
STATUTES OF CALIFORNIA

FIRST EXTRA SESSION OF THE FIFTY-THIRD LEGISLATURE

1940

BEGAN MONDAY, JANUARY TWENTY-NINTH
AND ADJOURNED THURSDAY, DECEMBER FIFTH
NINETEEN HUNDRED FORTY

PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION

EXECUTIVE DEPARTMENT.
STATE OF CALIFORNIA,

January 26, 1940.

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

I, Culbert L. Olson, 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 Monday, the twenty-ninth day of January, one thousand nine hundred forty, at 10 o'clock a.m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon an act providing an appropriation for the 91st and 92d fiscal years to the Relief Administrator and Relief Commission for the relief of hardship and destitution due to and caused by unemployment to be expended by the Relief Administrator and Relief Commission in accordance with the provisions of the California Unemployment Relief Act of 1935 for the relief of persons qualifying thereunder.

2. To consider and act upon legislation and constitutional amendments providing revenues and means for the collection thereof for the State Government, including but not limited to personal income taxes, bank and corporation franchise taxes, corporation income taxes, gift taxes, inheritance taxes, alcoholic beverage taxes and fees, horse racing license fees, a severance tax on oil and gas production, and excise taxes.

3. To consider and act upon legislation transferring all duties, powers, purposes, responsibilities, property, unexpended money and jurisdiction of the State Board of Equalization regarding or pertaining to the administration and enforcement of laws relating to the licensing, regulation and control of the manufacture, transportation, sale, purchase, possession and disposition of alcoholic beverages to a new State agency to be created, and to adopt a constitutional amendment ratifying such transfer.

4. To consider and act upon a constitutional amendment authorizing any county, city and county, or city, by ordinance to limit or prohibit the sale of alcoholic beverages within its corporate limits.

5. To consider and act upon legislation and a constitutional amendment providing for the cancellation, release or other modification of agreements, liens and other claims to or against the property of recipients of aid to the aged under the Old Age Security Law, and for the removal of authority to secure such agreements, liens and other claims.

6. To consider and act upon legislation revising the age qualifications for aid granted under the Old Age Security Law.

7. To consider and act upon legislation to create a public agency of the State to be known as the California Housing Authority to undertake slum clearance and

project; to provide dwelling accommodations for persons of low income, defining the powers and duties of the California Housing Authority and providing for the exercise of such powers, including acquiring property, borrowing money, issuing bonds and other obligations and giving security therefor; providing for a certification of the bonds by the Attorney General; conferring remedies on obligees of the California Housing Authority; exempting its properties and securities from taxation and assessment, and authorizing certain payments in lieu of such taxation and assessments.

8. To consider and act upon legislation to amend the Housing Cooperation Law relating to the California State Housing Authority and authorizing aid by public bodies to housing projects undertaken pursuant to the California State Housing Authority Law.

9. To consider and act upon legislation to enlarge the powers of the Board of State Harbor Commissioners of San Francisco Harbor to permit it to supervise, regulate, and control the receiving, handling, custody, and delivery of merchandise on the wharves and piers of San Francisco Harbor and on the property within its jurisdiction, to license and require bonds of ships' agents, and to do all things necessary for the direct operation of San Francisco Harbor facilities by the State of California.

10. To consider and act upon legislation relating to the Golden Gate International Exposition, defining the powers and duties of the California Commission for the Golden Gate International Exposition, making an appropriation to the commission, and specifying the purposes thereof, including expenditures for advertising and promotion and expenditures designed to induce National political parties to hold their conventions in California while the exposition is in progress in 1940.

11. To consider and act upon legislation to amend the Alcoholic Beverage Control Act relating to the importation, exhibition, sale and disposition of alcoholic beverages, and the rights and duties of licensees under said act, at the Golden Gate International Exposition during the year 1940.

12. To consider and act upon an act relating to soil conservation through the control of run-off and the prevention and control of soil erosion, establishing a State Soil Conservation Commission, providing for the organization and operation of soil conservation districts and validating and confirming proceedings for the formation and organization of such districts.

13. To consider and act upon an act to amend Section 1300.17 of the Agricultural Code relating to funds collected for expenses of the Director of Agriculture and for advertising and sales promotion in connection with marketing orders for agricultural commodities.

14. To consider and act upon an act making an appropriation for the support of the State Department of Social Welfare and providing for a transfer of money from the Social Welfare Fund.

15. To approve or reject city charters and city charter amendments submitted to, approved and ratified by the electors under Sections 6, 8 and 8½, or any of them, of Article XI of the Constitution including but not limited to those of the cities of Albany, Long Beach, Los Angeles, Huntington Beach, and Santa Monica.

16. To approve or reject county charters and county charter amendments submitted to, approved and ratified by the electors under Section 7½ of Article XI of the Constitution.

17. To approve or reject amendments to the charter of the City and County of San Francisco ratified by the electors of that city and county at an election held on November 7, 1939.

18. To consider and act upon an act to provide for and fix the compensation of the State Fire Marshal.

19. To consider and act upon an act for the furnishing by the State Fire Marshal of fire protection and prevention service at the hospitals, institutions, and schools in the State Department of Institutions, and making an appropriation therefor.

20. To consider and act upon an act validating orders and proceedings of the Industrial Welfare Commission.

21. To consider and act upon an act to appropriate all money deposited in the State Park Maintenance and Acquisition Fund to the State Park Commission for the operation, maintenance, and extension of the State park system.

22. To consider and act upon legislation to regulate the taking, possession, and utilization of yellow-tail, barracuda, and white sea bass.

23. To consider and act upon legislation amending the Gift Tax Act of 1939 providing for the taxation of transfers of property and the administration of said act.

24. To consider and act upon legislation relating to the duties of assessors in connection with the examination of property statements and office records, and the assessment value of property.

25. To consider and act upon legislation relating to the powers of The Regents of the University of California with respect to the making of loans to their employees, the members of their faculty, and their students

26. To consider and act upon an act relating to deficiency judgments upon mortgages and deeds of trust conferring powers of sale.

27. To consider and act upon an act to amend Chapter 876 of the Statutes of 1939 to redefine itinerant merchants and to limit the operation of the act to itinerant merchants handling farm products.

28. To consider and act upon legislation to amend Chapter 769 of the Statutes of 1933 relating to horse racing, including amendments relating to the California Horse Racing Board, administration of the act, license fees, licensee's commissions, and the allocation of revenues derived by the State under the act

29. To consider and act upon an act relating to the powers and duties of the Colorado River Board and the Colorado River Commissioner.

30. To consider and act upon an act to authorize agreements between cities of the sixth class and the United States, this State, or agencies of either, in connection with the water system of such cities and the sale and distribution of water therefrom.

31. To consider and act upon an act validating the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies

32. To consider and act upon an act to make an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939 to provide salary adjustments or increases for State officers and employees during the Ninety-first and Ninety-second Fiscal Years.

33. To consider and act upon legislation to amend the Uniform Trust Receipts Law, relating to trust receipt transactions covering motor vehicles.

34. To consider and act upon legislation to permit mutual life and disability insurers doing business on the stipulated premium plan with provision for assessment to issue certificates of advancement to obtain advances of funds.

35. To consider and act upon legislation for the classification, administration, and control of tax-deeded property, the creation of a Land Classification Commission, the redemption of property, and to make an appropriation therefor.

36. To consider and act upon legislation to amend "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, to restrict the rates of interest and other charges on loans made by industrial loan companies incorporated thereunder.

37. To consider and act upon legislation authorizing any city of the first and one-half class to create a commission or department with authority, when so created, to acquire or construct and maintain buildings and adjuncts for the purpose of holding and conducting trade fairs, exhibitions, conventions, public assemblies, and for other cultural and recreational purposes, including the leasing thereof to any non-profit corporation for any such purposes, and with authority to provide funds for such acquisition, construction or maintenance through the issuance of bonds of such commission or department payable out of the revenues derived from the operation or leasing of such buildings and adjuncts; and to make an appropriation of moneys of the State in furtherance of the purposes of the act.

38. To consider and act upon legislation making an appropriation for the use of aviation units of the California National Guard.

39. To consider and act upon legislation to cancel vehicle license and registration fee penalties imposed in respect to the operation of vehicles operated by public agencies as lessees under lease, lease-sale or rental-purchase agreements.

40. To consider and act upon legislation to exempt public agencies operating vehicles under lease, lease-sale, or rental-purchase agreements from the payment of vehicle license and registration fees.

41. To consider and act upon legislation to amend Sections 66 and 67 of the Vehicle Code so as to include within the definition of "owner" of a vehicle a public agency entitled to the possession and use of a vehicle under a lease, lease-sale or rental-purchase agreement, and within the definition of "legal owner" the renter or lessor under such agreement.

42. To consider and act upon legislation to limit to 25 miles per hour the prima facie speed limit when passing a United States Veterans Administration Facility, or the grounds thereof.

43. To consider and act upon legislation relating to motor vehicle engines or motors.

44. To consider and act upon legislation relating to the renewal of registration of vehicles.

45. To consider and act upon legislation relating to the records of the Department of Motor Vehicles, authorizing the charging of fees for supplying information therefrom or permitting inspection thereof, and authorizing the sale of copies of all or portions of its records of registration of vehicles.

46. To consider and act upon legislation to amend Chapter 362, Statutes of 1935, relating to the licensing and taxing of vehicles, to provide an additional appropriation for the use of the Department of Motor Vehicles and to prescribe procedure for the disposition of money collected under the provisions of said act.

47. To consider and act upon legislation to authorize members of the California Highway Patrol to take bail upon the service of warrants.

48. To consider and act upon legislation relating to permits to non-resident owners of motor vehicles.

49. To consider and act upon legislation relating to license plates for exempt vehicles.

50. To consider and act upon legislation providing for the creation of a joint legislative interim committee to investigate and report to the Legislature regarding motor vehicles and legislation relating thereto, and to make an appropriation for such committee.

51. To consider and act upon legislation to provide generally for temporary loans or transfers of money from such special funds or other accounts in the State Treasury as are subject to the provisions of Article XXVI of the Constitution, and providing for the use or disposition of money loaned, and for the repayment thereof.

52. To consider and act upon an act to require the payment of warrants of the State of California in legal tender.

53. To consider and act upon legislation authorizing the Orange County Flood Control District to purchase and retire its outstanding bonds by using funds received from the Federal Government and by using the proceeds realized from the sale of the district's bonds.

54. To consider and act upon legislation relating to relief from direct lien special assessments, authorizing counties and cities to assist in providing such relief, and prescribing the procedure therefor.

55. To consider and act upon legislation to permit the taking of deer in fish and game district 1G during the year 1940.

56. To consider and act upon legislation relating to the exemption from the Retail Sales Tax Act of 1933 and the Use Tax Act of 1935 of live stock and poultry the products of which ordinarily constitute food for human consumption.

57. To consider and act upon legislation to amend Division X of the Health and Safety Code, relating to narcotics.

58. To consider and act upon legislation providing for the submission to the people of amendments proposed to the Constitution by this extraordinary session of the Legislature.

59. To consider and act upon an act permitting corporations to furnish courses of instruction and issue certificates or diplomas evidencing completion thereof in, and in connection with the operation of, hospitals owned or operated by such corporations.

60. To consider and act upon legislation to enlarge the scope of Chapter 247 of the Statutes of 1913, relating to municipal works and utilities, including provisions to permit under said act the works and improvements and procedure authorized under the Improvement Act of 1911, Chapter 397 of the Statutes of 1911, to permit projects and improvements beyond the district's boundaries, to make the act applicable to counties, cities and counties, districts and other public corporations, and to change the provisions relating to the issuance of bonds, assessments, reassessments, and the collection of assessments.

61. To consider and act upon legislation to amend the State Lands Act of 1938, relating to the powers and duties of the State Lands Commission, including the scope of such powers and duties and the production and sale of oil and gas from State lands by the commission.

62. To consider and act upon legislation to make appropriations for legislative printing, binding, etc., and for printing constitutional amendments.

63. To consider and act upon legislation to authorize revenues received by the city of Long Beach from tidelands and submerged lands to be used for the acquisition, improvement and maintenance of public parks and public beaches.

64. To consider and act upon an act relative to the issuance by the Water Project Authority of the State of California of a portion of the revenue bonds authorized by the Central Valley Project Act of 1933, as amended, in an amount not exceeding fifty millions of dollars, to carry out such of the objects and purposes of said act as may be requested or approved by the Secretary of the Interior of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-sixth day of January, A. D., one thousand nine hundred forty.

CULBERT L. OLSON,
Governor of California.

ATTEST:

CHARLES J. HAGERTY,
Deputy Secretary of State.

STATUTES OF CALIFORNIA

PASSED AT THE
FIRST EXTRA SESSION OF THE
FIFTY-THIRD LEGISLATURE

CHAPTER 1

An act to amend Sections 66 and 67 of the Vehicle Code, to include within the definition of "owner" of a vehicle a public agency entitled to the possession and use of a vehicle under a lease, lease-sale or rental-purchase agreement, and within the definition of "legal owner" the renter or lessor under such agreement, to take effect immediately

Stats. 1935,
p. 83,
amended

[Approved by Governor February 5, 1940. Filed with Secretary of State February 5, 1940.]

In effect
immediately

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

SECTION 1. Section 66 of the Vehicle Code is hereby amended to read as follows:

Stats 1937,
p 413

66. "Owner." "Owner" is a person having all the incidents of ownership, including the legal title of a vehicle whether or not such person lends, rents or pledges such vehicle; the person entitled to the possession of a vehicle as the purchaser under a conditional sale contract; the mortgagor of a vehicle; or the State, or any county, city, district or political subdivision of the State, when entitled to the possession and use of a vehicle under a lease, lease-sale, or rental-purchase agreement for a period of twelve months or more.

"Owner"

SEC. 2. Section 67 of the Vehicle Code is hereby amended to read as follows:

Stats 1937,
p 413

67. "Legal Owner." "Legal owner" is a person holding the legal title to a vehicle under a conditional sale contract, the mortgagee of a vehicle, or the renter or lessor of a vehicle to the State, or to any county, city, district or political subdivision of the State, under a lease, lease-sale or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of twelve months or more.

"Legal
owner"

SEC. 3. 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

Urgency

immediate effect. A statement of the facts constituting such necessity is as follows:

Prior to 1937 political subdivisions were not required to pay registration fees on vehicles owned by them or controlled by them under a lease agreement. A change was made in the Vehicle Code which inadvertently operated to require the payment of such fees.

Many political subdivisions are financially unable to pay the accrued fees and penalties thereon and it is necessary to afford them immediate relief by restoring the exemption privileges, and unless this act takes immediate effect further penalties will accrue, thus increasing the existing burden upon such political subdivisions.

CHAPTER 2

Stats. 1935, p 1312, amended *An act to add Section 25 to an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the motor vehicle license fee fund, and making an appropriation of the moneys therein," approved June 25, 1935, relating to exemptions from vehicle license fees, to take effect immediately.*

In effect immediately [Approved by Governor February 5, 1940. Filed with Secretary of State February 5, 1940.]

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

New section SECTION 1. Section 2.5 is hereby added to the act cited in the title hereof, to read as follows:

Exemption SEC. 2.5. The license fee imposed by this act does not apply to any vehicle operated by the State, or by any county, city and county, city, district or political subdivision of the State, as lessee under a lease, lease-sale or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of twelve months or more.

Exemption This section does not apply to any vehicle leased under a lease, lease-sale or rental-purchase agreement after the effective date of this section which is used or maintained for the transportation of persons for hire, compensation or profit.

Urgency SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Prior to 1937 political subdivisions were not required to pay registration fees and vehicle license fees on vehicles owned

by them or controlled by them under a lease agreement. A change was made in the Vehicle Code which inadvertently operated to require the payment of such fees.

Many political subdivisions are financially unable to pay the accrued fees and penalties thereon and it is necessary to afford them immediate relief by restoring the exemption privileges, and unless this act takes immediate effect further penalties will accrue, thus increasing the existing burden upon such political subdivisions.

CHAPTER 3

An act providing for the cancellation of license and registration fee penalties in connection with vehicles operated by public agencies as lessees under lease, lease-sale or rental-purchase agreements, to take effect immediately.

[Approved by Governor February 5, 1940 Filed with Secretary of State February 5, 1940] In effect immediately

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

SECTION 1. Any vehicle registration penalty or license fee penalty due the State under the following laws at the effective date of this act for any vehicle operated by the State, or by any county, city and county, city, district or political subdivision of the State, as lessee under a lease, lease-sale or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of twelve months or more, is hereby canceled and declared uncollectible: Fees canceled

(a) Section 378 of the Vehicle Code.

(b) An act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the moneys therein," approved June 25, 1935. Stats. 1935, p. 1312

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows: Urgency

Prior to 1937 political subdivisions were not required to pay registration fees and vehicle license fees on vehicles owned by them or controlled by them under a lease agreement. A change was made in the Vehicle Code which inadvertently operated to require the payment of such fees.

Many political subdivisions are financially unable to pay the accrued fees and penalties thereon and it is necessary to afford them immediate relief from such burden as provided in

this act. Unless this act takes immediate effect further penalties will accrue, thus increasing the existing burden upon such political subdivisions.

CHAPTER 4

Stats 1935, p 93, amended *An act to amend Section 374 of the Vehicle Code, relating to vehicle registration, including the payment of fees therefor by public agencies operating vehicles under lease, lease-sale or rental-purchase agreements, to take effect immediately.*

In effect immediately [Approved by Governor February 5, 1940. Filed with Secretary of State February 5, 1940.]

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

Stats 1937, p 505, See also Stats 1941, p 2443 SECTION 1. Section 374 of the Vehicle Code is hereby amended to read as follows:

Exemption 374. Exemptions from Registration Fees. (a) The registration fees specified in this code except fees for duplicate license plates, certificates or cards need not be paid for any vehicle of a type subject to registration hereunder owned by any foreign government or by a consul or other official representative thereof or by the United States or by any State or political subdivision thereof or by any municipality duly organized under the Constitution or laws of this State, nor for any like vehicle owned by a voluntary fire department organized under the laws of this State and used exclusively for fire fighting purposes, nor for any like vehicle owned by and used exclusively in the operative work of any persons taxed for State purposes and exempt from the payment of license fees under the Constitution of this State, nor for any vehicle operated by the State, or by any county, city, district or political subdivision of the State, as lessee under a lease, lease-sale or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of twelve months or more.

Exception The exemption in this subsection pertaining to vehicles leased by the State, or by any county, city, district, or political subdivision of the State, under a lease, lease-sale, or rental-purchase agreement, is not applicable to any vehicle leased after the effective date of this section, as amended in 1940, which is used or maintained for the transportation of persons for hire, compensation, or profit.

Exempt plates (b) All such vehicles so exempt from the payment of registration fees shall be registered as otherwise required by this code by the person having custody thereof and such custodian shall display upon said vehicle a license plate or plates bearing distinguishing marks or symbols as hereinbefore specified which said plate or plates shall be furnished by the department free of charge.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Prior to 1937 political subdivisions were not required to pay registration fees on vehicles owned by them or controlled by them under a lease agreement. A change was made in the Vehicle Code which inadvertently operated to require the payment of such fees.

Many political subdivisions are financially unable to pay the accrued fees and penalties thereon and it is necessary to afford them immediate relief by restoring the exemption privileges, and unless this act takes immediate effect further penalties will accrue, thus increasing the existing burden upon such political subdivisions.

CHAPTER 5

An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

[Approved by Governor February 8, 1940. Filed with Secretary of State February 8, 1940]

In effect
immediately

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

SECTION 1. In addition to any other funds provided by law, the sum of one million six hundred thousand dollars (\$1,600,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the relief of hardship and destitution due to and caused by unemployment, and the administration thereof, as provided by the California Unemployment Relief Act of 1935, for expenditure during the Ninety-first Fiscal Year.

Appropriation.
Unemployment relief

Stats 1935,
p 1850

SEC. 2. The sum appropriated by this act shall, upon order of the State Controller, be transferred to the Unemployment Relief Fund and shall be disbursed therefrom for the purposes herein provided. Until such time as such transfer is made, or when there is no money in said fund, the procedure for transfer of money from other funds prescribed by Section 1a of the California Unemployment Relief Act of 1935 shall be applicable hereto.

Transfer to
unemployment relief
fund

SEC. 3. 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 as such shall take effect immediately. The facts constituting such necessity are as follows:

Urgency

The appropriation for unemployment relief for the Ninety-first Fiscal Year is inadequate and will soon be exhausted,

and it is necessary that additional funds be made immediately available. Unless this act takes effect immediately, relief operations will have to be suspended for the balance of the fiscal year, which will result in untold hardship and suffering to a great number of persons receiving relief in this State at this time, and will cause unrest throughout the State.

Unlawful
political
activity,
(tc.

SEC. 4. (a) It is unlawful for any person, directly or indirectly, to promise any compensation, employment, relief or other benefit provided for or made possible in whole or in part by the appropriation, to any individual as consideration, favor or reward for any political activity or for the support of or opposition to any candidate or any political party in any election.

(b) It is unlawful for any person to deprive, attempt to deprive or threaten to deprive by any means any person of any compensation, employment, relief or other benefit provided for or made possible in whole or in part by the appropriation on account of any political activity, support of or opposition to any candidate or to any political party in any election.

(c) It is unlawful for any person knowingly to solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution of money for any political purpose whatever from any person receiving compensation, employment, relief or other benefit made available from the appropriation.

(d) It is unlawful for any person to furnish or disclose or to aid or assist in furnishing or disclosing any names of persons receiving compensation, employment, relief or other benefits provided or made possible by the appropriation to any political candidate, committee, campaign manager or to any person for delivery to a political candidate, committee or campaign manager, and it is unlawful for any person to receive any such names for political purposes.

(e) No part of the appropriation shall be used for the purpose of directly or indirectly influencing or attempting to influence or interfering with or restraining or coercing any person in the exercise of his right to vote at any election.

(f) It is unlawful for any person employed in any capacity in connection with the administration or disbursement of the appropriation to take an active part in political management, or be an active member of political organizations or take an active part in political campaigns which have as their purpose the election or nomination of any person to any office or employment.

(g) It is unlawful for any person employed in any capacity in connection with the administration or disbursement of the appropriation to influence or attempt to influence any individual known to be receiving compensation, employment, relief or other benefits provided by the appropriation to support or oppose any candidate or any political party in any election.

(h) Every person violating any provision of this section is guilty of a misdemeanor and in addition to the penalty imposed therefor shall not be entitled to any further compensation, employment, provided for or made possible in whole or in part by the appropriation. Punishment

(i) As used in this section "Appropriation" refers to the sum appropriated in Section 1 of this act. "Appropriation"

CHAPTER 6

An act to add Section 5.18 to the Retail Sales Tax Act of 1933, and Section 4.11 to the Use Tax Act of 1935, relating to exemptions, including the exemption of live stock and poultry of a kind the products of which ordinarily constitute food for human consumption. Stats 1933, p 2599 and Stats 1935, p 1297, amended

[Approved by Governor February 15, 1940. Filed with Secretary of State February 15, 1940.] In effect March 6, 1941

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

SECTION 1. Section 5.18 is hereby added to the Retail Sales Tax Act of 1933 to read as follows: New section See also Stats 1941, pp 152 and 558 Exemptions

Sec. 5.18. There are hereby specifically exempted from the computation of the amount of tax levied, assessed or payable under this act, the gross receipts from sales of live stock and poultry of a kind the products of which ordinarily constitute food for human consumption. New section See also Stats 1941, pp 152 and 558 Exemptions

SEC. 2. Section 4.11 is hereby added to the Use Tax Act of 1935, to read as follows:

Sec. 4.11. The storage, use or other consumption of live stock and poultry of a kind the products of which ordinarily constitute food for human consumption is hereby exempted from the tax imposed by this act.

