation  
district  
bonds  
validated

SECTION 1. Whenever proceedings have heretofore been taken by any irrigation district organized or existing under any law or laws of this State, for the issuance and sale or exchange of bonds, including refunding bonds, of such district for any purpose or purposes, all acts and proceedings of the board of directors of said district and all acts of the board of supervisors of the county or counties in which such district or any part thereof is situated and all acts of public officers in connection therewith leading up to and including the issuance of such bonds, including refunding bonds, if they have hitherto been issued or sold or exchanged, and all such acts and proceedings heretofore taken if such bonds, including refunding bonds, are not yet issued or sold or exchanged, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes, and the power of such district to issue such bonds, including such refunding bonds, is hereby ratified, confirmed and declared, and such bonds and refunding bonds heretofore issued and sold or exchanged are declared to be and shall be, in the form and manner in which such bonds and refunding bonds have been actually issued and delivered, the legal and binding obligations of and against such district, and the bonds and refunding bonds heretofore authorized to be issued which may be hereafter issued and sold or exchanged are declared to be and shall be the legal and binding obligations of such district, and the full faith and credit of such district is hereby pledged for the prompt payment and redemp-

tion of the principal and interest of said bonds, including refunding bonds.

SEC. 2. For the purpose of paying the interest on such bonds or refunding bonds as it becomes due and the principal thereof at maturity, the board of directors of the district and other officers who are charged with duties in connection with the assessment, levy and collection of taxes, shall have the same powers and shall perform the same duties as are provided by law relative to the assessment, levy and collection of taxes and custody of funds, for the payment of the principal and interest of bonds of such districts, at the times and in the manner respectively set forth in the respective law or laws authorizing or purporting to authorize the incurring of bonded indebtedness or issuance of bonds by such districts and the payment thereof.

Taxes for  
payment.

## CHAPTER 11.

*An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by adding to said act, as amended, new sections to be numbered and providing as follows, to wit: Section 28½, relating to disposal of tax-deeded and tax-delinquent lands; section 65, relating to proceedings in bankruptcy; section 66, relating to contracts with the United States or any agency thereof under an act approved May 5, 1917, as amended, and validating such contracts; section 67, validating bonds of the district; and section 68, validating rehabilitation plans; and declaring the legislative intent as to unconstitutionality and declaring the urgency of this act.*

Stats. 1923,  
p. 1067,  
amended.

[Approved by the Governor October 8, 1934. In effect immediately.]

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

SECTION 1. The Palo Verde Irrigation District Act, as amended, is hereby amended by adding a new section thereto, to be numbered 28½, and to read as follows:

New  
section.

Sec. 28½. The board of trustees shall have authority to convey or sell on contract with deferred payments, or lease with option to purchase, or otherwise dispose of any land deeded to the district for delinquent taxes, to the owner of said land at the time said land was deeded to the district or to the assigns of such owner by transfer executed before or after the date of such tax deed, or to any other person, all at such price and upon such terms and conditions as may be determined by said board to be reasonable and just. by resolution relating to each such transaction specifically or by resolution adopting a general plan for the making of such transactions. Said board shall also have authority, when district taxes upon any land have become delinquent,

See Stats.  
1935,  
Ch. 157.  
Disposal of  
tax-deeded  
and tax-  
delinquent  
lands.

to contract to convey said land to such former owner or assigns, or other person, if and when the district shall secure tax deed to said land, at such price and upon such terms and conditions as may be fixed by resolution relating to the specific case or by resolution adopting such general plan. In any transaction authorized by this section the district may convey or agree to convey any title theretofore or thereafter acquired by the district under the provisions of section 3897d of the Political Code as now existing or hereafter amended. In any transaction authorized by this section the board may require to be incorporated in any deed, contract or other instrument, conditions subsequent for reversion of title to the district upon failure to pay, within such time or times as may be fixed by the board, district taxes, county taxes, or such other sums as may be required by the board, and said board may require the payment of penalties on any default in paying contract installments or other sums so required to be paid. Such conditions subsequent may be waived or subordinated by the board under such circumstances as it may find to be the best interests of the district.

Stats 1933,  
p 2580.