CHAPTER 7

An act to amend Sections 232 and 377.5 of the Vehicle Code, relating to the installation of motor vehicle engines or motors. Stats 1935, p 98 amended

[Approved by Governor February 16, 1940. Filed with Secretary of State February 16, 1940.] In effect March 6, 1941

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

SECTION 1. Section 232 of the Vehicle Code is hereby amended to read as follows: Stats 1935, p 126 See also Stats 1941, p 169

232. Notice of Installation of Engine or Motor. (a) Whenever a motor vehicle engine or motor is installed in a motor Notice of motor installation

vehicle subject to registration hereunder, the owner of such motor vehicle shall, within 10 days thereafter, give notice to the department upon a form furnished by it containing a description of the motor vehicle engine or motor installed, including the maker's number thereon or the number assigned by the department thereto, and the date of such installation. The owner of such motor vehicle shall also submit to the department with such notice the certificate of ownership and registration card covering the motor vehicle in which the motor vehicle engine or motor is installed and evidence of ownership covering the new or used motor vehicle engine or motor installed, and such other documents as may be required by the department.

Excep ions (b) Such notice need not be given upon the installation of a new motor vehicle engine or motor in a new and unregistered motor vehicle.

(c) The owner of three or more motor vehicles shall not be required to notify the department under the requirements of subdivision (a) of this section or to pay the fee required under Section 377.5 when motor vehicle engines or motors owned by him are installed in or transferred between the motor vehicles owned by him until such motor vehicle is sold, transferred or otherwise disposed of by him.

(d) Nothing in this section shall be construed to modify or in any manner affect the provisions of Section 167.

Stats 1939,
p 2342
See also
Stats. 1941,
p 169

SEC. 2. Section 377.5 of the Vehicle Code is hereby amended to read as follows:

Fee 377.5. Fees Payable upon Installation of Engine or Motor. Every notice of the installation in a vehicle of a motor vehicle engine or motor required to be filed under Section 232 shall be accompanied by a filing fee of one dollar (\$1).

CHAPTER 8

An act making an appropriation for the contingent expenses of the Assembly for the Fifty-third (Extraordinary) Session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately.

In effect immediately [Became a law on the twenty-second day of February, 1940, under constitutional provision, Article IV, Section 16, having passed both houses by the constitutional majority, upon reconsideration, after its return by the Governor without his approval.]

[Filed with Secretary of State February 22, 1940]

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

Appropri- ation: SECTION 1. The sum of fifty thousand dollars (\$50,000),
Contingent expenses of Assembly or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise

appropriated, for contingent expenses of the Assembly for the Fifty-third (Extraordinary) Session of the Legislature, including expenses of committees created at that session.

SEC. 2. Inasmuch as this act makes an appropriation for the usual current expenses of the State it shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

Current expenses

CHAPTER 9

An act to amend Sections 11000, 11001, 11003, 11009, 11010, 11035, 11160, 11166.05, 11166.06, 11166.07, 11166.08, 11166.1, 11166.11, 11166.12, 11167, 11200, 11250, 11391, 11392, 11393, 11425, 11477, 11530, 11531, 11555, 11610, 11611, 11625, 11712, 11713, 11715, 11716, 11720 and 11780, and the article heading of Article 2, Chapter 5, Division 10, and to repeal Sections 11036, 11178, 11332, 11396, 11710 and 11711 of, and to add Sections 11556 and 11557 to, the Health and Safety Code, relating to narcotics and the use, prescribing, sale, possession, or transportation thereof.

Stats 1939, p 482, amended

[Approved by Governor February 23, 1940 Filed with Secretary of State February 23, 1940.]

In effect March 6, 1941

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

SECTION 1. Section 11000 of the Health and Safety Code is hereby amended to read as follows:

Stats 1939, p 755
See also Stats 1941, p 2820

11000. As used in this division, the terms "physician," "veterinarian," "dentist," "pharmacist," and "osteopathic physician and surgeon," or any similar designation, mean persons who hold valid, unrevoked certificates to practice their respective professions in this State, issued by their respective examining boards in this State. The term "physician" includes physician and surgeon and also osteopathic physician and surgeon.

Physician, etc

SEC. 2. Section 11001 of the Health and Safety Code is hereby amended to read as follows:

Stats 1939, p 755

11001. "Narcotics," as used in this division, means any of the following:

- (a) Cocaine.
- (b) Opium.
- (c) Morphine.
- (d) Codeine.
- (e) Heroin.
- (f) Alpha eucaine.
- (g) Beta eucaine.
- (h) Chloral hydrate.

"Narcotics"

(i) All parts of the plant loco weed or of the plant cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; but not including the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

Stats 1939,
p 756 SEC. 3. Section 11003 of the Health and Safety Code is hereby amended to read as follows:

“Cannabis sativa” 11003. “Cannabis sativa,” as used in this division, means the male and female of any species commonly known as cannabis sativa, hemp, Indian hemp, or marihuana.

Stats 1939,
p 756 SEC. 4. Section 11009 of the Health and Safety Code is hereby amended to read as follows:

“Addict” 11009. “Addict,” as used in this division, means a person who unlawfully uses, or is addicted to the unlawful use of, narcotics.

Stats 1939,
p 756 SEC. 5. Section 11010 of the Health and Safety Code is hereby amended to read as follows:

“Opium pipe” 11010. “Opium pipe,” as used in this division, includes a pipe, together with the usual attachments, or other apparatus used or intended to be used in the smoking of opium or heroin.

Stats 1939,
p 756 SEC. 6. Section 11035 of the Health and Safety Code is hereby amended to read as follows:

“Records” 11035. Any record required by this division shall be open at all times to inspection by properly authorized officers of the law, including inspectors of the State division and the Board of Pharmacy. It is unlawful to refuse to permit, or to obstruct such inspection.

Stats 1939,
p 756 SEC. 7. Section 11036 of the Health and Safety Code is hereby repealed.

Stats 1939,
p 758 SEC. 8. Section 11160 of the Health and Safety Code is hereby amended to read as follows:
See also
Stats 1941,
p 2820

Who may write 11160. Except as otherwise provided in this division, no person shall possess, transport, sell, furnish, administer, or give away, or offer to transport, sell, furnish, administer, or give away, or attempt to transport a narcotic except upon the

written prescription of a physician, dentist, or veterinarian licensed to practice in this State.

SEC. 9. Section 11166.05 of the Health and Safety Code is hereby amended to read as follows: Stats 1939,
p. 758

11166.05. Prescription blanks shall be issued by the State division in serially numbered groups of one hundred forms in triplicate each, and shall be furnished free of cost to any person authorized to write a prescription. Prescription
blanks
issuance

SEC. 10. Section 11166.06 of the Health and Safety Code is hereby amended to read as follows: Stats 1939,
p. 758

11166.06. The prescription blanks shall be printed on distinctive paper, serial number of the group being shown on each form, and also each form being serially numbered. Printing

SEC. 11. Section 11166.07 of the Health and Safety Code is hereby amended to read as follows: Stats 1939,
p. 759

11166.07. Not more than one such prescription group shall in any case be issued or furnished by the State division to the same prescriber at one time, nor during any period of ninety days unless the prescriber shall show to the satisfaction of the State division that for some extraordinary reason additional prescription blanks are necessary. Limitation
on issuance

SEC. 12. Section 11166.08 of the Health and Safety Code is hereby amended to read as follows: Stats 1939,
p. 759

11166.08. No person shall issue a prescription other than on the official prescription form issued by the State division, and no person shall fill any prescription other than on the official prescription form issued by the State division, except that in the case of an epidemic or a sudden or unforeseen accident or calamity a prescriber may issue a prescription upon a form other than the official prescription form issued by the State division, where failure to issue such prescription might result in loss of life or intense suffering, but such a prescription shall have indorsed thereon by the prescriber a statement concerning the accident, calamity, or circumstances constituting the emergency because of which the unofficial blank is used. Prohibition

SEC. 13. Section 11166.1 of the Health and Safety Code is hereby amended to read as follows: Stats 1939,
p. 759

11166.1. The prescription book containing the prescriber's copies of prescriptions issued shall be retained by the prescriber which shall be preserved for two years and shall Prescriber's
copies

at all times be open to inspection by inspectors of the State division and inspectors of the Board of Pharmacy.

Stats 939,
p 759 SEC. 14. Section 11166.11 of the Health and Safety Code is hereby amended to read as follows:

Original and duplicate copies 11166.11. The original and duplicate copies of the prescription shall be delivered to the person filling the prescription. The original shall be retained by the person filling the prescription, and at the end of each month in which the prescriptions were issued, the duplicate shall be returned to the State division by the person filling it.

Stats 1939,
p 759 SEC. 15. Section 11166.12 of the Health and Safety Code is hereby amended to read as follows:

Exemption 11166.12. The provisions of this code with reference to the writing of narcotic prescriptions on official blanks and the filling thereof do not apply to any preparations exempt under Section 11200 nor to preparations containing codeine without additional narcotics when compounded with other medicinal ingredients prescribed in writing in good faith for medicinal purposes only.

Stats 1939,
p 760 SEC. 16. Section 11167 of the Health and Safety Code is hereby amended to read as follows:

Self-prescription 11167. No person shall prescribe, administer, or furnish a narcotic for himself.

Stats 1939,
p. 760 SEC. 17. Section 11178 of the Health and Safety Code is hereby repealed.

Stats 1939,
p 761 SEC. 18. Section 11200 of the Health and Safety Code is hereby amended to read as follows:

Exemptions 11200. The provisions of this division requiring prescriptions and physicians' reports do not apply to preparations of the United States Pharmacopoeia, National Formulary, United States Dispensatory, or other recognized or established formulae or to remedies or prescriptions sold or prescribed in good faith for medicinal purposes only and not for the purpose of satisfying addiction, containing not more than one grain of codeine in one fluid ounce without additional narcotics, or not more than ten grains of chloralhydrate in one fluid ounce, or two grains of cannabis sativa in one fluid ounce, or, if a solid preparation, in one ounce avoirdupois.

Stats. 1939,
p. 762 SEC. 19. Section 11250 of the Health and Safety Code is hereby amended to read as follows:

Removal of pharmacist's copy 11250. Whenever the pharmacist's copy of a narcotic prescription is removed by a peace officer, inspector of the State

division, or inspector of the Board of Pharmacy, for the purpose of investigation or as evidence, the officer or inspector shall give to the pharmacist a receipt in lieu thereof.

SEC. 20. Section 11332 of the Health and Safety Code is hereby repealed. Stats 1939,
p 762

SEC. 21. Section 11391 of the Health and Safety Code is hereby amended to read as follows: Stats 1939,
p 762

11391. No person shall treat an addict for addiction except in one of the following: Place of
treatment

(a) An institution approved by the Board of Medical Examiners, and where the patient is kept under restraint and control.

(b) A city or county jail.

(c) A State prison.

(d) A State narcotic hospital.

(e) A State hospital.

This section does not apply during emergency treatment or where the patient's addiction is complicated by the presence of incurable disease, serious accident, or injury. Exceptions

SEC. 22. Section 11392 of the Health and Safety Code is hereby amended to read as follows: Stats 1939,
p 763

11392. A physician treating an addict for addiction shall not prescribe for or furnish the addict more than any one of the following amounts of narcotics during each of the first fifteen days of such treatment: Maximum
amount

(a) Eight grains of opium.

(b) Four grains of morphine.

SEC. 23. Section 11393 of the Health and Safety Code is hereby amended to read as follows: Stats 1939,
p 763

11393. After 15 days of treatment the physician shall not prescribe for or furnish to the addict more than any one of the following amounts of narcotics during each day of such treatment: Same After
fifteen days

(a) Four grains of opium.

(b) Two grains of morphine.

SEC. 24. Section 11396 of the Health and Safety Code is hereby repealed. Stats 1939,
p 763

SEC 25. Section 11425 of the Health and Safety Code is hereby amended to read as follows: Stats 1939,
p 763

11425. A physician prescribing or furnishing a narcotic to an habitual user shall within five days after first prescribing or furnishing the narcotic personally report in writing by registered mail, over his signature, to the State division. Report

The report shall contain all of the following:

- (a) Name of the patient.
- (b) Address of the patient.
- (c) Character of the injury or ailment.
- (d) Quantity and kind of narcotic used.
- (e) A statement as to whether or not the patient is an addict.

Stats 1939,
p 764
Sec also
Stats 1941,
p 2820

SEC. 26. Section 11477 of the Health and Safety Code is hereby amended to read as follows:

Refiling,
copy, etc

11477. No order shall be for more than one hypodermic syringe or for more than three hypodermic needles. No copy or duplicate of the order shall be made for or delivered to any person. The order or prescription shall not be refilled.

Possession
by nurse

A registered nurse of this State or student nurse in any hospital or accredited training school for nurses may obtain or possess a hypodermic syringe and hypodermic needles when working under the immediate direction and supervision of a physician or dentist.

Stats 1939,
p 765

SEC. 27. Section 11530 of the Health and Safety Code is hereby amended to read as follows:

Planting

11530. No person shall knowingly plant, cultivate, cut, harvest, dry, or process any loco weed or cannabis sativa or any part thereof.

Stats 1939,
p 765

SEC. 28. Section 11531 of the Health and Safety Code is hereby amended to read as follows:

Prohibition

11531. It is unlawful to possess extracts, tinctures, or other narcotic preparations of hemp, or preparations or compounds containing more than two grains of cannabis sativa to each fluid or avoirdupois ounce.

Exemption

This section does not apply to corn remedies containing not more than 15 grains of the extract or fluid extract of cannabis sativa to the ounce mixed with not less than five times its weight of salicylic acid combined with collodion.

Stats. 1939,
p 765

SEC. 29. This article heading of Article 2 of Chapter 5 of Division 10 of said code is hereby amended to read as follows:

Article 2. Narcotic Pipes and Resorts.

Stats. 1939,
p 765

SEC. 30. Section 11555 of said code is hereby amended to read as follows:

Opium pipe

11555. It is unlawful to possess an opium pipe.

SEC. 31. Section 11556 is hereby added to said code to New section
read as follows:

11556. It is unlawful to knowingly visit or to be in any Narcotic
resort
Presence
room or place where any narcotics are being or have recently
been smoked.

SEC. 32. Section 11557 is hereby added to said code to New section
read as follows:

11557. It is unlawful to open or maintain to be resorted Same: Main-
tenance
to by other persons any place in which narcotics are unlaw-
fully sold, given away, or smoked.

SEC. 33. Section 11610 of said code is hereby amended Stats. 1939,
p 767
to read as follows:

11610. A vehicle used to unlawfully transport any nar- Forfeiture
cotic, or in which any narcotic is unlawfully kept, deposited
or concealed, or in which any narcotic is unlawfully possessed
by an occupant thereof, shall be forfeited to the State.

SEC. 34. Section 11611 of said code is hereby amended to Stats 1939,
p 767
read as follows:

11611. Any peace officer of this State, upon making or Seizure
attempting to make an arrest for a violation of this division,
shall seize any vehicle used to unlawfully transport any nar-
cotic, or in which any narcotic is unlawfully kept, deposited
or concealed, or in which any narcotic is unlawfully pos-
sessed by an occupant thereof, and shall hold the vehicle
as evidence until a forfeiture has been declared or a release
ordered.

SEC. 35. Section 11625 of said code is hereby amended to Stats 1939,
p 768
read as follows:

11625. In all cases where a vehicle seized by the State Proceeds
division is forfeited to the State and turned over to and sold
by the Department of Finance, the proceeds of the sale shall
be distributed as follows, in the order indicated:

(a) To the bona fide or innocent purchaser, conditional
sales vendor, or mortgagee of the vehicle, if any, up to the
amount of his interest in the vehicle, when the court declar-
ing the forfeiture orders a distribution to such person.

(b) The balance, if any, to accumulate, and, from time to
time, as the proceeds become sufficient, to be distributed:

1. To the Department of Finance for all expenditures made
or incurred by it in connection with the sale, including
expenditure for any necessary repairs, storage or transporta-
tion, of any vehicle seized under this article.

2. To the Attorney General for all expenditures made or
incurred by him in connection with the forfeiture proceed-

ings of any vehicle seized under this article, including but not limited to, expenditures for witness fees, reporters' fees, transcripts, printing, traveling and investigation.

3. To the State division for all expenditures for traveling, investigation, storage, and other expenses made or incurred by the division after the seizure, and in connection with the forfeiture of any vehicle seized under this article.

4. The remainder, if any, to the State Treasury, for credit to the General Fund.

Stats 1939,
p 771 SEC. 36. Sections 11710 and 11711 of said code are hereby repealed.

Stats 1939,
p 771 SEC. 37. Section 11712 of said code is hereby amended to read as follows:

Unlawful
possession

11712. Any person convicted under this division for having in possession any narcotic, or of violating the provisions of Sections 11530 and 11557 shall be punished by imprisonment in the county jail for not less than 90 days nor more than one year, or in the State prison for not more than six years.

If such a person has been previously convicted of a felony under the laws of the United States or of this or any other State, and if the previous conviction of a felony is charged in the indictment or information and is found to be true by the jury, upon a jury trial, or is found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the State prison for not more than 10 years.

Stats 1939,
p 771 SEC. 38. Section 11713 of said code is hereby amended to read as follows:

Transporta-
tion or sale

11713. Any person convicted under this division for transporting, selling, furnishing, or giving away, or offering to transport, sell, furnish, or give away, any narcotic shall be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the State prison for not more than six years.

Prior
conviction

If such a person has been previously convicted of a felony under the laws of the United States or of this or any other State, and if the previous conviction of a felony is charged in the indictment or information and is found to be true by the jury, upon a jury trial, or is found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the State prison for not more than 10 years.

Stats 1939,
p 772 SEC. 39. Section 11715 of said code is hereby amended to read as follows:

Forging
prescription,
etc

11715. Every person who forges or alters a prescription, or who issues a prescription bearing a forged or fictitious

signature for any narcotic, or who obtains any narcotic by any forged, fictitious, or altered prescription, or who has in possession any narcotic secured by such forged, fictitious, or altered prescription, shall for the first offense be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the State prison for not more than six years, and for each subsequent offense shall be imprisoned in the State prison for not more than 10 years.

SEC. 40. Section 11716 of said code is hereby amended Stats 1939,
p 772 to read as follows:

11716. Every person who violates or fails to comply with any provision of this division, except one for which a penalty is otherwise in this division specifically provided, is guilty of a misdemeanor punishable by a fine in a sum not less than thirty dollars (\$30) nor more than five hundred dollars (\$500), or by imprisonment for not less than 15 nor more than 180 days, or by both. General
penalty

SEC. 41. Section 11720 of said code is hereby amended Stats 1939,
p 773 to read as follows:

11720. A narcotic addict, within the meaning of this article, is any person who takes or otherwise uses any narcotics, except that when such user of narcotics is suffering from an incurable disease or an accident or injury or from the infirmities of age and such narcotics are furnished, prescribed or administered to him in good faith and in the course of his professional practice by a physician and surgeon duly licensed in this State, in the course of treatment for such disease, ailment, injury, or infirmities, and are not so furnished or prescribed in order to satisfy the narcotic addiction of a user of narcotics, such person shall not be held to be an addict within the meaning of this article. Addict

SEC. 42. Section 11780 of said code is hereby amended to Stats 1939,
p 773 read as follows:

11780. Every building or place used for the purpose of unlawfully selling, serving, storing, keeping, or giving away any opium, morphine, cocaine, heroin, cannabis sativa, or loco weed, and every building or place wherein or upon which such acts take place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance. Nuisances

CHAPTER 10

Stats. 1935, p. 93, amended
An act to add Section 374.5 to the Vehicle Code, relating to license plates for exempt vehicles, and declaring the urgency of this act.

In effect February 23, 1940
 immediately [Approved by Governor February 23, 1940 Filed with Secretary of State February 23, 1940.]

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

New section
 See also
 Stats. 1941, p. 2648
 SECTION 1. Section 374.5 is hereby added to the Vehicle Code, to read as follows:

Plates Law enforcement vehicles
 374.5. Exceptions as to Type of License Plates for Exempt Vehicles. The department may issue for any exempt vehicle license plates in the series of plates issued for nonexempt vehicles. Such plates may be issued for a period not extending beyond the then current calendar year and only upon the certification of the Attorney General that the issuance of such plates has been requested by the head of a law enforcement agency of a city, city and county, county, State, or Federal department, that the vehicle is assigned to the duty of investigating actual or suspected violations of the law, and is intended for the use in line of duty of regularly employed law enforcement officers of a city, city and county, county, State or Federal department. The department shall maintain a record of any such registration, which record shall not be open to public inspection. Such record shall be disclosed in the event of any accident involving such vehicle on demand of the Attorney General or upon an order of court.

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

The following is a statement of facts constituting such necessity: Motor vehicles used by law enforcement officers are required to display "exempt" license plates. This clearly discloses to suspected criminals the nature and ownership of the vehicles, and, in enabling such criminals to escape apprehension, seriously impairs the effectiveness of the work of such officers.

CHAPTER 11

An act to amend Sections 2224 and 2227 of, and to repeal Sections 2226 and 2229 of the Welfare and Institutions Code, relating to aid to the aged, and providing for the cancellation and release of certain agreements affecting real property heretofore required of recipients of aid to the aged and their heirs, declaring the urgency thereof and providing that this act shall take effect immediately.

Stats. 1937, p. 1005, amended

[Approved by Governor February 23, 1940. Filed with Secretary of State February 23, 1940.] In effect immediately

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

SECTION 1. Section 2224 of the Welfare and Institutions Code is hereby amended to read as follows:

Stats 1939, p 2244 See also Stats 1941, p 3199

2224. The board of supervisors shall determine if the person receiving aid has within the State a spouse or adult child filing a return under The Personal Income Tax Act. If the board of supervisors finds that the spouse or adult child of the recipient of aid has not filed an income tax return under The Personal Income Tax Act, the board shall not further investigate the financial resources of such spouse or adult child. If, however, the board of supervisors finds that the recipient of aid does have a spouse or adult child filing such a return, the board shall determine whether such spouse or adult child is pecuniarily able to support or contribute to the support of such person. If in the opinion of the board of supervisors the spouse or adult child who has filed such a return is pecuniarily able to support or contribute to the support of the recipient of aid, the board of supervisors shall request the district attorney or other civil legal officer of the county granting such aid to proceed against such kindred in the order of their responsibility to support. Upon such demand the district attorney or other civil legal officer of the county granting aid shall, on behalf of said county, maintain an action, in the superior court of the county granting such aid, against said relative, in the order named, to recover for said county such portion of the aid granted as said relative is able to pay, and to secure an order requiring the payment of any sums which may become due in the future for which the relative may be liable. Any sum so recovered shall be credited by the county to the county, to the State and to the Federal Government in proportion to the contributions of each respectively, or in the manner prescribed by the State Department of Social Welfare.

Recovery from kindred Stats. 1935, p 1090

The granting of or continued receipt of aid shall not be contingent upon such recovery.

Notwithstanding any of the provisions of The Personal Income Tax Act, the Franchise Tax Commissioner shall upon the written request of the board of supervisors or the State Department of Social Welfare, verify the fact of whether or not the spouse or adult child of a recipient of aid under this

Information from Franchise Tax Commissioner

chapter has filed an income tax return under The Personal Income Tax Act.

Punalty Any person who uses or discloses for any purpose whatsoever any information obtained from the Franchise Tax Commissioner other than as may be necessary in carrying out the provisions of this section shall be guilty of a misdemeanor.

Stats 1939,
p 2245 SEC. 2. Section 2226 of the Welfare and Institutions Code is hereby repealed.

Stats 1939,
p 2246 SEC. 3. Section 2229 of the Welfare and Institutions Code is hereby repealed.

Stats 1939,
p 2245 SEC. 4. Section 2227 of the Welfare and Institutions Code is hereby amended to read as follows:

Release of
liens 2227. Any lien created by the recording of a notice of aid pursuant to the provisions of Chapter 530 of the Statutes of 1929 as amended by Statutes of 1935, page 1769, may be released by the board of supervisors of the county granting the aid upon payment to the county of the amount of aid repayment of which is thereby secured or upon payment to the county of such amount as in the opinion of the board of supervisors equals the net amount which would be realized in the event that said lien was foreclosed, and any such lien may be subordinated by the board of supervisors of the county granting the aid to the lien of any mortgage or deed of trust given to renew or refinance any mortgage, deed of trust or other encumbrance, the lien or charge of which had priority over such lien. In any case in which the board of supervisors determines, after investigation, that the purposes of this chapter will be served by releasing any such lien in whole or in part or by subordinating the same to any encumbrance and determines that the property affected by such lien is at the time owned by the recipient of aid the board of supervisors may after approval by the Department of Social Welfare release such lien in whole or in part or may subordinate the same to one or more designated encumbrances executed by the recipient of aid without consideration or for such consideration as the board shall determine.

Reconvey-
ance In any case in which title to real property has been conveyed to the board of supervisors by a recipient of aid pursuant to Section 9 of Chapter 530 of the Statutes of 1929 to secure the repayment of aid, the board of supervisors may reconvey said title or release any lien created by such conveyance in the same manner and under the same conditions as liens created by the recording of a notice of aid are hereby authorized to be released.

Resolution The releases, reconveyances, and subordinations herein provided for shall be authorized by a resolution of the board of supervisors, and the instruments of release, reconveyance, or
Execution subordination shall be executed by an officer of the county, designated by the board of supervisors, in the name of the county and State of California, and any release, reconveyance,

or subordination, authorized by the board of supervisors and executed by the designated county officer shall conclusively bind the county and the State in favor of any bona fide purchaser or encumbrancer for value. Effect

SEC. 5. All agreements not to transfer or encumber real property without the consent of the board of supervisors heretofore executed pursuant to the provisions of Sections 2226 and 2229 of the Welfare and Institutions Code, as added thereto by Chapter 719 of the Statutes of 1939, by persons who were at the time of the execution of such agreements lawfully receiving aid or lawfully entitled to receive aid, or by the spouse of such a person, under the provisions of the Old Age Security Law in the Welfare and Institutions Code are hereby canceled and declared to be hereafter of no force and effect. Cancellation
of agree-
ments

The board of supervisors of any county which has received and recorded any such agreements not to transfer or encumber real property may, upon its own motion, and shall, upon the application of any person having a bona fide interest in or claim to any property affected by such an agreement, authorize by resolution the execution and recordation of appropriate instruments of cancellation of any or all of the agreements which are canceled by this section.

The instruments of cancellation shall be executed by an officer of the county designated by the board of supervisors in the name of the county and the State of California. No county recorder shall make a charge for filing, recording or indexing any such cancellation. However, in counties where the county recorders are paid no salaries but fees only, such recorders shall receive for filing, recording and indexing each such cancellation the sum of fifty cents (\$.50), payable out of the county treasury in the same manner that other claims are paid.

The board of supervisors of any county which has received but has not recorded any such agreements shall by resolution order the cancellation and return of such agreements to the persons who executed the same. For the purpose of returning such agreements to such persons, it shall be sufficient if the agreements are mailed with postage prepaid to the last known address of such persons as shown by the records on file with the board of supervisors.

All cancellations of such agreements as are effected in accordance with the provisions of this section shall be incontestable for any cause after 30 days after they are recorded.

SEC. 6. The board of supervisors and the State Department of Social Welfare may consent to the transfer or encumbrance of any property described in any agreement referred to in Section 5 in accordance with the provisions of law in force at the time the agreement was executed. Consent to
transfer

In addition, the board of supervisors may, in any case in which they determine after investigation, that the purposes Consent to
rele.ase

of Chapter 1 of Division 3 of the Welfare and Institutions Code will be served thereby, consent to the unconditional release of any property from any such agreement. The board of supervisors need not obtain the approval or consent of the State Department of Social Welfare to any such release.

Execution of release All such releases shall be executed in the same manner as the other releases authorized to be executed by Section 2227 of the Welfare and Institutions Code and shall be uncontestable for any cause after 30 days after they are recorded.

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 and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Uncertainty and confusion in the administration and enforcement of those provisions of the Old Age Security Law in the Welfare and Institutions Code which are repealed by this act has resulted in a lack of uniformity in the application of the law in the several counties of this State.

If this condition is permitted to continue this State may be deprived of all Federal grants in aid for old age assistance which would bring financial ruin to both State and county governments and result in an untold increase of human suffering and the endangering of the public peace, health and safety.

CHAPTER 12

An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

In effect immediately [Became a law on the twenty-fourth day of February, 1940, under constitutional provision, Article IV, Section 16, having passed both houses by the constitutional majority, upon reconsideration, after its return by the Governor without his approval.]

[Filed with Secretary of State February 24, 1940.]

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

Appropriation. Unemployment relief SECTION 1. In addition to any other funds provided by law, the sum of twelve million, two hundred thousand dollars (\$12,200,000) or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury, not otherwise appropriated, for the relief of hardship and destitution due to and caused by unemployment, and the administration thereof, until June 1, 1940, as provided by the California Unemployment Relief Act of 1935 including not to exceed two hundred thousand dollars (\$200,000) for the administrative expenses of the State Controller in connection therewith.

Stats 1935,
p 1850

(Statute not enacted) This appropriation in its entirety is exempted from the provisions of the Relief Expenditure Act of 1940.

SEC. 2. The sum appropriated by this act, except the money available for the administrative expenses of the Controller, shall, upon order of the State Controller, be transferred to the unemployment relief fund and shall be disbursed therefrom for the purposes herein provided. Until such time as such transfer is made, or when there is no money in said fund, the procedure for transfer of money from other funds prescribed by Section 1a of the California Unemployment Relief Act of 1935 shall be applicable hereto.

Transfer to Unemployment relief fund

Stats 1937, p 1

SEC. 3. The money appropriated by this act, except the money available for the administrative expenses of the Controller, shall be available for all the expenditures authorized in accordance with the amounts provided in the following schedule:

Expenditure Monthly limitations

(a) For February and March, 1940, not more than five million five hundred thousand dollars (\$5,500,000).

(b) For April, 1940, not more than three million five hundred thousand dollars (\$3,500,000).

(c) For May, 1940, not more than three million dollars (\$3,000,000).

If any reduction of relief allowances is necessary in order to abide by the apportionments provided in this section for the expenditure of the appropriation, such reduction shall be effected by reducing the amount of the allowance for each relief case in lieu of dropping from the rolls relief cases otherwise eligible for relief under this act.

Reductions

SEC. 4. For the purpose of expending the amounts provided in this act, every person, who, on the effective date of this act, was eligible for relief under the California Unemployment Relief Act of 1935 and the rules and regulations of the Relief Commission established in pursuance thereof, shall be entitled to relief from the appropriation provided in this act if his eligibility continues thereunder, notwithstanding any action of the Relief Administrator or the Relief Commission subsequent to the effective date of this act.

Relief eligibility

Notwithstanding the provisions of this section, the Relief Commission is hereby authorized, for the purposes of administering this appropriation and safeguarding its expenditure, to establish and enforce immediately rules of eligibility for relief from the appropriation consistent with the provisions of this act relating to eligibility for relief from the appropriation after April 1, 1940.

Rules

SEC. 5. (a) On and after April 1, 1940, not less than 82 per cent of the money appropriated by this act shall consist, when expended, of payments in cash, wages, personal property and services directly to persons eligible for relief, and not more than 3 per cent, in addition to money otherwise available, may be used, when expended, for works projects directly sponsored by the Relief Administrator, independent of and not in cooperation with the Works Projects Administration. If any sponsorship contribution is made to the Works

Expenditure classifications

Projects Administration by the Relief Administrator, the contribution may be charged, when expended, to the 82 per cent classification provided in this section. All expenditures made for (i) distribution of surplus commodities, (ii) the maintenance and operation of relief camps under subdivisions (c) and (d) of Section 3 of the California Unemployment Relief Act of 1935, and (iii) the maintenance and operation of medical and dental clinics, may be charged, when expended, to the 82 per cent classification provided in this section.

Stats 1939,
p '664

Exemption
Works
projects

(b) Of the sum appropriated by this act, any amounts expended by the Relief Administrator in accordance with the provisions of subdivisions (a) and (f), or either, of Section 3 of the California Unemployment Relief Act of 1935 for work relief projects sponsored by the Federal Government and by any political subdivision, district or municipality of the State either alone or in conjunction with the Relief Administrator, shall be exempt from Section 669 of the Political Code and the limitations, if any, of the Budget Act of 1939.

Stats 1939,
p 1833

Self-help
cooperatives

(c) From the effective date of this act, of the amount which may be expended for works projects directly sponsored by the Relief Administrator, independent of and not in cooperation with the Works Projects Administration, not more than one-third ($\frac{1}{3}$) thereof, as if the 3 per cent limitation of subdivision (a) were in effect, shall be expended for self-help cooperatives, for production for use projects, or for other forms of production cooperatives, consumer cooperatives, or direct production projects. No such cooperative or project shall produce, manufacture, process or sell consumable goods for consumption or use by any person, firm, association or corporation, other than a person directly participating in the work of such cooperative or project and other than a relief client.

Works
projects
expenses

(d) The money available under the provisions of this section for works projects may be used for the administrative expenses incurred in connection therewith.

Unexpended
monthly
apportionment

(e) If any money is not expended in the month for which it is available under the provisions of Section 3, the unexpended amount may be expended in any subsequent month without regard to the apportionment provided for that subsequent month.

Access to
records

SEC. 6. Of the governmental agencies through which Section 3 of the California Unemployment Relief Act of 1935 authorizes the Relief Administrator to make expenditures, the counties as such governmental agencies under the California Unemployment Relief Act of 1935 shall, for the purposes of examination, have access at all reasonable times to all records of the Relief Administrator and the Relief Commission.

Credit inves-
tigations

SEC. 65. In order to safeguard the money for the purposes for which it is appropriated, the Relief Administrator and the Relief Commission may contract with one or more credit associations, credit organizations, or financial investigating agencies to ascertain the financial condition and credit

rating of applicants for, and recipients of, relief from the money appropriated by this act.

SEC. 7. On and after April 1, 1940, the appropriation made by Section 1 of this act shall be expended to and for the relief of all persons who are not totally incapacitated for gainful employment and to and for the relief of all dependents of such persons provided such persons and their dependents are, as to need, otherwise eligible for relief under rules and regulations established by the Relief Commission under Section 8 of the California Unemployment Relief Act of 1935; provided, however, that none of said appropriation shall be expended to, or used for the relief of, persons who on February 18, 1940, were receiving aid from any of the several counties as indigents.

Relief
eligibilityStats 1935,
p 1853

SEC. 8. The total relief allowance, whether in cash or kind, from the appropriation made by this act shall not be more than fifty-eight dollars (\$58) per month per family. In determining the total relief allowance, the cash income from employment, from the Works Projects Administration or from any other source, of any member of the family who is receiving relief from this appropriation shall be deducted from the total allowance the family is permitted to receive from the appropriation made by this act. Relief, in addition to the maximum of fifty-eight dollars (\$58) per month allowance, may, however, be granted, but (i) only in the form of commodities, services or other forms of relief in kind and (ii) only in extraordinary cases, which term "extraordinary cases" shall include within its scope families of extraordinary size.

Relief
allowance

Deductions

Additional
relief

Any surplus commodities distributed by the Federal Government or any agency thereof shall not be deducted in determining the maximum relief allowance of any family.

Surplus
commodities

The restrictions contained in this section apply to all expenditures for relief made from this appropriation on and after April 1, 1940.

SEC. 9. (a) None of the appropriation made by this act shall be expended, on and after April 1, 1940, for the relief of any person who:

Relief
eligibility
Residence

(1) Has not resided continuously in this State for a period of at least three years with intent to make it his home, or

(2) Has lost his residence by remaining away from this State for an uninterrupted period of one year

Within the meaning of this subdivision (a), time spent in a public institution or on parole therefrom is to be disregarded in determining the period of residence in this State. Absence from the State for labor or other special or temporary purposes does not occasion loss of residence.

(b) Notwithstanding the provisions of subdivision (a), the appropriation made by this act may be expended for the relief of any person who:

Exceptions

(1) On February 1, 1940 (i) is receiving or has received relief from the Relief Administrator and Relief Commission or (ii) is certified or has been certified to the Works Projects

Administration or its predecessor by the Relief Administrator and the Relief Commission, and

(2) Has not left the State with intent to reside elsewhere, and

(3) Has not remained away from the State for a period of one year.

Nonresident
transportation

(c) Notwithstanding the provisions of subdivision (a), the appropriation shall be available for the costs of transportation of a nonresident to any State in which he resides. Every nonresident, who has once received relief under this subdivision (c), shall not again be granted relief from the appropriation made by this act.

Allens

SEC. 10. On and after April 1, 1940, none of the appropriation shall be expended for the relief of any alien who entered the United States illegally subsequent to July 1, 1924. In order to be eligible for relief from the appropriation, every alien, unless he first proves entry prior to July 1, 1924, shall prove his entry into the United States was legal.

Family of
alien

If relief from the appropriation is barred to any alien by the terms of this section, the members of his family shall not be affected thereby and the family, exclusive of the alien, shall remain entitled to relief from the appropriation made by this act notwithstanding this section and shall receive the same relief it would have received if the alien were not a member thereof.

The presence of all alien applicants for relief from this appropriation shall be reported immediately to the United States immigration authorities.

Proof of
eligibility

SEC. 11. To secure relief from the appropriation made by this act, an applicant, on and after April 1, 1940, for such relief shall prove, to the satisfaction of the State Relief Administration, his eligibility therefor, including his eligibility as to need, residence and citizenship.

Oath

All statements made by an applicant for such relief shall be verified by the oath of the applicant, on and after April 1, 1940. Every employee of the Relief Administrator receiving an application for such relief in the course of his official duties may administer an oath to the applicant for such relief.

If the applicant for such relief wilfully makes any false statement in his application for such relief from the appropriation made by this act, he shall be guilty of a misdemeanor.

Conditional
sales vendees

SEC. 12. None of the appropriation made by this act shall be expended for the relief of any person who is, or any member of whose family is, making payments upon any chattel mortgage or conditional sales contract for personal property, other than payments for essential food and essential clothing, in excess of five dollars (\$5) per month, when the debt, secured by the chattel mortgage or conditional sales contract, was incurred subsequent to his application for relief from the appropriation made by this act.

County works
projects:
Reimburse-
ment

SEC. 12.3. If any county takes any recipients of relief resident of that county from the State Relief Administration, furnishes all materials, equipment, tools, supervision, and

transportation, and sponsors and finances useful but non-essential work relief projects, it may, but need not, reimburse the State for the value of the labor supplied by the Relief Administration.

SEC. 12.5. All money received by any relief client from this appropriation for himself or his dependents shall be used exclusively for food, rent, utilities and any other necessities. The Relief Commission shall establish rules and regulations, in accordance with this section, relating to the purposes for which relief clients may not expend money received by them from this appropriation. Use of relief money

Any relief client who uses the money received by him for purposes other than those permitted by this section and such rules and regulations may be disqualified for any further relief from this appropriation. Disqualification

SEC. 13. In determining the amount to be expended from the appropriation for the relief of any person and his family consideration shall be given (i) to the amounts of public assistance, if any, such person and his family are receiving under any other provision of law and (ii) to the standards of living, wage rates and living conditions in the locality in which such person and his family reside. Determination of relief allotment

SEC. 14. On and after April 1, 1940, none of the appropriation made by this act may be expended for the relief of any person who possesses, or whose family possesses, more than one automobile, unless such person or persons shall deliver the license plates of all but one of the automobiles to the State Relief Administration. Automobile owners

SEC. 15. (a) It is unlawful for any person, directly or indirectly, to promise any compensation, employment, relief or other benefit provided for or made possible in whole or in part by the appropriation, to any individual as consideration, favor or reward for any political activity or for the support of or opposition to any candidate or any political party in any election. Unlawful political activity, etc

(b) It is unlawful for any person to deprive, attempt to deprive or threaten to deprive by any means any person of any relief or other public assistance provided for or made possible in whole or in part by the appropriation on account of any political activity, support of or opposition to any candidate or to any political party in any election.

(c) It is unlawful for any person knowingly to solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution of money for any political purpose whatever from any person receiving compensation, employment, relief or other benefit made available from the appropriation.

(d) It is unlawful for any person to furnish or disclose or to aid or assist in furnishing or disclosing any names of persons receiving compensation, employment, relief or other benefits provided or made possible by the appropriation to any political candidate, committee, campaign manager or to

any person for delivery to a political candidate, committee or campaign manager, and it is unlawful for any person to receive any such names for political purposes.

(e) No part of the appropriation shall be used for the purpose of directly or indirectly influencing or attempting to influence or interfering with or restraining or coercing any person in the exercise of his right to vote at any election.

(f) It is unlawful for any person employed in any capacity in connection with the administration or disbursement of the appropriation to take an active part in political management, or be an active member of political organizations or take an active part in political campaigns which have as their purpose the election or nomination of any person to any office or employment, or to be a candidate for nomination or election to any office, whether partisan or nonpartisan.

(g) It is unlawful for any person employed in any capacity in connection with the administration or disbursement of the appropriation to influence or attempt to influence any individual known to be receiving compensation, employment, relief or other benefits provided by the appropriation to support or oppose any candidate or any political party in any election.

Additional
penalties

(h) Every person violating any provision of this section is guilty of a misdemeanor and in addition to the penalty imposed therefor shall not be entitled to any further compensation or employment provided for or made possible in whole or in part by the appropriation.

“Appropriation”

(i) As used in this section “appropriation” refers to the sum appropriated in Section 1 of this act.

Expenditures
for publicity,
etc

SEC. 16. The Legislature hereby declares that the use of the money appropriated by this act for the support of a publicity department and the making of expenditures for press releases, publicity statements, propaganda and other forms of appeals to the public is contrary to its policy in providing this appropriation for the relief of hardship and destitution due to and caused by unemployment.

Constitutionality

SEC. 16.5. 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. The Legislature hereby declares that it would have passed 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 be declared unconstitutional.

Urgency

SEC. 17. 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 as such shall take effect immediately. The facts constituting such necessity are as follows:

The appropriation for unemployment relief for the ninety-first fiscal year is inadequate and is about to be exhausted

and it is necessary that additional funds be made available immediately. Unless this act providing immediate funds and the means for the expenditure thereof and safeguards against their waste takes effect immediately relief operations will have to be suspended at a time when the need is great, which will result in untold hardship and suffering to a great number of persons receiving relief in this State at this time, and will cause serious unrest throughout the State.

CHAPTER 13

An act to amend Sections 210 and 252 of the Vehicle Code, and to repeal Sections 211, 212, 213 and 214 thereof, relating to permits to nonresident owners of motor vehicles. Stats 1935, p 98, amended

[Approved by Governor February 24, 1940 Filed with Secretary of State February 24, 1940.] In effect March 6, 1941

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

SECTION 1. Section 210 of the Vehicle Code is hereby amended to read as follows: Stats 1935, p 121 See also Stats 1941, p 170

210. Nonresident Owner Exempt from Registration. (a) A nonresident owner of a foreign vehicle of a type otherwise subject to registration hereunder may operate or permit the operation of such vehicle within this State without registering such vehicle in, or paying any fees to, this State, when such vehicle at all times when operated in this State is duly registered in, and displays upon it a valid plate or plates issued for such vehicle in the place of residence of such owner. Nonresident owner's permit

(b) The provisions of this section shall not apply to a nonresident owner of a foreign vehicle operated or used within this State for the purposes mentioned in Section 215 or Section 216 hereof.

SEC. 2. Sections 211, 212, 213 and 214 of the Vehicle Code are hereby repealed. Repeals

SEC. 3. Section 252 of the Vehicle Code is hereby amended to read as follows: Stats 1937, p 1592 See also Stats 1941, p 170

252. When Nonresident Exempt. (a) A nonresident over the age of 21 years having in his immediate possession a valid operator's license issued to him in his home State or country may operate a motor vehicle in this State as an operator only for not to exceed one year without obtaining a license hereunder. Nonresident operator

(b) A nonresident over the age of 21 years having in his immediate possession a valid chauffeur's license issued to him in his home State or country may operate a motor vehicle in

this State without obtaining a license hereunder, but such nonresident must be licensed as a chauffeur under this code before accepting employment as a chauffeur from a resident of this State.

(c) A nonresident over the age of 21 years whose home State or country does not require the licensing of operators or chauffeurs may operate a foreign vehicle owned by him for not to exceed 30 days without obtaining a license hereunder.

(d) The provisions of subdivisions (a), (b) and (c) shall apply to any nonresident over the age of 16 years but under the age of 21 years, except that the maximum period during which such nonresident may operate a motor vehicle in this State without obtaining an operator's or chauffeur's license shall be limited to a period of 10 days immediately following the entry of such nonresident into this State.

CHAPTER 14

Stats 1937, *An act amending Sections 3 and 5 of an act entitled "An act*
 p 2350, *creating the Colorado River Board of California and the*
 amended *office of Colorado River Commissioner of California,*
prescribing the powers and duties of said board and com-
missioner," approved July 1, 1937, relating to powers and
duties of the board and commissioner.

In effect [Approved by Governor February 24, 1940 Filed with Secretary of State
 March 6, February 24, 1940]
 1941

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

Stats 1937, SECTION 1. Section 3 of the act cited in the title hereof is
 p 2351 hereby amended to read as follows:

See also Sec. 3. All of the records of the board or copies thereof,
 Stats 1941, shall be maintained at its office in Los Angeles, and all informa-
 p 166 tion and records of the board shall be considered confidential
 Records and none thereof shall be available to the public unless and
 until the board shall so authorize.

Reports The board shall make such reports and recommendations to
 the Governor of the State of California as he may require or
 as the board may deem proper.

Rules The board shall adopt such rules of procedure as may be
 required for the orderly disposition of its business, and such
 regulations as may be necessary in order to carry out the
 provisions of this act.

Stats 1937, SEC. 2. Section 5 of said act is hereby amended to read
 p. 2351 as follows:
 See also
 Stats 1941,
 p 166

Duties of Sec. 5 It shall be the duty of the commissioner, under
 commis- the direction of the board:
 sioner

(1) To consult and advise with the board in exercising the
 powers and performing the duties hereinafter enumerated,

and to make such reports and recommendations as the commissioner may deem proper, or as the board may request, to the end that the rights and interests of the State of California, its agencies and citizens, in, to, and in respect of, the waters of the Colorado River system and the use thereof, may be properly safeguarded and protected.

(2) To exercise, on behalf of the State of California, every right and power granted to said State, or to any representative thereof, by Section 16 of the act of Congress designated the "Boulder Canyon Project Act."

U.S.C.,
Tit. 43,
Sec. 617c

(3) To investigate uses, past, present and potential, of the waters of the Colorado River system, within and without the State of California.

(4) To investigate, coordinate, collate, and preserve information, facts, and data bearing upon the claims of all States and of all agencies, public or private, within and without the State of California, to and in respect of, the waters of the Colorado River system, and the use thereof.

(5) To confer with representatives of other States in the Colorado River basin and the United States of America and others, concerning problems and measures relating to the development of the Colorado River basin, the use of the waters of the Colorado River system and the protection of the interests therein of the State of California and of the United States, to negotiate respecting such problems and measures and discuss the same and to formulate and recommend to the Governor and the Legislature measures, agreements and legislation deemed for the benefit of the State of California and the United States of America.

(6) To do and perform all other such things as may be deemed necessary or expedient to carry out the purposes of this act.

CHAPTER 15

An act making an additional appropriation for legislative printing, binding, etc., to take effect immediately.

[Approved by Governor February 26, 1940 Filed with Secretary of State February 26, 1940]

In effect
immediately

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

SECTION 1. In addition to any money otherwise appropriated, the sum of forty-five thousand dollars (\$45,000), or so much thereof as may be necessary, is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, for legislative printing, binding, etc., incurred in connection with the First Special Session of the Fifty-third Session of the Legislature.

Appropriation
Legislative
printing

SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

Current
expenses

CHAPTER 16

“Validating
Act of
1940” *An act to validate the organization, boundaries, governing
officers or boards, acts, proceedings, and bonds of public
bodies, to take effect immediately.*

In effect [Approved by Governor February 26, 1940 Filed with Secretary of State
immediately February 26, 1940]

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

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

“Public
body” (a) The term “public body” means counties, cities and
counties, cities, public districts, including school districts
of any kind or class, junior college districts, irrigation
districts, reclamation districts, drainage districts, levee dis-
tricts, public utility districts, municipal utility districts,
municipal improvement districts, sanitary districts, sanitation
districts, metropolitan water districts, county water districts,
county water works districts, water districts, water storage
districts, municipal water districts, water conservation dis-
tricts, bridge and highway districts, joint highway districts,
highway districts, permanent road divisions, road districts,
port districts, harbor districts, flood control districts, storm
water districts, library districts, and regional park districts,
and the California Toll Bridge Authority.