New  
section

SEC. 2. A new section is hereby added to said Palo Verde Irrigation District Act, as amended, to be numbered 65, and to read as follows:

See Stats.  
1935,  
Ch 157.  
Bankruptcy  
proceedings

Sec. 65. The district is hereby authorized to file and prosecute any proceedings authorized by Chapter IX of the act of the Congress of the United States, entitled: "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, as such Chapter IX now exists or may hereafter be amended, and shall have all rights and privileges and may do all things authorized or permitted by said Chapter IX.

New  
section.

SEC. 3. A new section is hereby added to said Palo Verde Irrigation District Act, as amended, to be numbered 66, and to read as follows:

See Stats.  
1935,  
Ch 157  
Contracts  
with United  
States

Stats 1917,  
p 254  
Stats. 1917,  
p 243

Sec. 66. The district shall have all powers, rights and privileges possessed by irrigation districts organized under the California Irrigation District Act and may exercise such powers, rights and privileges in the same manner as such irrigation districts, all as provided and authorized in that certain act of the Legislature of the State of California, entitled: "An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the Federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district lands; and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and the levy thereof, upon the lands of the district to secure revenue for such payments, and to provide for the judicial revenue and determination of the validity of the proceedings in connection with such contract, and to pro-



vide for construction of works by the district; to provide for the borrowing or procuring of money from the United States or any agency thereof and the entering into contracts, and/or the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof," approved May 5, 1917, as amended; provided, that if any section, subsection, sentence, clause or phrase of said act of May 5, 1917, is for any reason held to be unconstitutional, such decision shall not affect the validity of the adoption by reference herein of the remaining portions of said act of May 5, 1917, and the Legislature hereby declares that it would have referred to and incorporated by reference in this act the provisions of said act of May 5, 1917, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases of said act of May 5, 1917, may be declared unconstitutional; and provided further, that qualifications for voting at any election in the district upon any proposal to enter into contract with the United States or any agency thereof under said act of May 5, 1917, shall be such as are prescribed by this act. Whenever the board of trustees of the district has heretofore by resolution authorized the execution of any contract with the United States, or any agency thereof, for sale or exchange of bonds, including refunding bonds, of the district for the purpose of refinancing any obligations of the district, or funding or refunding any bonds of the district, or for any other purposes of the district authorized by this act, or by said act of May 5, 1917, such contract or contracts and all acts and proceedings of said board of trustees and all acts of public officers in connection therewith, leading up to and including the execution of such contract or contracts, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes, and the power of such district to authorize and execute such contract or contracts and to carry out and perform the same is hereby ratified, confirmed and declared, and such contract is or such contracts are declared to be legal and binding obligations of, against and in favor of the district.

Constitutionality.

Contracts validated.

SEC. 4. A new section is added to said Palo Verde Irrigation District Act, as amended, to be numbered 67, and to read as follows:

New section.

Sec. 67. Whenever proceedings have heretofore been taken by the district for the issuance and sale or exchange of bonds, including refunding bonds, of such district for any purpose or purposes and the issuance of such bonds has been authorized by the qualified electors of said district by majority vote at an election, all acts and proceedings of the board of trustees of the district and all acts of public officers in connection therewith leading up to and including any contract or contracts for the issuance, sale or exchange of such bonds, including refunding bonds, heretofore taken, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes and the power of such district to issue such bonds, includ-

See Stats. 1935, Ch. 157.

District bonds validated.

ing refunding bonds, is hereby ratified, confirmed and declared, and such bonds and refunding bonds heretofore authorized or agreed to be issued, sold or exchanged are hereby declared to be the legal and binding obligations of and against the district, whether said bonds or refunding bonds have heretofore been issued or have been heretofore authorized to be issued and are hereafter issued, and the full faith and credit of the district is hereby pledged for the prompt payment and redemption of the principal and interest of such bonds and refunding bonds.

New  
section

SEC. 5. A new section is hereby added to said Palo Verde Irrigation District Act, as amended, to be numbered 68, and to read as follows:

See Stats.  
1935,  
Ch 157.  
Rehabilita-  
tion plans  
validated.