“Bonds” (b) The term “bonds” means all instruments evidencing
an indebtedness of a public body incurred or to be incurred
for any public purpose, and all instruments evidencing the bor-
rowing of money in anticipation of taxes, revenues or other
income of such body, and all instruments payable from reve-
nues or special funds of such public bodies, and all instru-
ments funding or refunding any thereof or any indebtedness.

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

Boundaries SEC. 3. The boundaries of every public body as heretofore
established, defined, or recorded are hereby confirmed, vali-
dated, and declared legally established.

Governing
officers SEC. 4. In so far as any other matter to which this act
relates is or may be affected, the members of the governing
board or the governing officers of every public body heretofore
elected or appointed and acting as such, are hereby declared

the legally appointed or elected, qualified and acting governing officers or members of such governing board.

SEC. 5. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any other public officer or agency heretofore done or taken in connection with any election upon the question of the issuance, sale, or exchange of such bonds if any election be required by law. Acts and proceedings

All such bonds heretofore issued, or heretofore authorized to be issued when hereafter issued in substantially the form contemplated in such authorization, shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body.

SEC. 6. (a) This act shall be limited to the correction of defects, irregularities, and ministerial errors in complying with statutory requirements which the Legislature originally could have omitted from the law under which such acts or proceedings were taken. Scope of act

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

(c) Nothing contained herein shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Section 3720 of the Political Code, is filed in the manner and within the time required by said section.

SEC. 8. This act may be cited as the Validating Act of 1940. Short title

SEC. 9. The Legislature hereby declares that in enacting the Validating Act of 1939 it was the intention of the Legislature that said act should have the same scope and effect as if it had been enacted in the same language as Sections 1 to 7, inclusive, of this act. Intent Stats 1939, p 2004

SEC. 10. 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. Urgency

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

The peace, health, safety and welfare of the citizens of the State depend directly upon the orderly, proper and unhampered function of public bodies during the time this act otherwise would require before becoming effective. It is imperative and essential that during said time:

(1) Such citizens shall be afforded the protection of the police, fire, safety, sanitary and other regulations and protections provided by public bodies.

(2) Many public and private works and construction within the boundaries of such public bodies, and dependent on their validity, be commenced and continued without restriction or delay, which will help to alleviate the present wide-spread unemployment and economic distress, encourage circulation of money and add materially to property values.

(3) Such public bodies shall have full power to borrow money and receive grants of money from both private and public agencies, including the Federal Government, for essential public works projects and construction upon their credit and standing.

(4) Such public bodies perform effectively certain acts and initial proceedings for the purpose of providing and assuring revenues and finances for such works projects and construction as well as for all general purposes during the coming fiscal year, which will thereby allow them to meet, establish and obtain credit and to meet their obligations in full—all of which require the immediate validation of such public bodies in the manner herein set forth.

CHAPTER 17

Stats 1927, *An act to add Sections 2.1 and 19.5 to the Orange County Flood Control Act, relating to the Orange County Flood Control District, including the use of funds received by the district for the purchase and retirement of outstanding district bonds.*
 p. 1325,
 amended

In effect
 March 6,
 1941 [Approved by Governor February 26, 1940. Filed with Secretary of State February 26, 1940.]

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

New section
 See also
 Stats 1941,
 p 118 SECTION 1. Section 2.1 is hereby added to the Orange County Flood Control Act, to read as follows:

Purchase and
 retirement
 of bonds Sec. 2.1. In addition to its other powers, the Orange County Flood Control District may receive and accept funds, as reimbursement for funds previously expended by the district, or otherwise, and apply such funds toward the purchase and retirement of the outstanding bonds of the district or the payment of installments of principal or interest due, or which may become due, upon the outstanding bonds of the district.

New section
 See also
 Stats 1941,
 p 118 SEC. 2. Section 19.5 is hereby added to said act, to read as follows:

Purchase and
 retirement
 of bonds Sec. 19.5. Any funds received by the district from the Federal Government, or any department, agency, or instrumentality thereof, as reimbursement to the district for funds previously expended by it, or otherwise, together with any funds received by the district as income, other than income received

by taxation, and including all funds received by the district as the result of the sale, lease or rental of the property of the district, may, by resolution adopted by the board of supervisors of the district, be used to purchase and retire the outstanding bonds of the district.

The board may reject any or all offers to sell such bonds to the district. All such bonds purchased by the district shall be purchased at a price which shall not exceed the prevailing market price and in no event shall the purchase price be more than 5 per cent above the par value.

Purchase price

All funds of the district available for the purchase and retirement of bonds under the provisions of this section may also, by resolution adopted by the board of supervisors of the district, be used to pay installments of principal or interest due, or to become due, upon the outstanding bonds of the district.

Bond principal and interest

SEC. 3. The purchase and retirement of any outstanding bonds by the district prior to the effective date of this act is hereby confirmed, validated and declared legally effective, if such purchase and retirement was duly authorized by the board of supervisors of the district.

Validation

SEC. 4. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Constitutionality

CHAPTER 18

An act making an appropriation to meet the deficiency in the appropriation for printing constitutional amendments, Secretary of State's office, for the 91st and 92d fiscal years, to take effect immediately.

[Approved by Governor February 26, 1940 Filed with Secretary of State February 26, 1940.] In effect immediately

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

SECTION 1. The sum of ten thousand twenty-nine dollars and thirty-four cents (\$10,029.34) is hereby appropriated out of any money in the State Treasury not otherwise appropriated to meet a deficiency in the appropriation for printing constitutional amendments, Secretary of State's office, for the 91st and 92d fiscal years.

Appropriation Printing Constitutional amendments

SEC. 2. This act, inasmuch as it provides an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

Current expenses

CHAPTER 19

An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., to take effect immediately.

In effect [Approved by Governor February 26, 1940 Filed with Secretary of State
immediately February 26, 1940]

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

Appropriation Legislative printing SECTION 1. The sum of twenty-eight thousand five hundred seventy-eight dollars and sixty-nine cents (\$28,578.69) is hereby appropriated out of any money in the State Treasury not otherwise appropriated to meet a deficiency in the appropriation for legislative printing, binding, etc., incurred in connection with the Fifty-third Session of the Legislature and the Extra Session of the Fifty-third Session of the Legislature.

Current expenses SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 20

Stats 1883, p 93, amended *An act to add Section 862c to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to water systems of sixth-class cities and the sale and distribution of water therefrom, declaring the urgency of this act, to take effect immediately.*

In effect [Approved by Governor February 27, 1940. Filed with Secretary of State
immediately February 27, 1940.]

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

New section SECTION 1. Section 862c is hereby added to the act cited in the title hereof to read as follows:

Agreements re water system, etc Sec. 862c. In any city of the sixth class, the city council shall have power to enter into agreements with, and accept financial or other assistance from, the United States, or any department or agency of the United States, in connection with the acquisition, construction, maintenance, and operation of the water system of the city and the sale and distribution of water therefrom.

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

Certain cities of the sixth class, and particularly the city of Bishop, are in need of the construction of new water mains

and other water supply facilities. No provision of law exists whereby such cities may cooperate with the Federal Government as to the water supply of such cities and nearby Federal reservations. This act, in permitting such cooperation, will serve to assure such cities of a proper water supply if immediate action may be taken before the Federal Government acts independently as to its reservations, thus preserving the public health.

CHAPTER 21

An act to add Division 9 to the Public Resources Code, relating to soil conservation, creating the State Soil Conservation Commission and prescribing its powers and duties, providing for the organization and operation of soil conservation districts and the establishment and enforcement of land use regulations in such districts; to repeal an act entitled "An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers and providing for cooperation between the State Soil Conservation Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations," approved March 29, 1938; to validate the organization of districts and proceedings for organization taken under the act repealed and to provide for the continued operation of such districts and the completion of such proceedings under this act.

Stats 1939,
p 1067,
amended

Stats Ex.
Sess 1938,
p 48

[Approved by Governor February 28, 1940 Filed with Secretary of State February 28, 1940]

In effect
March 6,
1941

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

SECTION 1. Division 9 is hereby added to the Public Resources Code, to read as follows:

New division

DIVISION 9. SOIL CONSERVATION

CHAPTER 1. GENERAL PROVISIONS

Article 1. Policy of State

9000. The Legislature hereby declares that the conservation of the soil is of great importance to the prosperity and welfare of the people of this State and that the provisions of this division of this code are enacted to accomplish the following purposes:

Declaration
of purposes

(a) To provide a means by which the State may cooperate with the United States and with soil conservation districts

organized pursuant to this division in securing the adoption in this State of farm and range practices and land use best adapted to save the soil resources of the State from unreasonable and economically preventable waste.

(b) To provide for the organization and operation of soil conservation districts for the control of run-off and the prevention and control of soil erosion, which districts, in addition to their other powers, shall have legal authority:

(1) To cooperate with the United States, this State, counties, public districts, other soil conservation districts, persons, associations, and corporations in matters relating to the control of run-off and to soil conservation through the prevention and control of soil erosion.

(2) To construct on privately or publicly owned lands necessary works for the control of run-off and the prevention and control of soil erosion.

(3) To establish and enforce reasonable land use regulations for preventing or reducing loss or damage by soil erosion.

Legislative determination 9001. It is hereby declared as a matter of legislative determination:

(a) That the construction and maintenance on privately or publicly owned land of works for the control of run-off and the prevention and control of soil erosion caused by the action of water or wind or otherwise is in the general public interest and for the general public benefit.

(b) That the expenditure of State, county, district or other public funds for the construction or maintenance of such control or preventive works on privately or publicly owned land constitutes expenditure for the general public benefit.

Article 2. Definitions

Definitions 9010. As used in this division the following terms have the meanings attributed to them in this article, unless the context otherwise requires.

“Commission” 9011. “Commission” means the State Soil Conservation Commission.

“District” 9012. “District” means a soil conservation district.

“Public district” 9013. “Public district” means a district established under the law of this State, other than a soil conservation district.

“Directors” 9014. “Directors” means the board of directors of a district, and when powers are conferred or duties are imposed upon directors in this division the powers shall be exercised and the duties performed by the directors acting as a body and not as individuals.

“Board” 9015. “Board” means the county board of supervisors.

9016. "Principal county" means the county of which the board of supervisors has jurisdiction over the proceedings on formation of a district, and is the county in which the land described in the petition for formation of a district is situated, or, if the land is in more than one county, the county in which the greatest portion of the area of the land described in the petition is situated. The principal county remains the same regardless of any change in boundaries.

9017. "Landowner" or "owner of land" means the person having legal title to the land in question. The person to whom the land is assessed for county taxes is presumed to be the owner of the land, in the absence of a showing to the contrary. The owner of an undivided interest in land is a landowner as to such proportion of the parcel as his interest bears to the whole.

9018. "Land occupant" or "occupant of land" means a person in possession of land within a district whether as owner, lessee, tenant, or otherwise. A person legally entitled to possession of land is a land occupant as to that land whether in actual possession or not. A person in actual possession of land is a land occupant regardless of his right of possession.

9019. "Elector" means a registered and qualified elector of the county who resides in the district.

9020. "Voter" means a person entitled to vote at an election held pursuant to this division.

9021. "Proxy" means a written authorization to vote or sign a petition. Landowners only may vote or sign petitions under this division by proxy. The proxy of an individual landowner shall be acknowledged by him. The proxy of a corporation shall contain a statement by the secretary or manager of the corporation that the proxy was authorized by the corporation. A corporation owning land may vote or sign a petition only by proxy.

9022. "Regulations" means land use regulations.

9023. "Person" includes person, association, or corporation.

9024. "Assessment roll" means the entire assessment roll upon the basis of which real property is taxed for county purposes.

9025. "Assessment records" includes the assessment roll and all maps and other records relating to the assessment,

levy, and collection of taxes, whether in the custody of the assessor or not.

“Assessor” 9026. “Assessor” means the assessing officer of a county, by whatever title he may be known.

CHAPTER 2. THE STATE SOIL CONSERVATION COMMISSION

Article 1. Organization

State Soil Conservation Commission 9030. There is hereby created the State Soil Conservation Commission. It shall consist of three members: the State Engineer, the dean of the College of Agriculture of the University of California, both serving *ex officio*, and one member who shall be appointed by the Governor, subject to the confirmation of the Senate, and shall serve at the pleasure of the Governor.

Appointed member 9031. The appointed member shall be a qualified civil engineer or soil specialist who at the time of his appointment shall have had at least three years experience in the study and planning of, or in the construction of works for, the control or prevention of soil erosion.

Oath 9032. Within 30 days after his appointment the appointed member shall take and file his oath of office as member of the commission.

Expenses 9033. The members of the commission shall receive no compensation for their services as such members but each shall be allowed reasonable and necessary expenses incurred in attendance at meetings of the commission or when otherwise engaged in the work of the commission at its direction.

Quorum 9034. Two members of the commission shall constitute a quorum for any purpose, including organization.

Chairman 9035. The commission shall elect a chairman from their number who shall serve as chairman for one year and until his successor is elected.

Secretary 9036. The commission shall appoint a secretary. The secretary may be a paid employee of the commission or may be a qualified member of the staff of the College of Agriculture appointed by the commission with the approval of the President of the University of California and serving without compensation as such secretary. In either case, the secretary shall be allowed his reasonable and necessary expenses incurred in the performance of his official duties as such secretary.

Headquarters 9037. The official headquarters of the commission shall be at the College of Agriculture of the University of California

at Berkeley or at the office of the State Engineer at Sacramento as the commission may determine.

Article 2. Powers and Duties

9040. The State Soil Conservation Commission is the State agency charged with carrying out the purposes and policy of this division. General administration

9041. The commission may promote the formation of soil conservation districts. District formation

9042. It may investigate any proposed soil conservation district and report its findings and conclusions to the proponents of such district or to the board of supervisors with which a petition for the formation of a district is filed. District investigations

9043. It may advise with organized soil conservation districts as to plans and proposals relating to soil conservation activities, and, when such plans or proposals are presented to it, approve, disapprove, or suggest modifications of such plans or proposals. District plans

9044. It may cooperate with the United States, any soil conservation district, county, public district, or person in the furtherance of the purposes of this division, and to that end may receive and use contributions of funds or services or both for the investigating of, or planning works for, the control of run-off or the control or prevention of soil erosion. Cooperation

9045. In so far as consistent with the duties, obligations, and responsibilities of other public agencies, the commission may promote coordination of the activities of such agencies in furtherance of the control of run-off and the prevention and control of soil erosion. Coordinating activities

9046. The commission may employ such clerical, technical, or other assistants as it deems necessary. Assistants

Article 3. Funds and Expenditures

9050. The commission may receive contributions from the United States, public districts, soil conservation districts, counties, public agencies, or persons and may use such contributions for the purposes for which they are made. Contributions

9051. The commission is authorized on behalf of the State to accept grants from the United States for the control of run-off and the prevention or control of soil erosion and to administer such grants pursuant to the terms thereof. Federal grants

9052. Any county may contribute money of the county to the commission. County contributions

Soil Con- 9053. All money contributed to the commission shall be
 servation
 Commission paid into the State treasury to the credit of the Soil Con-
 and servation Commission Fund, which fund is hereby created.
 Such money shall be paid out upon the order of the chairman
 and secretary of the commission.

CHAPTER 3. SOIL CONSERVATION DISTRICTS

Article 1. Lands Included

District 9060. A soil conservation district may be formed pursuant
 formation to this division for the control of run-off and the prevention
 or control of soil erosion.

Lands 9061. The lands included in a district shall be those gener-
 included ally of value for agricultural purposes, including farm and
 range land useful for the production of agricultural crops or
 for the pasturing of live stock, but other lands may be included
 in a district if necessary for the control of run-off or the
 prevention or control of soil erosion and for fully accomplish-
 ing the purposes for which the district is formed.

General 9062. The lands included in any one district need not
 plan be contiguous but they shall be susceptible of the same gen-
 eral plan or system for the control of run-off or the prevention
 or control of soil erosion.

County 9063. The lands included in any one district may be situ-
 location ated in one or more counties.

Ownership 9064. The lands included in a district may be publicly
 owned or privately owned.

Article 2. Petition

Petition 9070. A petition for the organization of a district shall
 Presentation be presented to the board of supervisors of the county in
 which is situated all or the greatest portion of the land in the
 proposed district.

Contents 9071. The petition shall describe the boundaries of the
 proposed district; specify the number of directors it is desired
 to elect to govern the district, which shall be either three or
 five; and shall propose a name for the district.

Signatures 9072. The petition shall be signed by either of the fol-
 lowing:

(a) Owners of land within the proposed district who are
 equal in number to at least 25 per cent of all owners of land
 within the district and who own at least 25 per cent of the
 total acreage within the proposed district.

(b) Not less than 500 landowners who own an aggregate of at least 10 per cent of the total acreage within the proposed district.

In computing the percentage of acreage, land of the United States, this State, any public district, or any city or county shall be excluded.

9073. The petition shall state the approximate number of acres calculated to be in the proposed district and the approximate number of acres for which each signer signs as owner. Acreage

9074. The petition may be comprised of sections which shall be identical except as to signatures and acreages. Each paper in the petition which bears signatures shall have attached thereto an affidavit of a qualified elector that he saw written the signatures thereon and each was written by the person whose signature it purports to be. Sections Affidavit

9075. The proxies shall accompany the petition or appropriate section thereof. Proxies

9076. If a signer is other than the person to whom the land for which he purports to sign is assessed according to the assessment records of the county in which the land is situated, the petition or appropriate section shall be accompanied by a statement of the signer as to the source of his title. Source of signer's title

9077. The petition shall be presented to the clerk of the board of supervisors of the principal county. Presentation to clerk

9078. The clerk shall submit the petition and any accompanying papers to the assessor for examination. If the proposed district lies in more than one county the clerk shall submit appropriate sections to the assessors of the several counties, or submit the entire petition to the several assessors successively. Submission to assessor

9079. Upon receipt of the petition and any accompanying papers each assessor shall compare the names signed thereto with the names of landowners in the district according to the assessment records and evidence of title available to him. Verification of names

9080. The assessor shall certify to the clerk of the principal county all of the following: Certification by assessor

(a) The total acreage of the proposed district situated in his county.

(b) The total number of persons who are owners of lands in the proposed district and in his county according to the assessment records and to evidence of title available to him.

(c) The total number of acres in the proposed district in his county owned by the United States, this State, any public district, or any city or county.

(d) The number of persons the names of whom are signed to the petition who are owners of land in the district and in his county.

(e) The total acreage assessed to or owned by the persons whose names are signed to the petition.

9081. Upon the completion of certification by the assessor or assessors the clerk shall present the petition to the board of supervisors of the principal county at its next regular meeting or at any special meeting called prior thereto.

9082. The board shall consider and pass upon the sufficiency of the petition. If the board finds that the petition is insufficient it may allow a reasonable time for amending or supplementing it or may dismiss it without prejudice.

9083. If the board finds that the petition is sufficient it shall make an order to that effect. The order shall include a finding of the fact of certification by the assessor or assessors and a finding that the petition is signed by the required number of landowners who are owners of the required acreage.

Article 3. Investigation

9090. If the petition is found to be sufficient the board shall forthwith cause a copy of the petition and of the findings of the board, certified by the clerk, to be forwarded to the commission with a request that the commission investigate the proposed district particularly with reference to the practicability and feasibility for effectively controlling run-off or preventing or controlling soil erosion therein at a cost commensurate with the probable benefits.

9091. The commission shall make the requested investigation and report thereon to the board as soon as practicable after the receipt of the request.

9092. If the report of the commission to the board is unfavorable to the organization of the proposed district the petition shall be forthwith dismissed by the board and the order of dismissal entered upon its minutes.

9093. No new proceeding for the formation of a soil conservation district shall be commenced within one year from the date of dismissal if any portion of the same land is included in the proposed district, unless the commission recommends that such subsequent proceeding be permitted.

Article 4. Hearing

9100. If the report of the commission is favorable to the organization of the proposed district the board shall set a time and place for a public hearing on the petition.

9101. Notice of the time and place of hearing shall be given by publication in a newspaper of general circulation published in each of the counties in which some part of the proposed district is situated. The cost of publication of the notice shall be paid by the principal county and is a county charge.

Notice of hearing

9102. The published notice shall state that the petition has been received and will be heard at the time and place specified in the notice or at such time and place to which the hearing may be adjourned. The published notice shall set forth the petition in full with accompanying signatures; or it shall describe the petition and the location of the proposed district in general terms and refer to the petition on file with the clerk of the board for further particulars.

Contents of notice

9103. If the notice is published in a weekly newspaper it shall appear on at least two different days prior to the hearing and the first publication shall be at least 10 days prior to the hearing.

Notice in weekly newspaper

9104. If the notice is published in a newspaper published more often than once a week it shall appear on at least two different days prior to the hearing and there must be at least 10 days from the first to the last day of publication, both days included.

Notice in more frequently published newspaper

9105. At the hearing the board shall hear and consider all relevant testimony and evidence in support of or in opposition to the petition. The hearing may be adjourned from time to time and from place to place.

Hearing

9106. Any owner of land may appear and object to the inclusion of his land in the proposed district.

Objections

9107. Any owner of land may appear and request the inclusion of his land in the proposed district.

Request for inclusion

9108. If, after hearing, the board finds from all the evidence that the formation of the district would not be in the public interest it shall deny the petition.

Denial of petition

9109. If, after hearing, the board finds that the formation of the district would be in furtherance of soil conservation and in the public interest the board shall determine the boundaries of the district and grant the petition.

Granting of petition

9110. In fixing the boundaries the board shall include all land not within the boundaries set forth in the petition the inclusion of which has been requested by the owner if the inclusion will, in the opinion of the board, be beneficial to the land so included.

Fixing boundaries

Exclusion of lands 9111. The board shall exclude from the boundaries of the district such lands as the owner thereof has requested to be excluded if the inclusion of such land in the district would not, in the opinion of the board, be beneficial to such land.

Same 9112. In its final determination of the boundaries the board shall not include within the district any land which, in the opinion of the board, will not be benefited by such inclusion.

Finality of boundaries 9113. The determination of the boundaries of a district by the board shall be final.

Order 9114. After a petition is granted and the boundaries are fixed the board shall make and enter an order to that effect, which shall describe the boundaries, designate a name for the district, and fix the number of directors of the district, which number shall be either three or five in the discretion of the board.

Article 5. Election on Formation and of First Directors

Calling election 9120. Upon the making of an order granting a petition for formation and establishing the boundaries of a district the board shall forthwith call an election in the district upon the question of formation of the district and for the election of the first board of directors of the district.

Directors 9121. Directors shall be elected at large and each shall be an owner of land in the district.

Nomination 9122. Candidates for office of director shall be nominated at least 10 days prior to the date of election.

Written nomination 9123. Nomination of candidates shall be in writing and signed by at least five qualified electors residing within the district. Nominations shall be filed with the clerk of the board of supervisors of the principal county.

Notice of election 9124. Notice of election shall be given at least 15 days prior to the election.

Contents 9125. The notice shall describe the boundaries of the district as established by the board; designate the name of the proposed district; and specify the number of directors.

Publication 9126. Notice of election shall be published in a newspaper of general circulation published in the principal county and, if a portion of the district lies in any other county, also in a newspaper of general circulation published in such other county. The cost of publication of the notice shall be paid by the principal county and shall be a county charge.