Sec. 68. Whenever the board of trustees of the district, by resolution, has approved any rehabilitation plan for the district and such plan has been approved by the board of supervisors of any county in which lie the majority in acreage of the lands of the district, and such rehabilitation plan generally provides for the handling, sale, conveyance and disposal of lands heretofore or hereafter deeded to the district for delinquent taxes, to the end that such lands may be promptly returned to private ownership and to the district and county tax rolls, any such rehabilitation plan and such acts and proceedings of the board of trustees of the district and all acts of boards of supervisors approving such rehabilitation plan and all acts of public officers in connection therewith heretofore taken are hereby legalized, ratified, confirmed and declared valid to all intents and purposes and the power of the district and of such boards of supervisors to approve, carry out and perform such rehabilitation plan is hereby in all respects ratified, confirmed and declared.

Constitu-  
tionality.

SEC. 6. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act, and the Legislature hereby declares that it would have adopted this act, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases of this act may be declared unconstitutional.

Urgency.

SEC. 7. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of Article IV of the Constitution of the State of California, and shall take effect immediately.

The facts constituting such necessity are as follows: Palo Verde Irrigation District is in dire distress financially, the lands therein have become greatly in arrears in the payment of taxes and consequently bonds issued and assumed by said district are delinquent and operation and maintenance funds are exhausted. Said district has adopted a plan of refinancing its bonded and other indebtedness by a loan from the Reconstruction Finance Corporation, by which the existing bonds

will be refunded on the basis of approximately one-quarter of the principal thereof and has adopted a rehabilitation plan, for the purpose of returning tax-deeded lands to private ownership. The amendments to said act herein contained are necessary to facilitate and accomplish said refinancing plan. If the said refinancing plan can not be promptly consummated and the tax-delinquent and tax-deeded lands returned to private ownership, the operation and maintenance of the levees, drainage and irrigation system can not be kept up and a great menace and danger to life, health and property will shortly exist

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JOINT AND CONCURRENT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENT

EXTRA SESSION, 1934.

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JOINT AND CONCURRENT RESOLUTIONS  
AND  
CONSTITUTIONAL AMENDMENT  
ADOPTED AT THE  
EXTRA SESSION OF THE FIFTIETH LEGISLATURE

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CHAPTER 1.

*Assembly Joint Resolution No. 1—Relative to memorializing the President and Congress to provide for old age pensions.*

[Filed with Secretary of State September 13, 1934.]

WHEREAS, The problem of the care of the dependent aged <sup>Problem of care of dependent aged.</sup> has recently attained major proportions throughout the Nation, due in large part to the increasing mechanization of our industrial system and to the economic depression our country has been suffering, which has destroyed the financial independence of large numbers of our people, including those who had prudently prepared for the time when they could no longer earn a livelihood; and

WHEREAS, The problem is seriously complicated by the fact that the people of the United States freely exercise their right to change their residence, so that the States and communities in which many of our dependent aged live are not those to the economic building of which they have directly contributed; and

WHEREAS, Because of various factors, such as relative liberality of care of the dependent aged, climatic advantages, and the economic opportunities offered by certain areas prior to the depression, some States and communities have within their borders a disproportionately large number of dependent aged; and

WHEREAS, The financial burden of care of the dependent aged is so great in some States that the economic welfare and stability of such States are seriously affected and even threatened; and

WHEREAS, It is evident that the problem has become one <sup>National scope</sup> which can be satisfactorily met only on a National scale, and that the Federal government must assist the State and local communities if the dependent aged, who during their years of usefulness have contributed to the economic life of the Nation, are to be cared for even on a minimum basis; and

WHEREAS, The President of the United States has recognized the responsibility of the Federal government in this

matter, and has indicated that he will recommend to the Congress of the United States, at its next session, that there be legislation bearing on this problem; and

WHEREAS, It is well known that under modern conditions, with advanced industrial and business methods, and the availability of abundant qualified labor, the age of employability has changed considerably, and where but recently the wage earner could look forward with considerable confidence to earning a livelihood well beyond the age of fifty, expectations today are much more limited, so that the age for retirement should be lower now than it has ever been; and

WHEREAS, It seems the part of wisdom to retire from industry and business as early as possible those who because of advancing age are beginning to become relatively inefficient, and so to give more opportunity for employment and advancement to younger workers; and

WHEREAS, Experience has shown that property disqualifications effect a serious injustice, and penalize those whose prudence and thrift has led them to prepare for old age by investment in a home or other small holdings, but who have no income with which to support themselves and to preserve their property, for which there is often no market; now, therefore, be it

Federal  
pensions  
law urged.