9127. If the notice is published in a weekly newspaper it shall appear on at least three different days prior to the day of election, and the first publication shall be at least 15 days prior to the election. In weekly newspaper

9128. If the notice is published in a newspaper published more often than once a week it shall appear on three different days prior to the election, the first publication shall be at least 15 days prior to the election, and there shall be at least five days between the days of publication. In computing the five-day period both the first and last days shall be included. In more frequently published newspaper

9129. The board shall establish a convenient number of precincts, define their boundaries, and designate a polling place in each. Precincts

9130. Election officers shall be appointed, ballots and supplies provided, and the election conducted as prescribed by the provisions of this division relating to general soil conservation district elections, except that the board of supervisors shall act in place of the directors and the clerk of the board in place of the secretary of the directors. Conduct of election

9131. Except as otherwise provided, the general election laws shall apply to elections under this article. Election laws

9132. No irregularity or informality shall invalidate any election under this article or the result thereof if notice has been given substantially as provided in this article and the election is fairly conducted. Irregularities

9133. On the ballots at such election shall be printed a proposition substantially as follows: "Shall the proposed ----- soil conservation district be organized?" followed by the words "Yes" and "No," with voting space thereafter, together with the names of the candidates for directors. Ballots

9134. The names of candidates for director shall be arranged alphabetically with a voting square after each. Above the names of the candidates shall appear the words "Vote for ----- (inserting the proper number)." Blank spaces shall be provided below the printed names of candidates wherein electors may write in names of persons whose names are not printed on the ballot and vote for them for directors. Names of candidates, etc.

9135. Any qualified elector residing in the district may vote at an election under this article. Electors

9136. The board of supervisors shall meet on the second Monday following the election and canvass the votes. Vote canvass

- Favo able election** 9137. If upon the canvass it appears that a majority of all of the votes cast are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare the territory duly organized as a soil conservation district under the name designated. The organization of the district is complete when the order is entered on the minutes of the board.
- Unfavo able election** 9138. If it appears that the majority of all of the votes cast are against the formation of the district the board shall declare the election lost.
- Determina-tion of directors elected** 9139. If the majority is in favor of the formation of the district the board shall canvass the returns of the election for directors. The board shall determine the persons receiving the highest number of votes to the number required to fill the offices. A tie vote upon which election depends shall be decided by lot. Upon the ascertainment of the persons elected the board shall, by an order entered in its minutes, declare them duly elected. Certificates of election shall be issued to the elected directors by the clerk of the board.
- Election contest** 9140. An election under this article may be contested by any landowner in the proposed district.
- Time for bringing** 9141 Such contest shall be brought within 20 days after the canvass of the vote and declaration of the result by the board of supervisors.
- Defendants** 9142. The directors elected at the election shall be the parties defendant in the contest.
- Court** 9143. The contest shall be brought in the superior court in the principal county and if more than one contest as to the same election is pending they shall be consolidated and tried together.
- Trial of contest** 9144. The court shall speedily try the contest and determine whether the election was fairly conducted and in substantial compliance with the requirements of this division and shall enter judgment accordingly.
- Appeal** 9145. Either party may appeal from such judgment and such appeal shall be given the same preference as other contested election cases in the Supreme Court and in the district courts of appeal when transferred thereto.

Article 6. Proceedings Supplemental to Organization

- Organization order: Recording** 9150. The board of supervisors of the principal county shall, within 10 days after the entry of an order declaring a district organized, cause a certified copy of the order to

be filed for record in the office of the county recorder of each county in which any portion of the district is situated.

9151. The board shall also forward certified copies of said order to the State Soil Conservation Commission, the Secretary of State, and the clerk of the board of supervisors of each county, other than the principal county, in which any portion of the district is situated.

9152. No board of supervisors of any county in which any part of the lands embraced within a district is situated shall allow another soil conservation district to be formed which includes any portion of the lands within an existing district.

Article 7. District Directors

9160. The directors first elected shall take office immediately upon qualifying.

9161. Each director shall take the oath of office and shall execute an official bond in the sum of two thousand dollars (\$2,000) approved by a judge of the superior court of the principal county

9162. The bond shall be recorded in the office of the county recorder of the principal county and filed with the county clerk of that county.

9163. The bond shall be in the form prescribed for bonds of county officers and the premiums on the bond shall be paid by the district.

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

9165. After such classification the directors shall organize and elect a president from their number who shall serve as such at the pleasure of the directors.

9166. The directors shall appoint a secretary who shall serve at the pleasure of, and whose compensation shall be fixed by, the directors.

9167. The secretary shall give a bond for the faithful performance of his duties in an amount fixed by the directors. The premiums on the bond shall be paid by the district.

Regular meetings 9168. The directors shall select a place at which regular meetings of the directors shall be held. Regular meetings shall be held on the first Tuesday of each month.

Change 9169. The directors may, by resolution, change the time or place of regular meeting but no such change shall be effective until after the publication of a notice of the change in a newspaper of general circulation published in the principal county and also in some newspaper of general circulation published in each other county in which any portion of the district lies.

Special meetings 9170. Special meetings of the directors may be held as required when ordered by a majority of the directors. The order shall be entered in the records of the district and five days notice of the meeting shall be given by mail by the secretary to each director not joining in the order.

Business at special meetings 9171. The order for a special meeting shall specify the business to be transacted. No other business shall be transacted at a special meeting unless all of the directors are present, in which case matters not specified may be considered by unanimous consent and acted upon.

Quorum 9172. A majority of the directors shall constitute a quorum but on all questions requiring a vote there shall be a concurrence of at least the number constituting a quorum, except that a number less than a quorum may adjourn or adjourn to a stated time.

Public meetings, records 9173. All meetings of the directors shall be open to the public. All records of the district shall be open to public inspection during business hours.

Terms of office 9174. The term of office of directors, except those first elected shall be four years. The expiration of the term of any director shall not constitute a vacancy and he shall hold office until his successor has qualified.

Vacancies 9175. In case of a vacancy in the office of director it shall be filled by appointment for the unexpired term by the board of supervisors of the principal county.

Article 8. General District Elections

General district elections 9200. An election to be known as the general soil conservation district election shall be held in each district on the first Tuesday in February in each odd-numbered year, at which a successor shall be chosen for each director whose term of office expires in March next thereafter.

9201. Not less than 10 days prior to the election, any five or more electors in the district may file with the directors a petition requesting that the names of certain persons specified in the petition be placed upon the ballot as candidates for the office of director. Each person nominated shall be an owner of land within the district.

Nominations
of candidates

9202. The ballots and supplies used at the election shall be provided by the directors. The ballot shall have printed on it the names of the candidates in alphabetical order with a voting square after each. Above the names of the candidates shall appear the words "Vote for ----- (inserting the proper number)." Blank spaces shall be provided after the printed names of candidates wherein electors may write in names of persons whose names are not printed on the ballot and vote for them as directors.

Ballots and
supplies

9203. The election shall be conducted, votes cast, and returns made as nearly as practicable in conformity with the general election laws of this State except as otherwise provided.

Election
laws

9204. The precincts shall be the same as those established by the board of supervisors for the election on organization unless changed by the directors.

Precincts

9205. At any time not less than 60 days prior to an election the directors may change the boundaries of the precincts. Such change shall be shown on the minutes of the directors.

Changes

9206. At a time not less than 20 days prior to an election the secretary shall cause notices of the time and place of election to be posted in three public places in each precinct. The notices in each precinct shall state the polling place therein. A general notice shall be posted at the place of regular meeting of the directors stating the polling place in each precinct.

Notice of
election

9207. Prior to posting the notices of election the directors shall appoint an election board for each precinct, from the electors therein. The election board shall consist, at the option of the directors either of (a) one inspector, two judges, and two clerks, or (b) one inspector, one judge, and one clerk.

Election
board

9208. If the directors fail to appoint an election board for a precinct, or if the members thereof do not attend at the opening of the polls, the electors of the precinct present at that time may appoint the election board or supply the place of an absent member thereof.

Same

9209. Before opening the polls, each member of the election board shall take and subscribe an oath faithfully to

Oath

perform the duties imposed upon him by law. Any elector of the precinct, or any member of the election board, may administer and certify such oath.

Opening and
closur g of
polls 9210. The polls shall be opened at 6 a.m. on the morning of the election and shall be kept open until 7 p.m., at which time they shall be closed, unless the directors in the notice of election shall provide that the polls shall be open from 8 a.m. until 4 p.m. in which case the polls shall be opened and closed at such times respectively.

Electors 9211. Any qualified elector residing in the district may vote at an election under this article.

Vote count 9212. After the close of the polls the election board shall count and tally the votes and make return thereof to the directors.

Vote canvass 9213. The directors shall meet at the regular meeting place on the Monday next after the day of election to canvass the votes. If at the time of meeting the returns from every precinct have not been made the canvass shall be postponed until all returns have been received.

Manner 9214. The canvass shall be made in public by opening the returns and determining the vote of the district for each person voted for and declaring the results thereof.

Irregularity 9215. No list, tally, paper, or certificate returned shall be rejected for want of form if it can be satisfactorily understood.

Statement
of result 9216. The secretary as soon as the result is declared shall enter in the records of the district a statement of the result which shall show (a) the whole number of votes cast in the district, (b) the names of the candidates voted for, (c) the number of votes given in each precinct for each candidate.

Declaration
of election 9217. The directors shall declare elected the persons having the highest number of votes to the number required to fill the offices about to expire. A tie vote upon which an election depends shall be decided by lot.

Certificate
of election 9218. The secretary shall immediately make out, sign, and deliver to each person elected a certificate of election.

Contest 9219. The election of any director may be contested on the grounds and in the manner provided by the Elections Code for contests at general elections.

Oaths and
bonds 9220. The directors elected shall qualify within 20 days after receiving their certificates of election by taking the oath

and filing the bond required for members of the first board of directors. The premiums on such bonds shall be paid by the district.

9221. The directors so elected and qualified shall take office at noon on the first Tuesday in March next following their election. Taking office

Article 9. General Powers of District

9250. The board of directors of a district shall manage and conduct the business and affairs of the district. District management

9251. The directors may execute all necessary contracts. They may employ such agents, officers, and employees as may be necessary, prescribe their duties, and fix their compensation. Contracts, assistants, etc

9252. The directors may acquire by purchase, lease, contract, condemnation, or other legal means all lands and property necessary to carry out the plans and works of the district. Acquisition of property

9253. The directors may take conveyances, leases, contracts, or other assurances for all property acquired by the district, in the name, and for the uses and purposes, of the district. Same

9254. The directors may sue and be sued in the name of the district and may appear in person or by counsel. Legal actions

9255. The directors, or their agents, or employees, may enter upon any land within the district and make surveys and locate on such lands the place or places where works for the control of run-off or the prevention or control of soil erosion may be erected which the directors deem necessary and which are best adapted to such location. Surveys

9256. The directors may cooperate and enter into contracts or agreements with the State, the United States, any county, any other soil conservation or other public district in this State, any person, or the commission, in furtherance of the provisions of this division, and to that end may accept and use contributions of labor, money, supplies, materials, or equipment useful for accomplishing the purposes of the district. Cooperation
Contributions

9257. The directors may make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof, and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion, including but not Improvements

limited to terraces, ditches, levees, and dams or other structures, and the planting of trees, shrubs, grasses, or other vegetation.

- Operation and maintenance** 9258. The directors may operate and maintain, independently or in cooperation with the United States or this State or any State agency or political subdivision or any person, any and all works constructed by the district.
- Dissemination of information** 9259. The directors may disseminate information relating to soil conservation, and may conduct demonstrational projects within the district on public land, with the consent of the agency administering or having jurisdiction thereof, or on private lands, with the consent of the owners thereof, independently or in cooperation with the United States, this State or any political subdivision or public district thereof, or any person.
- Assistance to landowners** 9260. When in the judgment of the directors it is for the benefit of the district so to do, they may give assistance to private landowners or land occupants within the district in seeds, plants, materials and labor, and may loan to any such private landowner or land occupant agricultural machinery or other equipment. No such assistance shall be given or any such loans made unless the landowner or land occupant receiving such aid or assistance agrees to devote and use same on his lands within the district in furtherance of objectives of the district and in accordance with district plans or regulations. Notwithstanding the fact that he is also a director any landowner is qualified to and may receive assistance or loans under this section.
- Development of plans** 9261. The directors may develop comprehensive plans for the control of run-off or prevention or control of soil erosion within the district.
- Assumption of existing projects** 9262. The directors may take over, by purchase, lease, or otherwise, and administer any soil-conservation, erosion-control, or erosion-prevention project located within the district undertaken by the United States or any of its agencies, or by this State or any of its agencies.
- Management of existing projects** 9263. The directors may manage, as agent of the United States or any of its agencies, or of this State or any of its agencies, any soil-conservation, erosion-control, or erosion-prevention project within the district; and may act as agent for the United States, or any of its agencies, or for this State or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil-conservation, erosion-control, or erosion-prevention project within the district.

9264. The directors may establish standards of cropping and tillage operations and range practices on private land as a condition to expenditure by the district of district or other funds, or to the doing by the district of any work of any nature, on private lands. Establishment of standards

9265. The directors shall have and may exercise such other powers as may be necessary to carry out the purposes of this division and to comply with the procedure outlined in this division. Additional powers

Article 10. Property of District

9275. The legal title to all property acquired by a district under the provisions of this division shall immediately and by operation of law vest in such district, and shall be held by such district for its uses and purposes under this division. Property
Legal title

9276. The directors are hereby authorized and empowered to hold, use, acquire, manage, occupy and possess property of any kind, and may lease or sell it as provided in this article. Control

9277. The directors may determine by resolution entered upon their minutes that any property, real or personal, held by such district is no longer necessary to be retained for the uses and purposes of the district, and may thereafter sell or lease such property. Disposal

9278. A sale or conveyance of any property held by a soil conservation district, executed by the president and secretary thereof, in accordance with a resolution of the directors of the district, when the property is sold for a valuable consideration, shall convey good title to the property so conveyed. Conveyance

9279. The proceeds of any such sale shall be paid into the county treasury of the principal county for the use of the district. Proceeds

9280. In case of condemnation proceedings, the directors shall proceed in the name of the district, under the provisions of Title 7, Part 3, of the Code of Civil Procedure which are hereby made applicable for that purpose, and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this division, is a public use, subject to regulation and control of the State in the manner prescribed by law. Eminent domain

Article 11. Inclusion of Lands

9290. A majority of landowners of any tract of land, who own more than one-half of the total acreage of the tract, may petition the directors requesting the inclusion of the tract in the district. Inclusion of lands
Petition

- Boundaries** 9291. The petition shall describe the boundaries of the tract proposed to be included.
- Determination of sufficiency** 9292. The directors shall consider and pass upon the sufficiency of the petition. If the directors find that the petition is signed by the requisite number of landowners they shall make an order to that effect. The directors shall forward certified copies of the petition and of the order to the commission.
- Report of commission** 9293. The commission shall report on the petition for inclusion in the manner provided for a report on a petition for organization of a district.
- Unfavorable report. Dismissal** 9294. If the report of the commission is unfavorable to the inclusion of said lands the directors shall dismiss the petition and enter the dismissal in their records.
- Favorable report. Hearing** 9295. If the report of the commission is favorable the directors shall fix a time and place of hearing on the petition and shall cause notice of the hearing to be published in the manner and for the time provided for publication of notice of hearing on formation of the district.
- Notice of hearing** 9296. The notice shall state the purpose of the petition, the time and place of hearing, and describe the boundaries of the tract or tracts proposed to be included in the district. The notice shall state that the report of the commission is favorable and shall notify all interested persons to appear at the hearing and state their objections.
- Time and place of hearing** 9297. The time of hearing shall be the time of the next regular meeting of the directors following the expiration of the time required for publication of the notice. The place of hearing shall be the place of regular meeting of the directors.
- Hearing** 9298. The directors shall hear the petition and objections thereto at the time and place specified or at such other time or place to which the directors may adjourn the hearing.
- Protests** 9299. The directors shall not grant the petition if a sufficient protest is filed but shall call a special election in the district. Any protest filed which is signed by landowners within the existing district who are equal in number to not less than 3 per cent of the landowners in the existing district and who own not less than 3 per cent of the acreage therein shall be considered a sufficient protest.
- Granting of petition** 9300. If no sufficient protest is filed the directors shall grant the petition if the directors determine that the inclusion of the lands sought to be included is for the best interest of the district and will be of benefit to the lands included.

9301. If a special election is called the propositions voted upon shall be "For inclusion of lands" and "Against inclusion of lands" or words equivalent thereto. The election shall otherwise be noticed and held and conform to the provisions relating to elections on formation except that the directors and secretary shall act in place of the board of supervisors and the clerk. Special elections

9302. The notice of election shall describe the land sought to be included. Notice of election

9303. Any elector in the existing district may vote at an election on inclusion of land. If a majority of the votes cast are against inclusion the directors shall deny the petition. If the majority of the votes cast are in favor of inclusion the directors shall grant the petition. Electors

9304. If the petition is granted the directors shall make and enter in their minutes an order changing the boundaries of the district. A copy of the order shall be filed with the county recorder of each county in which any portion of the district is situated and certified copies of the order shall be transmitted to the commission and to the Secretary of State. Order changing boundaries

9305. From and after the entry of the order in the minutes of the directors the district with its new boundaries constitutes the district for all purposes. Change effective

Article 12. Dissolution

9310. A district may be dissolved by the board of supervisors of the principal county as provided in this article. Dissolution By supervisors

9311. A petition requesting the dissolution of a district and signed by not less than 60 per cent of the landowners of a district may be presented to the board. Petition for dissolution

9312. The board shall determine the sufficiency of the petition and may refer it for certification to the assessor or assessors, who shall certify it in the manner provided for in proceedings on organization. Determination of sufficiency

9313. If the board determines that the petition is insufficient it shall deny it. Otherwise it shall fix a time and place for hearing on the petition. Hearing

9314. If the petition is found sufficient, the board shall cause to be published a notice of the time and place of hearing on the petition. The time of hearing shall be the time of the next regular meeting of the board after the completion of publication of the notice and the date shall be specified in the notice. Notice of hearing

- Publication of notice** 9315. The notice shall be published at least once a week for two successive weeks in a newspaper of general circulation published in the principal county and also in some newspaper of general circulation published in each other county in which any part of the district lies.
- Advice of commission** 9316. The board shall transmit to the commission a notice of the receipt of the petition and a copy of the notice of hearing on the petition. The commission shall advise the board as to the judgment of the commission regarding the proposed dissolution.
- Hearing** 9317. At the hearing the board shall hear and consider all evidence and testimony in favor of or in opposition to dissolution, and shall consider the advice of the commission.
- Denial** 9318. If the board denies the petition its action is final.
- Election on dissolution** 9319. If the board does not deny the petition it shall cause an election to be held in the district on the question of dissolution. The election shall be noticed, conducted, and the results determined in the manner provided for elections on formation of districts, except that the ballot shall contain the propositions "For dissolution of district" and "Against dissolution of district" or words equivalent thereto.
- Electors** 9320. Any qualified elector residing in the district may vote at an election under this article.
- Election result** 9321. If at the election less than 60 per cent of the votes cast are in favor of dissolution the board shall declare the election lost and enter an order to that effect and denying the petition.
- Order of dissolution** 9322. If at the election 60 per cent or more of the votes cast are in favor of dissolution the board shall make and enter an order declaring the district dissolved and thereupon the district is dissolved.
- Winding up** 9323. The board of supervisors of the principal county shall wind up the affairs of a dissolved district and may do anything necessary to accomplish that purpose.
- Assessment for indebtedness** 9324. If, upon dissolution, there are any outstanding obligations of the district the board of supervisors of the principal county shall determine the amount of the assessments required to be levied to pay such outstanding obligations. The boards of supervisors of each county in which any part of the district lies shall levy assessments sufficient to pay the outstanding obligations.
- Disposition of property** 9325. Upon the completion of the winding up of the affairs of a district the real property of a district shall become

the property of the county in which it is situated. The personal property belonging to the district shall be sold by the board of supervisors of the principal county and the proceeds of such sale and any other money of the district remaining after the payment of all of the obligations of the district shall be paid to the general funds of each of the counties in which any part of the district lies in the proportion which the assessed value of the land in the county bears to the total assessed value of all of the land within the district as determined by the assessment rolls.

CHAPTER 4. DISTRICT FINANCE

Article 1. Regular Assessments

9350. The directors, on or before the fifteenth day of August of each year, shall furnish the auditor and the board of supervisors an estimate in writing of the amount of money to be raised by assessment which is needed for the purposes of the district for the next ensuing fiscal year.

Submission
of annual
estimate

9351. If the district lies in more than one county the directors shall divide the amount of the estimate in the proportion to the value of the land in the district lying in each county. The value shall be determined from the last assessment rolls of the counties. The directors shall furnish the auditors and boards of supervisors of each of the respective counties a statement of the part of the estimate apportioned to the county.

Division of
estimate
when dis-
trict in
more than
one countv

9352. The total amount of the estimate shall be sufficient to raise the amount of money necessary during the ensuing year to pay the incidental expenses of the district, the costs of the work which the directors may deem advisable to be done during the ensuing year, the estimated costs of repairs to and maintenance of the property and works of the district, and the estimated expenses of any action or proceeding to which the district is or may be a party, including the cost of employing engineers and attorneys.

Contents of
estimate

9353. Assessments levied pursuant to this article shall be known as regular assessments.

Regular
assessments

9354. The regular assessment in any one year shall not exceed two cents (\$.02) on each one hundred dollars (\$100) of assessed valuation of the land, exclusive of improvements, within the district. The valuation shall be determined according to the last assessment roll.

Limitation
of regular
assessments

9355. The board of supervisors of each county in which there lies any portion of the district shall, annually, at the time of levying county taxes, levy an assessment on the land, exclusive of improvements, within the county and within

Levy of
assessment

the district to be known as the “----- (name of district) soil conservation district assessment,” sufficient to raise the amount reported to them in the estimate of the directors.

Determina- 9356. The board shall determine the rate of assessment
tion of rate by deducting 15 per cent for anticipated delinquencies from
the total assessed value of the land in the district and in the
county and then dividing the sum required to be raised by
the remainder of the total assessed value. If a fraction of a
cent occurs in a valuation of one hundred dollars (\$100) it
shall be taken as a full cent.

Levy of 9357. If the board fails to levy the assessment the auditor
assessment By a iditor of the county shall do so.

Computa- 9358. The assessment shall be computed and entered on the
tion of assessment roll by the auditor.

Collection 9359. The provisions of law relating to the levy and col-
of taxes lection of county taxes and the duties of county officers with
respect thereto, in so far as they are applicable and not in
conflict with this chapter, are hereby adopted and made part of
this chapter. Said officers are liable on their several official
bonds for the faithful discharge of their duties under this
chapter.

Settlement 9360. The treasurers of each of the counties, other than
by county the principal county, shall, not less than twice a year or upon
treasurers order of the directors, settle with the directors and pay to the
treasurer of the principal county all money belonging to the
district and in their possession.

Article 2. Special Assessments

Special 9370. The directors may at any time call an election and
assessments submit to the landowners of the district the question whether
Submission a special assessment shall be levied for the purpose of raising
to electors money to be applied to any of the purposes of this division.

Election 9371. The election shall be called upon the notice, and shall
be conducted and the result determined in the manner pre-
scribed for general district elections, except as otherwise
provided.

Electors 9372. Only owners of land in the district shall be entitled
to vote at such an election.

Notice of 9373. The notice of election shall specify the amount of
election money proposed to be raised, the purpose or purposes for
which it is intended to be used, whether the assessment shall
be payable in one, two, three, or four annual installments, and
the amount of the installment to be payable in each year.

The limitations as to the amount of regular assessments do not apply to special assessments.

9374. The ballot shall contain the propositions "Assessment—Yes" and "Assessment—No." Ballot

9375. If two-thirds of the votes cast are in favor of the assessment the directors shall, at the time of the annual estimate, include in the estimate the amount voted, or, if the assessment is in annual installments the amount of the installment to be raised in said year. Two-thirds vote

9376. Special assessments shall be levied and collected at the time and in the manner provided for the levy and collection of regular assessments. Levy and collection

9377. The money raised by special assessment shall be disbursed only for the purpose or purposes specified in the notice calling the election at which it was voted. Use of money

Article 3. District Fiscal Procedure

9400. The treasury of the principal county is the depository of all of the funds of the district. Depository of funds

9401. The treasurer of the principal county shall receive and receipt for all money of the district and place the same to the credit of the district. He is responsible on his official bond for the safekeeping and disbursement, in the manner provided in this article, of the money of the district held by him. Duties of treasurer

9402. The treasurer shall pay out money of the district only upon warrants of the county auditor, drawn upon order of the board of directors signed by the president and attested by the secretary. Disbursements

9403. The treasurer shall report in writing at each regular meeting of the directors and as often at other times as the directors may request the amount of money on hand, and the receipts and disbursements since his last report. The report shall be verified and filed with the secretary. Treasurer's report

9404. The directors or other officers or employees of a district shall have no power to incur any indebtedness or liability in excess of the amount of money available under the provisions of this division. Any debt or liability incurred in excess of the express provisions of this division is void. Limitation on debts and liabilities

9405. The directors at their regular monthly meeting in January of each year shall make and file with the secretary a verified statement of the financial condition of the district Annual financial statement

showing particularly the receipts and disbursements of the preceding calendar year together with the source of the receipts and the purposes of the disbursements.

Publication of statement 9406. The annual financial statement shall be posted or published as the directors may determine. Such posting or publication shall be commenced within 10 days after the financial statement is filed with the secretary. If it is posted it shall be posted at the place of regular meeting of the directors and copies thereof shall be made available for delivery to any landowner in the district upon his request to the secretary. If the statement is published, it shall be published at least once a week for two successive weeks in a newspaper of general circulation in the principal county and also in some newspaper of general circulation published in each other county in which any part of the district lies.

CHAPTER 5 LAND USE REGULATIONS

Article 1. Formulation

Land use regulations Formulation 9425. In the interest of conserving soil and soil resources and preventing and controlling soil erosion the directors shall have authority to formulate land use regulations. Such regulations shall be limited to the prohibition of cultural practices, methods of planting, or of land use, that increase or tend to increase erosion on lands within the district and cause or tend to cause unreasonable damage to such lands, or that interfere with the prevention or control of erosion on such lands. No land use regulation shall apply to lands on which dredging or other mining operations are conducted, except in so far as such operations interfere with the prevention or control of soil erosion on other lands.

Hearings 9426. The directors may conduct such hearings and hold such public meetings upon tentative regulations as may be necessary to assist them in formulating the regulations.

Classification of lands 9427. The regulations shall be uniform throughout the district except that the directors may classify lands within the district with reference to such factors as soil type, degree of slope, degree of erosion threatened or existing, cropping and tillage practices in use, and other relevant factors. Regulations varying with the type or class of lands shall be uniform as to all lands within each type or class.

Uniform regulations

Election 9428. An election shall be held for the purpose of submitting the proposed land use regulations to the landowners of the district.

Notice of election 9429. Notice of the election shall be published by the directors for the time and in the manner provided for publication of notice of election on formation of a district, except as otherwise provided in this article.

9430. The notice shall recite the contents of the proposed regulations or shall state where copies of the proposed regulations may be obtained. Contents

9431. Copies of the proposed regulations shall be available to all eligible voters or landowners during the period of publication of the notice of election. Copies

9432. The question of approval or disapproval of each of said proposed regulations shall be submitted upon ballots upon which shall appear the following words "Proposed land use regulations for preventing unreasonable damage to land within the ----- soil conservation district." Ballots
Proposals

9433. Each proposed regulation shall be numbered and shall appear separately on the ballot with an appropriate space after each containing the word "For" and immediately thereunder the word "Against" with squares after each such word for inserting an "+" mark. Form

9434. The ballot shall contain directions that each regulation shall be voted upon separately and that each voter shall insert an "+" mark in the proper square after each regulation to signify his approval or disapproval of it as he may desire. Directions
to voters

9435. The election shall be conducted and the results thereof determined and declared as nearly as possible in conformity with the provisions relating to general soil conservation district elections. Conduct of
election

9436. At the election only landowners may vote. Regulations which receive an affirmative vote of two-thirds or more of all of the votes cast shall be declared to be approved by the voters. Regulations receiving less than such two-thirds shall be declared lost. Electors
Two-thirds
vote

9437. Each regulation approved by the voters shall become effective only upon being declared in effect by an order of the directors concurred in unanimously by the full board of directors. The vote of the directors as to each regulation shall be taken separately. When a group of regulations shall have been approved by the voters at the same election, the directors may declare any one or more of such regulations in effect without doing so to all. Order of
directors

Article 2. Modification of Regulations

9450. The directors may, upon their own motion, or shall, upon petition of a majority of landowners, amend, supplement or repeal any or all land use regulations, pursuant to this article. Modification
of regula-
tions

- Election** 9451. An election shall be held upon amending, supplementing or repealing the regulations in the same manner as provided for elections upon adoption thereof
- Two-thirds vote** 9452. Any amendment, supplement, and repeal of regulations which receives the affirmative vote of two-thirds of the landowners voting thereon shall be effective upon order of the directors adopted in the manner provided for declaring regulations effective.
- Frequency of elections** 9453. Elections on adoption, amendments, supplements, or repeal of land use regulations shall not be held more often than once in six months.

Article 3. Enforcement of Land Use Regulations

- Effect of regulation** 9475. Land use regulations shall for the purposes of this division have the force and effect of law in the district and shall be binding upon all land occupants and upon any landowner who is not in actual possession of the land if such owner has notice of such land use regulations. The mailing by the secretary of a copy of such land use regulations to the last known address of the landowner shall be deemed a sufficient notice. The wilful violation of any land use regulation is a misdemeanor.
- Right of inspection** 9476. The directors shall have authority to go upon any land within the district to determine whether land use regulations in effect are being observed.
- Complaint for violation** 9477. If the directors find that any land use regulation in effect is not being observed on particular lands and that such nonobservance increases or tends to increase erosion on such lands and causes or tends to cause unreasonable damage to other lands in the district, or is interfering with the prevention or control of erosion on other lands within the district the directors may present a complaint to the superior court of the county in which the particular lands are situated.
- Contents of complaint** 9478. The complaint shall be verified and shall include allegations setting forth the adoption and putting into effect of the regulations, the failure of defendant land occupant to observe such or any of such regulations, and that such nonobservance increases or tends to increase erosion on the lands of the defendant and causes or tends to cause unreasonable damage to other lands in the district or is interfering with the prevention or control of erosion on other lands within the district. The complaint shall further specify any necessary measures proposed to be taken or any necessary work proposed to be performed in preventing such alleged unreasonable damage caused by the alleged failure of defendant to comply with such or any of such regulations, and shall in

addition specify the necessary measures proposed to be taken or necessary work proposed to be performed in order to minimize the alleged injurious effect of defendant's alleged failure to comply with such or any of such regulations.

9479. The complaint shall pray for an interlocutory judgment declaring that if the defendant land occupant neglects to comply with such regulations or take such measures or perform such work as the court may order within a period specified by the court, the directors thereupon may be authorized to enter upon such lands, perform the work or other operations specified in the complaint and found reasonable and necessary by the court to prevent such unreasonable damage or to minimize any injurious effect of defendant's failure to comply with such or any of such regulations, and that the directors may recover the costs and expenses thereof.

Prayer for
interlocutory
judgment

9480. In case the land occupant is not the owner the landowner may be joined as a party defendant and the judgment of the court and all orders or awards in favor of the plaintiff may be against the land occupant or the landowner, or against both jointly.

Defendants

9481. A copy of the complaint shall be served upon each of the defendants and the provisions of law relating to the commencement and trial of civil actions are applicable to proceedings under this article.

Service of
complaint

9482. At the trial the court may receive the evidence and hear testimony or may appoint a referee to take such evidence as the court directs and report the same to the court with findings of fact.

Trial

9483. Upon completion of the trial the court shall issue an interlocutory judgment as prayed for or take such other action as the court deems appropriate.

Interlocutory
judgment

9484. If an interlocutory judgment is issued the court shall retain jurisdiction of the matter until its final disposition.

Retention
by court

9485. If, pursuant to an interlocutory judgment, the directors perform any work or operations upon the lands of defendant they may upon completion thereof file with the court a verified statement containing an itemized account of all costs and expenses necessarily incurred by the directors in connection therewith.

Directors'
statement of
expenses

9486. A copy of the statement of cost and expenses shall be served upon each defendant.

Service of
statement

- Trial costs and expenses** 9487. Within five days after service upon him any defendant may file a motion with the court to have such costs and expenses taxed by the court.
- Final judgment** 9488. The court may, upon completion or final determination of the case, enter a final judgment for the amount of any costs and expenses incurred by the directors, and for costs of the proceeding.
- Injunction** 9489. Any occupier of land within the district who fails to observe any land use regulation, adopted and in effect in any district, and whose nonobservance increases or tends to increase erosion on such lands and causes or tends to cause unreasonable damage to other lands in the district or is interfering with the prevention or control of erosion on other lands within the district, may be enjoined by the directors of the district affected, on behalf of the district, in an action brought in the superior court for the county in which the violation is alleged to be occurring.
- Defendants** 9490. There may be enjoined in the same proceeding any number of defendants who are occupiers of land within the district, although their properties and interest in the district may be different and their actual violations of said land use regulations may be separate and distinct.
- Same** 9491. In all cases where the person in possession of such lands who fails to comply with said land use regulations is not the owner, the owner of such lands shall be joined as a party defendant.
- Injunction proceedings** 9492. In an action for injunction brought hereunder, the proceedings shall be governed by the provisions of Chapter 3, Title 7, Part 2, of the Code of Civil Procedure of the State of California.
- Stats Ex Sess 1938, p 48, repealed** SEC. 2. The act entitled "An act declaring a State policy relating to soil conservation through the prevention or control of soil erosion, creating a State Soil Conservation Committee and defining its duties and authority; providing procedure for the organization, management and dissolution of soil conservation districts and defining their powers and providing for cooperation between the State Soil Conservation Committee, the United States, the State, counties, soil conservation districts, other public districts, and individuals and corporations," approved March 29, 1938, is hereby repealed.
- Validation Declarations** SEC. 3. Every order of the board of supervisors of any county heretofore made declaring a soil conservation district organized pursuant to the act cited in Section 2 of this act and all acts or proceedings of all public officers in relation to such district are hereby legalized, ratified, and declared valid

for all purposes. Each district so declared to be organized shall hereafter be considered in all respects as having been organized under Division 9 of the Public Resources Code and shall be subject hereafter to the provisions of that division.

SEC. 4. Every petition circulated, act done, or proceeding taken, for the formation of a soil conservation district purporting to conform to the provisions of the act cited in Section 2 of this act which is in conformity with the provisions of Division 9 of the Public Resources Code is hereby legalized, ratified and declared valid and shall hereafter be considered in all respects as having been in compliance with said division and all further steps toward organization shall conform to the provisions of said division

Validation
Proceedings

CHAPTER 22

An act to add Section 651e to the Civil Code, relating to corporations furnishing courses of instruction in connection with the operation of a hospital owned or operated by the corporation.

[Approved by Governor February 28, 1940 Filed with Secretary of State February 28, 1940.]

In effect
March 6,
1941

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

SECTION 1. Section 651e is hereby added to the Civil Code, to read as follows:

New section

651e The provisions of Sections 649a and 651a of this code shall not apply to any corporation furnishing courses of instruction and issuing certificates or diplomas or conferring degrees evidencing completion thereof in and in connection with the operation of a hospital owned or operated by such corporation in the event such corporation has filed with the Secretary of State a copy of an instrument evidencing its ownership of or interest in real property in this State, which copy shall be certified by the recorder of the county in which the original instrument was recorded, and/or has recorded with the Secretary of State an instrument evidencing its ownership of or interest in personal property in this State, and has filed an affidavit by the president or other head of the corporation, setting forth that such real and/or personal property is to be used exclusively for hospital and educational purposes, and an appraisal by a person, firm or corporation, to be selected by the Secretary of State describing such real and/or personal property and showing the value of the interest of such corporation therein to be at least fifty thousand dollars (\$50,000) The value of the interest of such

Exceptions

corporation in such property shall be deemed to be the appraised value of such property less the unpaid balance on any note secured by a mortgage or deed of trust thereon, the unpaid balance of any mortgage thereon or the unpaid balance on a contract of sale thereof.

Legislative
intent

Nothing herein contained shall be construed as a repeal either directly or by implication of Chapter 6 of Division 2 of the Business and Professions Code, and the provisions of Article 4 comprising Sections 2785 to 2789 of said code, together with all other pertinent provisions of Chapter 6 of Division 2 of said Business and Professions Code are hereby made specifically applicable to any corporation issuing certificates or diplomas evidencing completion of any course of instruction in nursing.

CHAPTER 23

Stats 1935, p 93, amended, *An act to amend Section 164 of the Vehicle Code, relating to renewal of registration of vehicles.*

In effect
March 6,
1941

[Approved by Governor February 28, 1940 Filed with Secretary of State February 28, 1940]

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

Stats 1935,
p 114
See also
Stats 1941,
p 171

SECTION 1. Section 164 of the Vehicle Code is hereby amended to read as follows:

Renewal of
registration

164. Department to Renew Registration. (a) The department upon renewing a registration shall issue a new registration card and license plate or plates to the owner as upon an original registration.

(b) Whenever the legal owner of a vehicle shall notify the department at Sacramento in writing, prior to December 1st preceding the renewal period, that he desires notice of the registration numbers assigned for the ensuing year to such vehicle or to all vehicles of which he is the legal owner, the department shall, within a reasonable time following the renewal of the registration of such vehicles, deliver such information to him at the offices of the department without charge, or upon request shall mail such notice to the legal owner at the latter's expense.

CHAPTER 24

An act to amend Sections 867 and 868 of the Fish and Game Code, relating to yellow-tail, barracuda, and white sea bass. Stats 1933, p 394, amended

[Approved by Governor February 28, 1940. Filed with Secretary of State February 28, 1940.] In effect March 6, 1941

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

SECTION 1. Section 867 of the Fish and Game Code is hereby amended to read as follows: Stats 1935, p 1752
See also Stats 1941, p 159

867. Yellow-tail, barracuda, and white sea bass taken in waters lying south of the international boundary line between the United States and Mexico, extended westerly in the Pacific Ocean may be delivered to California ports aboard boats, including boats carrying purse seine or round haul nets. The commission is authorized to prescribe regulations governing the inspection and marking of such fish imported into this State. The cost of such inspection and marking shall be paid by the importer. Yellow-tail, barracuda and white sea bass from Mexican waters

SEC. 2. Section 868 of the Fish and Game Code is hereby amended to read as follows: Stats 1935, p 1752
See also Stats 1941, p 159

868. It is unlawful to use any purse seine or round haul net to take yellow-tail, barracuda or white sea bass. It is unlawful to possess any yellow-tail, barracuda or white sea bass, except those taken south of the international boundary between the United States and Mexico, and imported into the State under regulations of the commission as provided in Section 867, on any boat carrying or using any purse seine or round haul net other than a bona fide bait net as described in Section 919. Gill nets with meshes of a minimum length of three and one-half inches may be used to take yellow-tail, barracuda, and white sea bass. Yellow-tail, barracuda and white sea bass

CHAPTER 25

An act to create a joint legislative committee to study, investigate, survey and report to the Legislature regarding motor vehicles, including needed changes in the laws relating thereto, the enforcement of existing laws and the safe operation of vehicles upon the public highways, and making an appropriation to carry out the provisions of this act, to take effect immediately. See also Stats 1941, p 163

[Approved by Governor February 28, 1940. Filed with Secretary of State February 28, 1940.] In effect immediately

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

SECTION 1. There is hereby created a joint legislative committee to be known as the "Joint Committee on Motor Vehicle Joint Committee on Motor Vehicle Laws

Laws," which committee is authorized to hold meetings at any place within the State and to exercise the powers and perform the duties hereby granted to and imposed upon it after the final adjournment of the 1940 Extraordinary Session of the Legislature and until the commencement of the Fifty-fourth Session of the Legislature.

Powers The committee shall study, investigate and survey, accurately and in detail, either independently or in cooperation with interested persons or organizations, all matters within the scope of legislative control relating to motor vehicles and the safe operation thereof upon the public highways, the enforcement of existing laws relating thereto, and needed provisions in the laws relating to motor vehicles, with a view to discovering and recommending to the Legislature such legislation as appears necessary and desirable at the Fifty-fourth Regular Session of the Legislature.

Report The committee shall submit its report to the Legislature, together with drafts of such legislation as it may propose, on or before the twentieth day of January, 1941.

Members SEC. 2. The committee shall consist of three members of the Senate appointed by the President pro tempore and six members of the Assembly appointed by the Speaker. Any vacancy in the membership of the committee occurring at any time shall be filled by the respective officer of either house authorized to make the original appointment.

Chairman, secretary, etc. SEC. 3. The committee shall select a chairman, a vice chairman and a secretary from its membership. It has authority to adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action upon any matter) as may appear to it appropriate.

Cooperation by Legislative Counsel The Legislative Counsel shall cooperate with the committee in its work and render to the committee all such assistance in the conduct of its research and in the drafting of prospective legislation and otherwise as the committee may request.

Expenses The members of the committee shall receive no additional compensation for their services as committeemen but shall be allowed mileage at the rate of five and one-half cents (\$0 05½) per mile each way, incurred in connection with their services upon the committee, and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee or in lieu of such expenses for accommodations and meals, an allowance of eight dollars (\$8) per day.

All expenses of the committee and of the members thereof shall be paid out of the appropriation made by this act. The Treasurer shall 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 the committee and the State Treasurer shall pay the same.

SEC. 4. Each officer of the State and of each of its agencies and political subdivisions shall furnish the committee with all such information, documents and records as it may request and with such clerical, expert and technical assistance, advice and counsel as may be rendered without detriment to the administration of the office furnishing the service.

Information from State officers, etc

SEC. 5. The committee, each of its members and any representative of the committee thereunto authorized by the committee or by its chairman is authorized and empowered to administer oaths. All of the provisions of Article 8, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, apply to the committee hereby created.

Power to examine witnesses

SEC. 6. For the purpose of carrying out the provisions of this act the sum of two thousand five hundred dollars (\$2,500) is hereby appropriated as follows: seven hundred fifty dollars (\$750) from the contingent fund of the Senate, and one thousand seven hundred fifty dollars (\$1,750) from the contingent fund of the Assembly.

Appropriation

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 State Constitution and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

Urgency

A swelling stream of traffic over the highways of this State has created problems that require an early solution.

Traffic accidents have increased to alarming proportions, reckless and careless driving have taken a huge and appalling toll in life and property, traffic law enforcement has become more and more complicated. In desperation citizens everywhere are calling out to the Legislature for succor and relief.

The gravity of the situation necessitates a thorough study and complete investigation of its underlying causes, on the basis of which this Legislature can act wisely and judiciously in framing corrective legislation in 1941. As a consequence, and because the time remaining for such study and investigation is so short, it is imperative that this act go into effect at the earliest possible date.

CHAPTER 26

An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State Park System.

See also Stats 1941, p. 167

[Approved by Governor February 28, 1940. Filed with Secretary of State February 28, 1940.]

In effect March 6, 1941

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

SECTION 1. In addition to any money otherwise appropriated, there is hereby appropriated out of the State Park

Appropriation State park system

Maintenance and Acquisition Fund the sum of forty-six thousand five hundred dollars (\$46,500), or so much thereof as may be necessary, to be expended in accordance with law for the operation, maintenance and extension of the State Park System.

Fiscal years SEC. 2. The money appropriated in this act shall be expended during the 91st and 92d fiscal years and shall be subject to the provisions of the Budget Act of 1939.

CHAPTER 27

An act to add Section 3014.5 to the Civil Code, relating to trust receipt transactions, including those pertaining to motor vehicles.

In effect [Approved by Governor February 28, 1940 Filed with Secretary of State
March 6, 1941 February 28, 1940.]

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

New section
See also
Stats 1941,
p 147

SECTION 1. Section 3014.5 is hereby added to the Civil Code, to read as follows:

Trust
receipt
transaction 3014.5. A trust receipt transaction is also one in which, pursuant to a trust receipt, a motor vehicle dealer as trustee obtains new value from an entruster upon the transfer to the latter of a security interest in new or used motor vehicles, whether or not such vehicles are owned or possessed by the trustee prior or subsequent to the execution of the trust receipt document, and whether or not such vehicles are thereafter retained in the trustee's possession.

All of the provisions of this chapter which are applicable to the trust receipt transactions enumerated in Section 3014 are applicable to the trust receipt transaction specified in this section.

CHAPTER 28

Stats 1933,
p 60
amended *An act to amend Section 1300.17 of the Agricultural Code, relating to the marketing of agricultural products.*

In effect [Approved by Governor February 28, 1940 Filed with Secretary of State
March 8, 1941 February 28, 1940]

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

Stats 1930,
p 2134
See also
Stats 1941,
pp 151
and 155

SECTION 1. Section 1300.17 of the Agricultural Code is hereby amended to read as follows:

Assessment 1300.17. (a) For the purpose of providing funds to defray the necessary expenses incurred by the director in the formulation, issuance, administration and enforcement of any marketing order issued by the director hereunder, each and every

person engaged in the production, processing, distributing or handling of any agricultural commodity within this State, and directly regulated by any marketing order issued pursuant to this chapter, for such commodity, shall pay to the director, at such times and in such installments as the director may prescribe, an assessment based upon the units in which such agricultural commodity is marketed, or upon any other uniform basis which the director determines to be reasonable and equitable, but in amounts which in the case of producers will not exceed one and one-half per cent ($1\frac{1}{2}\%$) of the gross dollar volume of sales, of the commodity affected, by all such producers, regulated by such marketing order or in amounts which in the case of processors, distributors or other handlers will not exceed one and one-half per cent ($1\frac{1}{2}\%$) of the gross dollar volume of purchases of the commodity affected by the marketing order from producers or of the gross dollar volume of sales of the commodity affected by the marketing order and handled by all such processors, distributors or other handlers regulated by such marketing order during the marketing season or seasons during which such marketing order is effective; provided, that assessments shall be required from producers alone if producers only are regulated, as to the commodity affected, by the marketing order; that assessments shall be required from producers and from processors, distributors or other handlers if both such groups are regulated, as to the commodity affected, by the marketing order; and that assessments shall be required from processors, distributors or other handlers alone if only processors or distributors or other handlers are regulated, as to the commodity affected, by such marketing order.

The director may require each and every producer, processor, distributor or handler directly regulated by any marketing order to deposit with him in advance, an amount based upon the estimated number of units to be marketed by such producer or handled by such processor, distributor or handler, or upon any other uniform basis which the director determines to be reasonable and equitable, such bases to be applicable during the marketing season or seasons during which such marketing order is effective. At the close of each marketing season the sums so deposited shall be adjusted to the amount which is chargeable against such producer, processor, distributor or handler upon the basis of the actual number of units marketed by such producer or handled by such processor, distributor or handler, or upon the same uniform basis under which such funds were assessed by the director, during such marketing season.

The director shall prescribe the rules and regulations with respect to the assessment and collection of such funds for such purposes.

Additional
assessment

(b) For the purpose of providing funds to cover the necessary costs of any advertising or sales promotion plan prescribed in any marketing order issued by the director pursuant to this chapter, each and every person engaged in the production, processing, distributing or handling of any agricultural commodity within this State, and directly regulated by any such marketing order issued pursuant to this chapter for such commodity, shall pay to the director, at such times and in such installments as the director may prescribe, an additional assessment based upon the units in which such agricultural commodity is marketed, or upon any other uniform basis which the director determines to be reasonable and equitable, but in amounts which will not exceed three per cent (3%) of the gross dollar volume of sales by all producers, or by all processors, distributors or other handlers of such agricultural commodity, regulated by such marketing order during the marketing season or seasons during which such marketing order is effective; provided, that assessments shall be required from producers alone if producers only are regulated, as to the commodity affected, by the marketing order; that assessments shall be required from producers and from processors, distributors or other handlers if both such groups are regulated, as to the commodity affected, by the marketing order; and that assessments shall be required from processors, distributors or other handlers alone if only processors or distributors or other handlers are regulated, as to the commodity affected, by such marketing order. Whenever both producers and processors, distributors or other handlers are regulated by a marketing order, the assessment for advertising or sales promotion may in the case of producers be based upon the form in which the agricultural commodity is delivered by producers to processors and in the case of processors, distributors and other handlers upon the processed form of such commodity as sold by processors, distributors or other handlers; provided, that no producer, processor, distributor or other handler shall be subject to such assessment for advertising or sales promotion covering the same agricultural commodity in more than one existing marketing order.