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the President and the Congress of the United States be urged to consider the enactment of an old age pensions law to provide for the retirement and care of dependent aged persons in the United States, with adequate provision to alleviate the present burden of such care on the States and local communities, and with liberal provisions as regards age of retirement and disqualification because of ownership of property, to the end that a humanitarian and practical system of care of the dependent aged may be secured; and be it further

*Resolved,* That the Governor of the State of California transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in the Congress of the United States, and that such Senators and Members from California be urged to support such legislation.

## CHAPTER 2.

*Assembly Concurrent Resolution No. 1—Relative to the adjournment out of respect to the memory of James Rolph, Jr., late Governor of California.*

[Filed with Secretary of State September 13, 1934.]

Adjournment  
in memory of  
James Rolph,  
Jr.

WHEREAS, We who came into intimate association with James Rolph, Jr., late Governor of our State, cherish the mem-

ory of his benignity toward his fellow man and his devoted service to the public good; and

WHEREAS, By his death the State of California has lost a lovable leader whose cares were ever close to those of his citizens; now therefore be it

*Resolved by the Assembly, the Senate concurring,* That when the respective houses of the Legislature of the State of California do this day adjourn they shall do so in respect to the memory of James Rolph, Jr., late Governor of our State; and be it further

*Resolved,* That the Secretary of the Senate and the Chief Clerk of the Assembly are hereby directed to convey to his family this expression of tribute; and be it further

*Resolved,* That the Chief Clerk be and he is hereby instructed to have prepared a suitable memorial resolution properly engrossed and mailed to the family of the deceased.

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### CHAPTER 3.

*Assembly Concurrent Resolution No. 2—Relative to a joint legislative committee to study the subject of unemployment insurance, and to report thereon at the next regular session of the Legislature.*

[Filed with Secretary of State September 15, 1934]

WHEREAS, Unemployment during the past few years has reached such proportions that it constitutes one of the gravest problems confronting the State, seriously affecting the health, morals and welfare of the people, and threatening disruptive economic and political consequences; and

Problem of  
unemploy-  
ment

WHEREAS, The burden of irregular employment now falls directly on the unemployed worker and his family, and results in an excessive drain on agencies for private charity and public relief; and

WHEREAS, Unemployment means loss of purchasing power, vitally affecting the livelihood of farmers, merchants and manufacturers by decreasing the demand for their products and services; and

WHEREAS, Such loss of purchasing power leads to further unemployment and destitution, and tends to paralyze the economic life of the State; and

WHEREAS, It is evident that a constructive solution of the problem of unemployment has become an imperative need; and

WHEREAS, Unemployment insurance appears to be a practical approach to a solution of this problem; now therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That there be a committee of six members, consisting of three members of the Assembly to be appointed by the Speaker thereof, and three members of the

Joint com-  
mittee to  
study  
insurance

Senate, to be appointed by the President pro tempore thereof, to investigate and study the subject of unemployment insurance, and to report thereon at the next regular session of the Legislature, with recommendations and suggestions for legislation; and be it further

*Resolved*, That said committee shall proceed to organize by the election of one of its members as chairman and by the election of a secretary, and shall proceed with said investigation in such manner as may be determined by said committee; and be it further

*Resolved*, That each department, board, commission or officer of the State of California, whenever requested to do so by said committee, shall furnish to said committee such assistance as it may require; and be it further

*Resolved*, That said committee is hereby authorized to hold public hearings at any place in the State of California at which hearings the people shall have opportunity to present their views to the committee; and be it further

Powers.