Deposit in
advance

For the purpose of providing funds to cover the costs of such advertising or sales promotion plans incurred prior to the receipt of sufficient funds from assessments as provided herein, the director may require each person so assessed to deposit with him in advance an amount not exceeding twenty-five per cent (25%) of such assessment, based upon the estimated number of units of such commodity to be marketed or handled by such person, or upon any other uniform basis which the director determines to be reasonable and equitable, during such marketing season. At the close of such marketing season the sum so deposited by such person shall be adjusted to the amount which is properly chargeable against such person pursuant to the assessment authorized herein.

The director shall prescribe the rules and regulations with respect to the assessment and collection of such funds for such purposes.

(c) Any moneys so collected by the director shall be deposited in the Department of Agriculture Fund in the State Treasury, allocated by commodities affected by such marketing orders and disbursed by the director only for the actual expenses incurred by the director with respect to each such separate commodity marketing order. Any moneys remaining in such fund, allocable to any particular agricultural commodity affected by a marketing order, at the discretion of the director, may be refunded at the close of any marketing season upon a pro rata basis, to all persons from whom such funds were collected; provided, that, upon termination by the director of any marketing order, any and all moneys remaining, and not required by the director to defray the expenses of such marketing order, shall be returned by the director upon a pro rata basis, to all persons from whom such funds were collected; provided, further, however, that if the director finds that the amounts so returnable are so small as to make impractical the computation and remitting of such pro rata refund to such persons, the director may use such funds to defray the expenses incurred by him in the formulation, issuance, administration or enforcement of any subsequent marketing order for such commodity. At the expiration of a period of two years from the date of such finding by the director, any of such moneys remaining and not so used by the director shall become available for use by the director for marketing functions and said sums shall be transferred to the then current appropriation for support for the Department of Agriculture payable from the General Fund.

CHAPTER 29

An act to add Section 580d to the Code of Civil Procedure, and to repeal Section 580c of the Code of Civil Procedure as added by Chapter 586 of the Statutes of 1939, relating to the abolishing of deficiency judgments in all cases where a power of sale is exercised under any mortgage or deed of trust upon real property.

[Approved by Governor February 28, 1940 Filed with Secretary of State
February 28, 1940] In effect
March 6,
1941

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

SECTION 1. Section 580c of the Code of Civil Procedure as added by Chapter 586 of the Statutes of 1939 is hereby repealed. Stats. 1939,
p 1991

New section SEC. 2. Section 580d is hereby added to the Code of Civil Procedure, to read as follows:

Deficiency judgment prohibited 580d. No judgment shall be rendered for any deficiency upon a note secured by a deed of trust or mortgage upon real property hereafter executed in any case in which the real property has been sold by the mortgagee or trustee under power of sale contained in such mortgage or deed of trust.

Exceptions The provisions of this section shall not apply to any deed of trust, mortgage or other lien given to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations, or which is made by a public utility subject to the provisions of the Public Utilities Act.

Stats 1915, p 115

Effect of repeal SEC. 3. The repeal of Section 580c of the Code of Civil Procedure shall not affect any rights, defenses, privileges or powers in connection with any mortgage or deed of trust executed on or after its effective date and prior to its repeal by this act and such section shall be considered as fully in force and effect as to such mortgages and deeds of trust as if this act had not been passed.

CHAPTER 30

An act making an appropriation for the support of the Department of Social Welfare, transferring money from the Social Welfare Fund to the General Fund, and declaring the urgency thereof, to take effect immediately.

In effect immediately [Approved by Governor February 28, 1940 Filed with Secretary of State February 28, 1940]

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

Appropriation Department of Social Welfare SECTION 1. In addition to any other sums that may be provided by law, the sum of three hundred thirteen thousand eight hundred fifty dollars and eighty-two cents (\$313,850.82) or so much thereof as may be necessary is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the support of the State Department of Social Welfare during the Ninety-first and Ninety-second Fiscal Years.

Upon this appropriation becoming effective the sum of three hundred thirteen thousand eight hundred fifty dollars and eighty-two cents (\$313,850.82) is hereby transferred from the old age administrative account in the Social Welfare Fund to the General Fund.

The money appropriated by this act from the money in the State Treasury not otherwise appropriated shall be transferred monthly by the Controller to the Social Welfare Fund in such sums as will make the total appropriation available during the biennium.

Urgency SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public

peace, health and safety, and shall therefore, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

The facts constituting such necessity are as follows: Under the Social Security Act, the Federal Social Security Board has advanced funds for the administration of aid to the aged or for assistance or both, which funds can not, under said act, be used for any other purpose and, unless this act is enacted and made to take effect immediately, may revert to the Federal Government to the consequent loss of the State of California. However, excess old age assistance payments have in the past been made from State funds and this act provides for the reimbursement of the State and the reappropriation of money from the General Fund for the expenses of the Department of Social Welfare in the administration of the welfare program of this State.

If this money from the General Fund is not made available for expenditure immediately, the administration of the welfare program of this State will be curtailed, wasteful and uneconomical, thereby increasing hardship and destitution throughout the State and endangering the public peace, health and safety.

CHAPTER 31

An act to add Section 443.2 to the Political Code, relating to the payment of warrants of the State of California in legal tender.

[Approved by Governor February 28, 1940 Filed with Secretary of State February 28, 1940.] In effect
March 6,
1941

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

SECTION 1. Section 443.2 is hereby added to the Political Code, to read as follows: New section

443.2. All warrants drawn upon the State Treasurer pursuant to the provisions of Sections 441, 443 or 443.1 of this code shall be payable in such coin or currency of the United States of America as at the time of payment is legal tender for the payment of public and private debts. The State Controller shall cause to be indorsed upon the face of each warrant drawn upon the State Treasurer a provision that such warrant is so payable. Payment of
warrants

CHAPTER 32

Stats 1933, p 2599, and Stats 1935, p 1297, amended
An act to amend Section 21 of the Retail Sales Tax Act of 1933, and Section 17 of the Use Tax Act of 1935, relating to assessments and refunds, and to provide that this act shall take effect immediately.

In effect immediately [Approved by Governor February 28, 1940 Filed with Secretary of State February 28, 1940.]

Stats 1939, p 278 See: lso
The people of the State of California do enact as follows:

Stats 1941, pp 558 and 1328
 SECTION 1. Section 21 of the Retail Sales Tax Act of 1933 is hereby amended to read as follows:

Additional tax notice
 SEC. 21. Except in case of a fraudulent return or neglect or refusal to make a return or claim for additional tax pursuant to Section 20 hereof and except in case of additional tax proposed to be assessed with respect to sales of property for the storage, use or other consumption of which notice of a determination of an additional amount has heretofore been given, or is hereafter given, pursuant to Sections 9, 10, 11 and 15 of the Use Tax Act of 1935, every notice of additional tax proposed to be assessed hereunder shall be mailed to the retailer within three years after the fifteenth day of the calendar month following the quarterly period for which the tax is proposed to be assessed or within three years after the return is filed, whichever period expires the later.

Stats 1939, p 2161 See also
 SEC. 2. Section 17 of the Use Tax Act of 1935 is hereby amended to read as follows:

Stats 1941, pp 558 and 1341 Refunds and credits
 SEC. 17. If the board determines that any amount, penalty or interest has been paid more than once, or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the State Board of Control the amount collected in excess of what was legally due, from whom it was collected, or by whom paid to the board, and if approved by the State Board of Control the same shall be credited on any amounts then due from such person under this act or the California Retail Sales Tax Act of 1933, and the balance shall be refunded to such person, or his successors, administrators, or executors, but no such credit or refund shall be allowed unless a claim therefor is filed with the State Board of Equalization within three years from the fifteenth day after the close of the quarterly period for which the overpayment was made, or, with respect to determinations made under the provisions of Sections 9 and 10 hereof within six months after such determinations become final, whichever period expires the later and no such credit or refund shall be allowed on the ground that the storage, use or other consumption of the property is exempted under the provisions of subdivision (a) of Section 4 of this act unless in addition to the overpayment for which the claim is filed the claimant has also reimbursed his vendor for the amount of tax imposed upon his vendor under the Retail Sales Tax Act of

Stats 1939, p 2599

Claim

1933 with respect to the sale of such property and the vendor has paid such amount to the State. Every such claim must be in writing and must state the specific grounds upon which the claim is founded.

Any overpayment made by a purchaser to a retailer required to collect the tax, and who gives the purchaser a receipt therefor pursuant to Section 3 of this act, shall be credited or refunded to the purchaser.

Failure to file such claim within the time prescribed in this section shall constitute waiver of any and all demands against this State on account of overpayment hereunder. Within 30 days after disallowing any such claim in whole or in part the board shall serve notice of such action on the claimant, such service to be made as provided by Section 9 hereof.

Interest shall be computed, allowed and paid upon any overpayment of any amount of tax, at the rate of one-half of one per centum per month as follows:

(1) From the fifteenth day of the calendar month following the quarterly period for which the overpayment was made but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

(2) In the case of a refund, to the fifteenth day of the calendar month following the date upon which the claimant is notified by the board that a claim might be filed or that the claim has been certified to the State Board of Control, whichever date is the earlier.

(3) In the case of a credit, to the same date that interest is computed on the tax or amount against which the credit is applied.

Any refund or any portion thereof which is erroneously made and any credit or any portion thereof which is erroneously allowed, may be recovered in an action brought by the Controller of the State in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California and such action shall be tried in the county of Sacramento unless the court with the consent of the Attorney General, orders a change of place of trial. The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings herein provided for.

In the event that any amount has been illegally determined, the board shall certify such fact to the State Board of Control and said board shall authorize the cancellation of such amount upon the records of the board.

If the board determines that any overpayment has been intentionally made or made by reason of carelessness, it shall not allow any interest thereon.

Tax levy SEC. 3. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 33

An act providing for the cancellation of license and registration fee penalties in connection with vehicles operated by public agencies as lessees under lease, lease-sale or rental-purchase agreements, and to repeal an act entitled "An act providing for the cancellation of license and registration fee penalties in connection with vehicles operated by public agencies as lessees under lease, lease-sale or rental-purchase agreements, to take effect immediately," approved February 5, 1940, to take effect immediately.

Stats. 1941,
p. 11,
repealed

In effect immediately [Approved by Governor February 28, 1940 Filed with Secretary of State February 28, 1940]

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

Fees canceled SECTION 1 Any vehicle registration penalty or license fee penalty due the State under the following laws at the effective date of this act for any vehicle operated by the State, or by any county, city and county, city, district or political subdivision of the State, as lessee under a lease, lease-sale or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of 12 months or more, is hereby canceled and declared uncollectible:

(a) Section 378 of the Vehicle Code.

**Stat., 1935,
p. 1312** (b) An act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the moneys therein," approved June 25, 1935.

Repeal SEC. 2. The act cited in the title hereof is hereby repealed.

Urgency SEC. 3. 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. A statement of the facts constituting such necessity is as follows:

Prior to 1937 political subdivisions were not required to pay registration fees and vehicle license fees on vehicles owned by them or controlled by them under a lease agreement. A change was made in the Vehicle Code which inadvertently operated to require the payment of such fees

Many political subdivisions are financially unable to pay the accrued fees and penalties thereon and it is necessary to afford them immediate relief from such burden as provided in this act. Unless this act takes immediate effect further penalties will acerue, thus increasing the existing burden upon such political subdivisions.

CHAPTER 34

An act to amend the title and Section 4 of an act entitled Stats 1917, p 658, amended
“An act defining industrial loan companies, providing for their incorporation, powers and supervision,” approved May 18, 1917, relating to rates of interest and other charges on loans made by industrial loan companies.

[Approved by Governor February 28, 1940. Filed with Secretary of State February 28, 1940.] In effect March 6, 1941

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

SECTION 1. Section 4 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1935, p 2055
 See also Stat., 1941, p 2945

Sec. 4. Every corporation under the provision of this act shall have power: subject to the supervision and control of the Corporation Commissioner of the State of California:

Powers of industrial loan companies

First—To loan money on personal security, or otherwise, and to deduct interest therefor in advance at the rate of 6 per cent per annum, or less, and, in addition, to receive and shall at the discretion of the Corporation Commissioner of the State of California, issue and require uniform weekly or monthly installments on its certificates of investment, purchased by the borrower simultaneously with the said loan transaction or otherwise, and pledged with the corporation as security for the said loan, with or without an allowance of interest on such installments.

Second—To sell or negotiate choses in action either in certificates, or in certificates in receipt book form, for the payment of money at any time, either fixed or uncertain, and to receive payments therefor in installments or otherwise, with or without an allowance of interest upon such installments. Nothing herein contained shall be construed to authorize corporations hereunder to receive deposits or to issue certificates of deposit. The issuance of choses in action herein authorized shall be approved as to form by the Commissioner of Corporations and shall bear the indorsement on the face of the instrument, “this is not a certificate of deposit.”

Third—In addition to the interest rate charged, to charge and deduct in advance for the making of any loan pursuant to this section, the sum of two dollars (\$2), or less, on every fifty dollars (\$50), or fraction thereof loaned, as full and earned compensation for services of all kinds and character, including brokerage, in making the loan; but the total amount

taken in advance for interest and such other compensation, including brokerage, (a) shall in no event exceed 1 per cent of the face amount of the loan for each full month for which the loan is made, and (b) if the loan is made for a period of less than one month, shall in no event exceed one-thirtieth of 1 per cent of the face amount of the loan for each day for which the loan is made.

Interest after the maturity of a loan may equal but shall not exceed the rate of 1 per cent per month on the unpaid amount of the loan.

The total interest and other compensation of an industrial loan company and of a broker or third party negotiator charged, contracted for or received by the company and the broker or negotiator in connection with a loan made by the company shall not exceed the maximum rate of interest and other compensation herein permitted.

No charge shall be collected unless a loan shall have been made.

Fourth—To establish offices, or places of business within the county in which its principal place of business is located, but not elsewhere.

Fifth—To purchase, sell or discount choses in action, secured or unsecured, chattel mortgages or conditional sales contracts, which shall have a maturity within two years from the date of said purchase and such purchase, sale or discount shall not be construed to be either a loan or an investment of funds as such terms are used and defined under the provisions of this act.

In addition to powers herein enumerated, every corporation, under the provisions of this act, shall have the general powers conferred upon corporations by Chapter 3, Title 1, Part 4, Division 1, of the Civil Code, except as herein otherwise provided.

Stats 1917,
p 658
See also
Stats 1941,
p 2945
Title

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

An act defining industrial loan companies; providing for their incorporation, powers and supervision; and regulating the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies.

CHAPTER 35

An act to amend the title and Section 18 of, and to add Sections 1a, 1b, 1c, 1d, 3a and 21 to an act entitled "An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance by municipalities of water works, electric power works, gas works, lighting works, and other public works and utilities; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of improvement bonds to represent such assessments, and to repeal an act entitled 'An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby,' approved March 21, 1905," approved June 6, 1913, relating to the acquisition, installation, construction, reconstruction, extension, repair and maintenance of works and improvements mentioned in the Improvement Act of 1911 and of public utilities and other public works by municipalities, counties, cities and counties, unincorporated territory, and any district or public corporation authorized by law to construct such public improvements, or by any combination thereof; the assessment of the cost and expenses thereof upon the property benefited; the issuance of bonds to represent such assessments; providing a short title therefor; and providing that this act shall take effect immediately.

Stats 1913,
p 421
amended

Stats. 1905,
p 764

Stats. 1911,
p 730

[Approved by Governor February 29, 1910. Filed with Secretary of State February 29, 1940.] In effect immediately

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

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

Stats 1913,
p 421
See also
Stats. 1941,
p 2743

An act to provide for the acquisition, installation, construction, reconstruction, extension, repair and maintenance of works and improvements mentioned in the Improvement Act of 1911 and of public utilities and other public works by municipalities, cities and counties, counties, unincorporated territory, and by any district or political corporation authorized by law to construct such public improvements, or by combination thereof; for the assessment of the cost and expenses thereof upon the property benefited; and for the issuance of bonds to represent such assessment.

Stats. 1911,
p 730

SEC. 2. Section 1a is hereby added to the act cited in the title hereof, to read as follows:

New section
See also
Stats 1941,
p 2744

Sec. 1a. Whenever the public interest or convenience may require, the city council of any municipality may also install, construct, reconstruct, extend, repair and maintain any or all of the works and improvements mentioned in the Improvement Act of 1911 and acquire land and rights of way and easements necessary therefor. Whenever in

Improvements

Stats 1911
p 730

this act any improvement is described or referred to as provided in Section 1 hereof, this reference shall also be deemed to include each and all of the improvements referred to in this section and improvements referred to elsewhere in this act, unless otherwise expressly limited.

New section SEC. 3. Section 1b is hereby added to the act cited in the title hereof, to read as follows:

**Compre-
hensive
scheme of
improvement** SEC. 1b. The provisions of Section 1a of the Improvement Act of 1911 are incorporated herein by reference. The reference in that section to Section 1 of the same act shall be deemed and is hereby declared to refer to Sections 1 and 1a of this act. Whenever in the opinion of the city council initiating proceedings under this act, the proceedings involve a comprehensive scheme of improvement as is more particularly described in Section 1a of the Improvement Act of 1911, then the power and authority vested by the provisions of that section in the several legislative bodies referred to in that section shall be vested under this act in the same legislative bodies.

New section SEC. 4. Section 1c is hereby added to the act cited in the title hereof, to read as follows:

**Alternative
procedure** SEC. 1c. As an alternative procedure for constructing any improvement authorized under said Improvement Act of 1911, the city council may pass a resolution of intention to do such work, such resolution containing a provision that the work shall be instituted when any local, State or National agency or authority accepts the proposed work as a project for which a contribution of labor, or labor and any portion of materials, supplies or equipment will be made by such agency or authority. Under such alternative procedure the work to be done by the contractor shall consist of furnishing all or any part of the labor, materials, supplies and equipment necessary for the construction of the improvement. Whenever such alternative procedure is adopted, the resolution shall recite that fact and shall state the name of the agency or authority which is to make the contribution and the contribution which is to be made. The resolution shall also state the work to be done by the contractor. In all other particulars the resolution shall conform to the provisions of Section 2 of this act. However, nothing in this section shall prevent the acceptance of contributions not mentioned in the resolution of intention for any improvements mentioned in this section, and for that purpose Section 84 of the Improvement Act of 1911, as added by Chapter 1032 of the Statutes of 1933, is incorporated herein by reference thereto.

**Stats 1911,
p 730**

**Stats 1933,
p 2630**

New section SEC. 5. Section 1d is hereby added to the act cited in the title hereof, to read as follows:

**Extension of
provisions** SEC. 1d. The provisions of this act are hereby extended to all counties, cities and counties, and districts or other public corporations now or hereafter organized under any law of this State in so far as such corporations have the power applicable to them to make any of the improvements herein

mentioned. The officers of such counties, cities and counties, districts or other public corporations who have similar powers and duties as the municipal officers referred to in this act shall be deemed and are hereby declared to be vested with the powers and duties given by this act to such municipal officials. Where no similar officer exists, the legislative body of the county, city and county, district or public corporation shall by resolution appoint a person or designate an officer to perform the duties under this act.

SEC. 6. Section 3a is hereby added to the act cited in the title hereof, to read as follows:

New section
See also
Stats 1941,
p 2747

Sec. 3a. Whenever the report is modified as is provided for in Section 3 hereof, except where the modification is directed to the amounts of the assessments, the provisions of Section 6 of the Improvement Act of 1911 shall be followed.

Modification
of report
Stats 1931,
p 1571

SEC. 7. Section 18 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1913
p 428

Sec. 18. The legislative body conducting the proceedings under the provisions of this act may, in its resolution of intention, determine and declare that bonds shall be issued under the provisions of either the Improvement Act of 1911, or the Improvement Bond Act of 1915. In either case, the assessment shall be recorded in the office of the superintendent of streets of the city, county surveyor of the county, or district engineer of the district or public corporation conducting the proceedings in the manner and with like force and effect as provided in the Improvement Act of 1911 and the Improvement Bond Act of 1915, and the assessment therefor shall have the priority, and the proceedings shall be subject to all of the curative clauses and powers of reassessment, provided in those acts. In either case, the official in whose office the assessment is recorded shall give the notice to pay the assessments, as provided in the Street Opening Act of 1903. If bonds are to be issued under the Improvement Act of 1911, then assessments under twenty-five dollars (\$25) shall be subject to the penalties and costs, and collected as provided in the Street Opening Act of 1903.

Improvement
bonds

Stats. 1911,
p 780
Stats 1915,
p 1141

Recordation
of assess-
ments

Stats 1903,
p 376

The city council, at any time after the publication of any resolution of intention adopted hereunder, or the ordering of the improvement or acquisition, or the confirmation of the assessment, or ordering the issuance of bonds, and any contractor, at any time after the award of contract to him, may bring an action in the superior court of the county in which said city is located, to determine the validity of said proceedings, assessment, bonds, contract, improvement or acquisition, or any thereof. Such action shall be brought pursuant to and be governed by the provisions of, and shall have the effect, as provided in Section 16 of said Improvement Act of 1911, except as herein otherwise provided.

Validation
proceedings

Stats 1937,
p 1672

Such bonds may be issued and sold by the city council as they shall determine, and the proceeds thereof shall be deposited in the fund specified in Section 13 hereof. The notice in

the resolution of intention may recite a maximum rate of interest to be paid on such indebtedness, not to exceed 6 per cent per annum payable semiannually, which rate when so recited shall not be exceeded in the issuance of said bonds. All said bonds shall be made payable to bearer.

New section SEC. 8. Section 21 is hereby added to the act cited in the title hereof, to read as follows:

Short title SEC. 21. This act may be designated and referred to as the "Municipal Improvement Act of 1913."

Urgency 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:

The unemployment relief has during the past year cast an increasing burden upon this State. Legislation conducive to facilitating the handling of public improvement projects, and particularly those approved for support by the Federal, State and local unemployment relief agencies, aid in relieving the State burden. This act is conducive to these objects for the reason that the assessment levied and bonds issued for the payment of such improvements are divorced from the contract for their construction, thus providing more economical financing thereof.

CHAPTER 36

Stats 1935, p. 1090, amended. *An act to amend Section 28 of The Personal Income Tax Act, relating to taxes on individuals, estates and trusts, and to provide for the disposition of the revenues therefrom, and to provide that this act shall take effect immediately.*

In effect immediately [Approved by Governor February 29, 1940. Filed with Secretary of State February 29, 1940.]

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

Stats 1939, p. 2563, See also Stats 1941, p. 3080. SECTION 1. Section 28 of The Personal Income Tax Act is hereby amended to read as follows:

Enforcement of Tax Certificate. SEC. 28. In any case in which any tax or any portion or installment thereof, interest or penalty imposed under this act is not paid when due, the commissioner shall file in the office of the county clerk of Sacramento County, or any other county, a certificate specifying the amount of the tax, penalty and interest due, the name and last known address of the taxpayer liable for the same, that the commissioner has complied with all the provisions of this act in relation to the computation and levy of the tax and a request that judgment be entered against the taxpayer in the amount of the tax, penalty and interest set forth in the certificate. The county clerk immediately upon the filing of such certificate shall

enter a judgment for the people of the State of California against the taxpayer in the amount of the tax, penalty and interest set forth in the certificate. The judgment may be filed by the county clerk in a loose-leaf book entitled "Personal Income Tax Judgments."

An abstract of such judgment or a copy thereof shall be recorded with the county recorder of any county and from the time of such recording, the amount of the taxes, penalty and interest therein set forth shall constitute a lien upon all property of the taxpayer in such county, owned by him or which he may afterwards and before the lien expires acquire, which lien shall have the force, effect and priority of a judgment lien. Execution shall issue upon such a judgment upon request of the commissioner in the same manner as execution may issue upon other judgments, and sales shall be held under such execution as prescribed in the Code of Civil Procedure. In all proceedings under this section the commissioner shall be authorized to act on behalf of the people of the State of California. Tax lien

In any case in which any tax, interest or penalty imposed under this act is not paid when due the commissioner may file in the office of any county recorder a certificate specifying the amount of the tax, interest and penalty due, owing and/or unpaid, the name and last known address of the taxpayer liable for the same, and that the commissioner has complied with all provisions of this act in relation to the computation and levy of the tax. From the time of such recording the amount of the tax, interest and penalty therein set forth shall constitute a lien upon all property of the taxpayer in such county, owned by him or which he may afterwards and before the lien expires acquire, which lien shall have the force, effect and priority of a judgment lien.