*Resolved*, That said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters herein referred to, and is hereby authorized and empowered to require the production of books, agreements, documents and papers of every kind; to issue subpoenas and to compel the attendance of witnesses, and to procure testimony. Each of the members of said committee is hereby authorized to administer oaths, and all the provisions of Article VIII of Chapter 2, Title I, Part 3 of the Political Code of the State relative to the attendance and assemblage of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution; and be it further

*Resolved*, That the sum of one thousand dollars or so much thereof as may be necessary be and the same is hereby appropriated for the purpose of defraying the expenses of said committee and said investigation, said sum to be paid equally from the contingent funds of the Senate and of the Assembly and the State Controller is hereby authorized and directed to draw his warrants in favor of the person entitled thereto for such expenditures as may be certified to him from time to time by the chairman of said committee and the State Treasurer is hereby authorized and directed to pay the same.

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#### CHAPTER 4.

##### *Assembly Concurrent Resolution No. 3—Relative to the death of Charles E. Wantland.*

[Filed with Secretary of State September 15, 1934.]

Death of  
Charles E.  
Wantland

WHEREAS, The members of the Legislature have learned with deep sorrow and regret of the death, on September 5, 1934, of Charles E. Wantland; and



WHEREAS, Charles E. Wantland has for many years been associated with the members of the Legislature as a legislative observer, and was esteemed by all; now, therefore, be it

*Resolved by the Assembly, the Senate concurring,* That the members of the Legislature of the State of California extend to the family of Charles E. Wantland their deepest sympathy in this time of bereavement; and be it further

*Resolved,* That this resolution be spread upon the minutes of the Senate and Assembly and that suitably engrossed copies be transmitted to the members of the family.

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## CHAPTER 5.

### *Assembly Concurrent Resolution No. 5—Relative to adjournment sine die.*

[Filed with Secretary of State September 15, 1934.]

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That this fiftieth (extraordinary) session of the Legislature adjourn sine die at 12.15 a.m., September 15, A.D. 1934.

Adjournment  
sine die.

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## CHAPTER 6.

*Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California, an amendment to the Constitution of said State by adding to Article XVI thereof, a new section to be numbered 10, relating to relief of hardship and destitution due to and caused by unemployment.*

[Filed with Secretary of State September 15, 1934.]

*Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California, in extraordinary session commencing on the twelfth day of September, one thousand nine hundred thirty-four, two-thirds of the members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of said State be amended by adding to Article XVI thereof a new section to be numbered ten, and to read as follows:

Constitution:  
Art. XVI,  
Sec. 10

SEC. 10. (a) In addition to moneys otherwise appropriated for the purposes hereinafter stated, the sum of twenty-four million dollars to be made available by the creation of a debt or debts, liability or liabilities of the State of California and the issuance of bonds therefor is hereby appropriated to be expended for relief of hardship and destitution due to and caused by unemployment. The moneys hereby

Appropriation  
for relief of  
hardship and  
destitution.

appropriated shall be expended prior to July 1, 1935, as grants by the State of California without repayment by any grantee.

Relief  
adminis-  
trator.

(b) A Relief Administrator shall be appointed by and hold office at the pleasure of the Governor. He shall receive such compensation as shall be fixed by the Governor until otherwise prescribed by law. He shall administer and direct the expenditure of all moneys hereby appropriated. In addition he may administer and direct the expenditure of all such funds as are made available for use within this State by the United States government for relief of hardship and destitution due to and caused by unemployment.

Relief  
commission.

General policies for the guidance of relief administration shall be determined by a relief commission, which is hereby created. The commission shall consist of the State Director of Social Welfare, serving thereon ex officio, and eight members appointed by and holding office at the pleasure of the Governor. The members of the relief commission shall receive no salary for their services as members of such relief commission but shall receive their necessary traveling expenses. Not more than two members of the commission shall be residents of the same county or city and county and no person holding a salaried public office, other than the State Director of Social Welfare, may be a member of said commission.

Powers

The administrator and the commission shall have and exercise such powers and duties respectively as may be prescribed by law. Until otherwise provided by law, the administrator and the commission respectively shall have and exercise the powers and duties in relation to the administration and direction of the expenditure of the moneys hereby appropriated as vested in the Emergency Relief Administrator and the State Emergency Relief Commission by the "Unemployment Relief Bond Act of 1933" in relation to the administration and direction of the expenditure of moneys appropriated by that act.

Stats 1933,  
p. 677.

From and after the date when the administrator and members of the commission first appointed hereunder qualify the administrator and commission hereby created shall succeed to and have and exercise the powers and duties, respectively, of the Emergency Relief Administrator and State Emergency Relief Commission mentioned in the "Unemployment Relief Bond Act of 1933," in respect to the administration of the provisions of said act of 1933, and said administrator and commission mentioned in said act of 1933 shall have no further legal existence.

Citizens'  
relief com-  
mittees

(c) For the purpose of assisting in the administration and in carrying out the purposes hereof and the policies and plans determined by said commission, the relief administrator may, with the consent and approval of the commission, appoint in each county and city and county a citizens' relief committee of such number, not exceeding eleven, as the commission shall determine. The members of such committee shall serve without pay. The relief committee in each county and city and county shall have and exercise such powers and duties as may

be prescribed by law and/or as may be prescribed by said commission.

(d) If, when and during such time as funds are provided or made available by the United States government or any department, officer or agency thereof for relief of hardship and destitution due to and caused by unemployment in this State, when added to the moneys hereby appropriated or otherwise provided by the State and made available for such purposes are or will, in the opinion of the Governor, be sufficient for relief of hardship and destitution due to and caused by unemployment in this State, the Governor may authorize the expenditure of such moneys for the purpose authorized by the United States government or its department, officer or agency designated for that purpose in cooperation with the State Relief Administrator and the State Relief Commission, such moneys to be expended in accordance with the laws of the State of California.

Federal funds.

(e) For the purposes hereinabove specified bonds of the State in the aggregate principal sum of twenty-four million dollars shall be issued and sold. Unless otherwise provided by law such bonds shall be prepared, advertised, issued and sold in the manner and by the officers authorized so to act by the "Unemployment Relief Bond Act of 1933," in connection with the bonds provided for in that act, except that the bonds issued under authority of this section shall be of such denomination not less than one hundred dollars nor more than one thousand dollars each as the State Treasurer shall determine, shall be in the form of serial bonds maturing in ten equal annual installments, the first installment maturing not later than five years from date of issuance, shall bear interest at not exceeding the rate of six per cent per annum payable semiannually, both principal and interest being payable in lawful money of the United States, and the administrator and commission hereby created shall perform the duties and exercise the powers in that regard imposed by said act of 1933 upon the administrator and commission therein mentioned. The proceeds of the sale of the bonds, including any sums paid as accrued interest thereon, shall be paid into the "Relief Fund," which fund is hereby created in the State treasury, to be paid out in accordance with law.

State bonds.

Relief fund

(f) The entire revenues of the State shall be applicable to the payment of such bonds. Out of said revenues there shall be set apart the money to be applied by the State to the payment of interest on said bonds and the principal amounts thereof as such bonds mature.

Charge on State revenues

(g) The proceeds of the sale of said bonds may be used to pay the expense that may be incurred in preparing, advertising, issuing and selling the bonds, and in administering and directing the expenditure of the moneys hereby appropriated.

(h) Any person now employed under the "Unemployment Relief Bond Act of 1933," who has civil service status and who is continued in employment under this section or under any

Stats 1933, p. 677.

Civil  
service.

law adopted pursuant hereto shall retain his present civil service status. No other person employed under the provisions hereof or under any law adopted pursuant hereto or performing relief work provided hereunder shall be included in the State civil service or be subject to the civil service laws of this State, but shall be exempt therefrom.

(i) The Legislature shall pass all laws, general or special, necessary or convenient to carry into effect the provisions of this section.

Old age  
pensions.

(j) Whenever the United States government or any officer or agency thereof shall provide pensions or other aid for the aged, cooperation by the State therewith and therein is hereby authorized in such manner and to such extent as may be provided by law from funds other than funds provided for in subdivisions (a) and (e) of this section. Nothing contained in this subdivision (j) repeals, amends or modifies the Old Age Security Act of the State of California in any manner or in any respect whatsoever, and the power of the Legislature in this regard shall be the same in every respect as if this amendment to the Constitution had not been adopted.

Stats 1929,  
p. 914

Local  
expenditures

(k) The money expended by any county, city and county, municipality, district or other political subdivision of this State made available under the provisions of this section shall not be considered as a part of the base for determining the maximum expenditure for any given year permissible under section 20 of Article XI of this Constitution independent of the vote of the electors or authorization by the State Board of Equalization.