A warrant may be issued by the commissioner or his duly authorized representative for the collection of any tax, interest or penalty and for the enforcement of any lien, directed to any sheriff, constable or marshal; and shall have the same force and effect as a writ of execution. It may and shall be levied and sale made pursuant to it in the same manner and with the same force and effect as a levy of and sale pursuant to a writ of execution. The sheriff, constable or marshal shall receive upon the completion of his services pursuant to said warrant and the commissioner is authorized to pay to said sheriff, constable or marshal the same fees, commissions and expenses in connection with services pursuant to said warrant as are provided by law for similar services pursuant to a writ of execution; provided, that fees for publication in a newspaper shall be subject to approval by the commissioner rather than by the court; said fees, commissions and expenses shall be an obligation of the taxpayer and may be collected from the taxpayer by virtue of the warrant or in any other manner provided in this act for the collection of a tax. Levy

Release The commissioner may at any time release all or any portion of the property subject to the lien from the lien or subordinate the lien to other liens if he determines that the taxes are sufficiently secured by a lien on other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of such taxes. A certificate by the commissioner to the effect that any property has been released from the lien or that such lien has been subordinated to other liens shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in the certificate.

**Action to
recover tax**

The commissioner may, at any time, bring an action in a court of competent jurisdiction, in the name of the people of the State of California, to recover the amount of any taxes, penalties, and interest due under this act. The Attorney General or the franchise tax counsel for the commissioner of this State must prosecute such action and such action shall be tried in the county of Sacramento unless the court with the consent of the prosecutor, orders a change of place of trial. In such action a writ of attachment may be issued, and no bond or affidavit previous to the issuing of said attachment is required. In such action a certificate by the commissioner showing the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency and of compliance by the commissioner and the State board with all the provisions of this act in relation to the computation and levy of the tax.

The commissioner may bring an appropriate action (whether in the form of a common law action of debt or indebitatus assumpsit, or a code or other action), in any court of competent jurisdiction in the United States or in a foreign country, in the name of the people of the State of California, to recover the amount of any taxes and interest due under this act. The Attorney General or the franchise tax counsel for the commissioner of this State must prosecute such action.

**Remedies
cumulative**

It is expressly provided that the foregoing remedies of the State shall be cumulative and that no action taken by the commissioner shall be or be construed to be an election on the part of the State or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this act.

Constitutionality

SEC. 2. 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. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Tax levy

SEC. 3. This act, inasmuch as it provides for tax levies for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 37

An act to amend Sections 6, 20, 21, 23 and 30 of, to add Section 6.5 to, and to repeal Sections 16, 17, 18 and 19 of, an act entitled "An act to provide for the licensing and regulation of itinerant merchants and making an appropriation therefor," approved July 21, 1939, relating to itinerant merchants

Stats. 1939,
p. 2462

[Approved by Governor February 23, 1940. Filed with Secretary of State February 29, 1940.]

In effect
March 6,
1941

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

SECTION 1. Section 6 of the act cited in the title hereof is hereby amended to read as follows:

Stats. 1939,
p. 2463

Sec. 6. (a) "Itinerant merchant" means every person who buys for the purpose of sale in any manner, or offers to buy for the purpose of sale in any manner, at wholesale or retail, any farm products, including timber products, and who transports the same upon a public highway by the use of a motor vehicle to any county in this State, other than the county in which the products were purchased, for the purpose of selling such products.

"Itinerant
merchant"

(b) "Itinerant merchant" does not mean:

(1) Persons who are engaged in the business of transporting goods in motor vehicles for hire or who operate motor vehicles in such business as agents, employees, lessees, or contractors and who do not own or have any interest in the goods transported and who do not act for any party in the acquisition, purchase, sale, or disposition of the goods transported;

(2) Persons who use motor vehicles to transport farm products produced by them or on land owned by them;

(3) Persons transporting property owned or handled on consignment by them in motor vehicles operated by them, or by their agents or employees, when such transportation is an incident to a business conducted by them, and when such property is being transported to or from an established place of business operated by them, their agents or employees, or when such transportation is incidental to the conduct of an established place of business;

(4) Persons who use motor vehicles exclusively for the transportation, sale, and delivery, at wholesale or retail, of any particular group of goods having a common trade-mark, trade name, or brand, if such persons are agents or employees of the manufacturers or are wholesale distributors or retail dealers through whom such goods are marketed;

(5) Persons who use motor vehicles to transport goods for the personal use of the owners of the vehicles, or for the use of others if no charge is made for the transportation;

(6) Persons who use motor vehicles in exchange of work;

(7) Independent contractors engaged in the delivery or distribution of newspapers of general circulation.

(8) Farmers who occasionally transport from the place of production to a warehouse, regular market, place of storage, or place of shipment the farm products of neighboring farmers in exchange for like services or for a cash consideration;

(9) Persons, the principal part of whose business is the manufacturing, canning or processing of farm products or timber products.

New section SEC. 2. Section 6.5 is hereby added to said act, to read as follows:

“Farm products” Sec. 6.5. “Farm products” means and includes all agricultural, horticultural, viticultural and vegetable products of the soil, poultry and poultry products, timber and timber products, live stock, hay, dried beans, honey and cut flowers, but shall not include milk and milk products subject to the licensing and bonding provisions of Chapter 10 of Division 4 of the Agricultural Code.

Repeals SEC. 3. Sections 16, 17, 18 and 19 of said act are hereby repealed.

Stats 1939, SEC. 4. Section 20 of said act is hereby amended to read p 2465 as follows:

Service of Sec. 20. In any action against a licensee arising out of process business done in this State by the licensee as an itinerant merchant and instituted in any court in this State, service of summons or other legal process upon the commission shall constitute valid service of the licensee against whom the summons is directed.

Stats 1939, SEC. 5. Section 21 of said act is hereby amended to read p 2465 as follows:

Record of Sec. 21. The commission shall keep a record of all processes process served upon it as an agent for each licensee, identifying in served such record each process so served, the court from which issued, the title and the nature of the action, and the time and date of service.

Stats 1939, SEC. 6. Section 23 of said act is hereby amended to read p 2465 as follows:

Continuances Sec. 23. The court in which is pending an action against a licensee arising out of business done in this State by the licensee as an itinerant merchant may grant such continuances as are necessary to afford the licensee a reasonable opportunity to defend the action.

Stats 1939, SEC. 7. Section 30 of said act is hereby amended to read p 2466 as follows:

Renewal of Sec. 30. A licensee may renew his license by filing an appli- license cation and paying the license fee in the manner prescribed in this act in connection with the issuance of an original license. The commission shall not renew the license of any licensee against whom there is an unsatisfied judgment rendered in any action arising out of the licensee's business in this State as an itinerant merchant.

Constitu- SEC. 8. If any clause, sentence, paragraph or part of this tionality act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect,

impair or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

CHAPTER 38

An act authorizing any city of the first and one-half class to create a municipal department, to be under the control of a municipal commission, and authorizing such department, when so created, to establish, maintain and operate buildings and adjuncts for public assemblies, conventions, exhibitions and trade shows, trade fairs, and for other civic, cultural and recreational purposes, and purposes incidental thereto, and to authorize the renting and leasing thereof, or of parts thereof, to any nonprofit corporation or public entity for any of the foregoing purposes, and to provide funds for such purposes through the issuance of bonds payable out of the revenues therefrom, and to validate any proceedings heretofore taken for any purpose or purposes authorized by this act.

[Approved by Governor February 29, 1940 Filed with Secretary of State February 29, 1940] In effect
March 6,
1941

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

SECTION 1. Any city of the first and one-half class may by ordinance duly adopted create a municipal department to be under the management and control of a board of five commissioners, who shall be appointed, and may be removed by the mayor of such city, subject in both appointment and removal to the approval of the council by a majority vote, for such terms as may be prescribed by ordinance. Commis-
sioners

SEC. 2. Such department, when so created, shall have power to establish and maintain buildings and adjuncts for public assemblies, conventions, exhibitions, trade shows, trade fairs, and for other civic, cultural and recreational purposes, and purposes incidental thereto, and to that end to acquire and take, by purchase, lease, condemnation, or otherwise, and hold, in the name of the city by which it is created, a site or sites for such buildings and adjuncts, and any and all property, real or personal, or interests therein, that may be necessary or convenient for the furtherance of the foregoing purposes. Such department shall have the power to control, manage and operate all such buildings, adjuncts and property, or any property which in any manner may be placed under its management and control, and to permit the use of such buildings, adjuncts and property, or any part thereof, for purposes for which the same are provided, or consistent therewith, upon such rentals or charges, or for such considerations, as may be determined by said board of commissioners, and to make City
exhibition
department
Control of
property

leases, or contracts for the control, management and operation thereof for such periods and upon such terms and conditions and for such rentals or other considerations as may be determined by such board to or with any duly qualified nonprofit corporation or public entity which shall furnish to the said board assurances satisfactory to it that the properties so leased, or with respect to which such contract is made, will be used for such public assemblies, conventions, exhibitions, trade shows, trade fairs, and for other civic, cultural and recreational purposes, and purposes incidental thereto, and of the ability of such corporation or entity to make adequate provision for the holding and conducting of such public assemblies, conventions, exhibitions, trade shows, trade fairs, and for other civic, cultural and recreational activities, and activities incidental thereto. Such department shall also have power to do any and all acts or things which may be necessary or appropriate with reference to the establishment, maintenance, control, management and operation of such buildings, adjuncts and properties or to make provision for the conducting and holding of such public assemblies, conventions, exhibitions, trade shows, trade fairs and for other civic, cultural and recreational activities, and activities incidental thereto, and any and all acts and things authorized by the ordinance by which such department is created.

Agreements

SEC. 3. Such department is hereby authorized and empowered to cooperate and enter into agreements with other departments, boards, commissions or agencies of the city by which it is created, within their several powers and duties, with respect to matters relating to the establishment, maintenance, control, management and operation of such buildings, adjuncts and properties or to make provision for the conducting and holding of such public assemblies, conventions, exhibitions, trade shows, trade fairs, and for other civic, cultural, recreational or incidental activities. Such department is also authorized and empowered to cooperate, or join by contract or otherwise, with National, State, county or other public bodies or instrumentalities, and, through proper channels, with foreign countries, or agencies thereof, to the end that any thereof may participate in or cooperate with respect to any of such public assemblies, conventions, exhibitions, trade shows, trade fairs, and other civic, cultural and recreational activities, and activities incidental thereto, with respect to which such participation or cooperation may be appropriate, through the provision by them of buildings to be located upon a site or sites provided by said department, or elsewhere, or through the provision of exhibits, or of funds for any of such purposes, or otherwise.

General powers

SEC. 4. Such department shall have power to enter into contracts; to sue and be sued, and to adopt and use an official seal; and, with the authorization or approval of the legislative body of the city by which it is created, or the board of the appropriate department thereof, and to such extent as it may

deem proper, to provide for the performance of duties pertaining to such department by any officer or employee of the city by which it is created, or of any other department thereof. Such department created under the authority of this act, through such board of commissioners, shall have power to control and order the expenditure of all moneys received as rentals or consideration under any lease or contract made pursuant to Section 2 of this act, or from any other source in connection with the properties under its management and control, provided that all such moneys shall be deposited in the city treasury of the city by which it is created to the credit of a fund to be designated by such name as may be provided for in the aforesaid ordinance and hereinafter referred to as the "Revenue fund"; and the money so deposited in such revenue fund shall be kept separate and apart from other money of the city by which such department is created, and shall be drawn from said fund only upon demands authenticated by the chief accounting officer or employee employed by or acting for such department.

Deposit of
moneysRevenue
fund

SEC. 5. The moneys in such revenue fund shall be expended solely for purposes pertaining to the conducting of such department, including the repayment or refunding, to the extent that such board of commissioners may deem proper, or may have obligated itself, of contributions from any other fund of the city by which it is created, or of any department thereof, or from any other contributor.

Expenditures
from fund

SEC. 6. Expenditures for purposes authorized by this act may be made from revenues received as an incident to the exercise of the powers hereby granted; from moneys appropriated for any such purpose by the legislative body of the city by which such department is created; from moneys appropriated for the purpose by the United States or the State of California, or by any other governmental authority, and duly transferred to the revenue fund; from voluntary contributions from any source, or from the proceeds of the sale of bonds (the word "bonds" as so used and wherever used in this act including both bonds and other evidences of indebtedness) issued as in this act provided, or from moneys otherwise made available.

Sources of
expenditures

SEC. 7. Such department, if in the discretion of such board of commissioners it shall seem desirable, may from time to time borrow money to provide funds necessary for carrying out any of the purposes authorized by this act (including the reimbursement of other funds of the city by which such department is created, and the United States or any other entity or entities, public or private, for sums advanced for purposes authorized by this act) and may issue and sell bonds to evidence the indebtedness so created, and may from time to time refund, extend or renew such indebtedness, at or prior to maturity, by the issuance, sale or exchange of new bonds, in an amount not exceeding the principal amount of the indebtedness to be refunded

Borrowing

Bonds

thereby, plus the premium, if any, due upon the redemption of the bonds so to be refunded. Said bonds, whether original or refunding, shall be issued in the name of such department, and shall be payable solely out of such revenue fund, within forty (40) years after their date; provided, however, that any such refunding bonds shall be payable not later than

Maturity twenty (20) years after the latest maturity date of the indebtedness to be refunded. Said bonds, whether original or refunding, may be issued as serial bonds maturing in annual installments beginning not more than eight (8) years after the date of such bonds, or they may be issued as sinking fund bonds, with provision for the making of annual payments into a sinking fund for the retirement of said bonds, beginning not more than eight (8) years after the date of such bonds, or they may be issued as a combination of such serial and sinking fund bonds. In any case, in any year in which annual provision for principal is required hereunder, the aggregate of the annual provision for interest and principal shall not be less than 75 per cent of the largest subsequent annual provision for interest and principal. Anything in this section to the contrary notwithstanding, any issue of refunding bonds under this act may, as to an amount not exceeding the aggregate amount of the bonds to be refunded thereby, in the discretion of such board, be made payable in the amount or amounts in which, and at the time or times at which, the said bonds to be refunded thereby are payable, and in any such case a portion of such issue of refunding bonds, not exceeding the amount of any premium due upon the redemption of the bonds to be refunded thereby, may be made payable and be paid at such time or times, not later than the latest maturity date of the bonds to be refunded, as such board, in its discretion, may determine. Such bonds may be either negotiable or nonnegotiable in form, and, together with interest thereon, may be paid at such place or places, within or without the State of California, and through such agency or agencies, as may be designated by such board; and said board in its discretion may retain, and from time to time exercise, the option to redeem all or any part of said obligations, upon such terms and conditions and upon the payment of such premiums as said board may in its discretion determine. In connection with the issuance of any such bonds, said board may provide for the creation

Reserve fund out of said revenue fund, of such reserve funds to insure the payment of such bonds, or otherwise pertaining thereto, as in its discretion it may deem proper. Subject only to the limitations above set forth, all the terms and conditions of such bonds, and the issuance and sale thereof, shall be such as such board may determine. The legislative body of the city by which such department is created is authorized, in its discretion, to provide for the guaranteeing by such city, out of its general funds, of the payment of interest accruing upon any such bonds up to but not later than five (5) years after

their date, in so far as money for the payment of any such interest may not be available in the revenue fund; provided, however, that no such guarantee shall be considered in determining the indebtedness of such city within any charter limitations upon indebtedness thereof, and no such guarantee shall be made which would result in the creation of any indebtedness contravening the constitutional restrictions on the incurring of indebtedness by cities.

SEC. 8. So long as any bonds payable out of such revenue fund shall be outstanding and unpaid, or until there shall have been set apart in a reserve fund, or reserve funds, or in a special trust account, or special trust accounts, established for such bonds, sums sufficient to pay, when due, the entire principal of such indebtedness remaining unpaid, together with interest accrued and to accrue thereon, (1) such board of commissioners shall fix and collect rentals and charges for the use of property or for other purposes pertaining to the matters under their management and control, such as, with other available revenues or funds, to provide funds sufficient to pay, as the same shall become due, the principal of, and interest on, all such bonds so outstanding, in addition to paying, as the same shall become due, any necessary expenses of operating and maintaining such properties, and all other obligations and indebtedness payable out of that fund; and (2) no bonds, payable out of that revenue fund, shall be issued having any priority with respect to payment of principal and interest out of that revenue fund over bonds theretofore issued and payable out of that revenue fund; and (3) the properties under the management and control of said department shall not be sold or otherwise disposed of, as a whole, or substantially as a whole, unless such sale or other disposition be so arranged as to result in a continuance of payments into that revenue fund, sufficient in amount to permit payment out of that revenue fund, of principal of, and interest on, all bonds payable out of that revenue fund, or to provide for such payments into some other fund charged with the payment of such principal and interest; and (4) no indebtedness payable out of that revenue fund shall be created, and no transfer out of that revenue fund shall be made, in contravention of the provisions of any resolution which such board may, in its discretion, and which it is hereby authorized to, adopt, in connection with the issuance of any bonds pursuant to this act, imposing restrictions or limitations as to amount, or otherwise, on future issues of bonds payable out of that revenue fund, or on transfers out of that revenue fund, and no transfer from said revenue fund shall be made, except with the consent of such board of commissioners.

SEC. 9 The provisions of Sections 7 to 9, inclusive, of this act, and of any resolution authorizing the issuance of bonds thereunder, shall constitute a contract with the holders of such bonds, and the provisions thereof shall be enforceable by

Rentals to
meet bonds

Priority

Prohibition
of sale of
property

Charges on
revenue fund

Contract
with holders
of bonds

any owner or holder of such bonds, by mandamus, or any other appropriate suit, action or proceeding at law or in equity, in any court of competent jurisdiction.

Validation

SEC. 10. Any city which shall create a municipal department pursuant to, and for the purposes specified in, this act, may place under the management and control of such department any site or sites, building or buildings, or any other property, real or personal, acquired by it for purposes contemplated by this act, or suitable for such purposes, and all acts and proceedings, which, prior to the effective date of this act may have been done and taken by any such city, through its council or governing body, or any board or officer, for the acquisition of a site or sites, or to accomplish any of the purposes contemplated by this act, or for the creation of a department for the purposes for which a department may be created under this act, and all acts and proceedings done and taken by the board of commissioners or other governing body of such department, which, prior to the effective date of this act may have been created, be and the same are hereby validated, ratified and confirmed, and all contracts and indebtedness and bonds of any such department be and the same are hereby declared to be the valid and binding obligations, according to their terms, of any department created under this act which under the authority of this act assumes the powers, duties and liabilities of any such previously created department.

CHAPTER 39

Stats 1937,
p 750
amended

An act to amend the title and to add Sections 5, 6, 7 and 9 to "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the Golden Gate International Exposition, defining the powers and duties of the California Commission for the Golden Gate International Exposition, and making an appropriation, declaring the urgency thereof and providing that this act shall take effect immediately

In effect
immediately

[Approved by Governor February 29, 1940 Filed with Secretary of State February 29, 1940]

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

Stats 1937,
p 750

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

Title

An act providing for State and county exhibits at the Golden Gate International Exposition to be held in the San

Francisco Bay region, California, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, providing for the disposition or demolition of buildings, exhibits, and other property upon the termination of the exposition, creating a California Commission for the Golden Gate International Exposition to have charge and control of such exhibits and such building or buildings, defining its powers and duties and making an appropriation therefor.

Sec. 2 Section 5 is hereby added to said act, to read as follows: New section

Sec. 5 The unexpended balance of the money heretofore appropriated by this act, together with the additional sum of three hundred fifty thousand dollars (\$350,000) out of any money in the State Treasury not otherwise appropriated, or so much thereof as may be necessary, is hereby appropriated to be expended in accordance with law upon order of the commission in carrying out the purposes of this act, including participation in the exposition during the year 1940, and including the duties imposed upon the commission subsequent to the termination of such exposition. In carrying out the purposes of this act the commission shall have the power and it shall be its duty to provide for the acquisition, collection, transportation, installation and maintenance of a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, by its sponsor, the San Francisco Bay Exposition, a California nonprofit corporation, and the construction of a State building or buildings for said State exhibit and the gardening and improvement of the grounds surrounding the State building or buildings and the rental of such space as the commission may deem adequate for any part or parts of said State exhibit and for the supply of utility services in connection with said State exhibit, and for the compensation of the assistants employed by the commission and for all other expenses as may be deemed necessary by the commission to carry out the purposes of this act. The State exhibit hereby authorized may include not only an exhibit of the resources, industries and products of the State of California but also objects of historical interest, displays of California wild life, sports, scenic and other tourist attractions and such displays as illustrate the function and administrative faculty of the State Government and its departments in the advancement of industry, agriculture, education, recreation and the arts and the adaptation of its institutions and activities to the wants and welfare of the people. Appropriation
Powers

The commission shall have power to conduct such activities and to make such expenditures in furtherance of the success of the Golden Gate International Exposition as it shall deem necessary or advisable. Without limitation by reason of the specification thereof, the commission is specifically authorized to conduct activities and make expenditures designed to increase the number of out of State visitors to the State of Encouragement of tourists

California during 1940 and to increase the attendance of such visitors to the exposition.

All expenditures hereunder are exempt from the provisions of Section 669 of the Political Code.

New section
Sec also
Stats 1941,
pp 160
and 2372
Leases
SEC. 3. Section 6 is hereby added to said act, to read as follows:

SEC. 6. The commission is hereby authorized, with the approval of the Department of Finance, to lease buildings or space therein or other property owned by it or under its jurisdiction or control to such persons, firms or corporations and under such terms and conditions as it may deem desirable to facilitate the success of the exposition.

Disposition
of property
Upon the termination of the exposition the commission is hereby authorized to remove or demolish all buildings, exhibits or other structures owned or controlled by it, and to restore the grounds used or occupied by the commission in such manner as the commission deems proper. The commission may, with the approval of the Department of Finance, sell or otherwise dispose of any or all property or materials owned or controlled by it, and shall deposit the proceeds of any such sale in the State Treasury. The commission is hereby expressly authorized, with the approval of the Department of Finance, upon request, to donate any furniture, equipment, exhibits, or other property owned or controlled by it to any State institution upon such terms and conditions as the commission deems appropriate.

Report
Upon the final winding up of the affairs of the commission, it shall submit a complete report of its transactions and affairs to the Governor, and from time to time prior thereto shall report to the Governor as requested regarding its affairs and transactions.

New section
SEC. 4. Section 7 is hereby added to said act, to read as follows:

County
exhibits and
displays
SEC. 7. Out of the additional money appropriated to carry out the purposes of this act, one hundred thousand dollars (\$100,000), if expended by the commission, shall only be expended for the acquisition, collection, installation and maintenance of county exhibits and displays at the Golden Gate International Exposition during the year 1940, and for the maintenance of buildings or otherwise providing space for such exhibits and displays.

Not more than sixty thousand dollars (\$60,000) of the amounts appropriated herein shall be used for the entertainment of distinguished guests and others.

New section
SEC. 5. Section 9 is hereby added to said act, to read as follows:

Constitu-
tionality
SEC. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of its provisions to other persons or circumstances shall not be affected thereby. The Legislature declares that it would have passed this act and each section, subsection, sentence, clause and phrase

thereof even though one or more sections, subsections, sentences, clauses or phrases therein be declared invalid.

SEC. 6. 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. A statement of the facts constituting such necessity is as follows: Urgency

The Golden Gate International Exposition in 1940 is scheduled to open on May 25, 1940, and in order to enable the State to participate in and to secure the success of the exposition it is necessary that expenditures by the California Commission for the Golden Gate International Exposition commence immediately. The holding of the exposition in 1940 will cause large numbers of persons from other States and from other parts of the world to visit California, and the expenditures for food, shelter, transportation and pleasure by such visitors will immediately increase the prosperity of the State, provide employment for many residents in this State, and correspondingly will decrease hardship and destitution among its inhabitants. Unless this act takes effect immediately and expenditures commence forthwith it will be impossible for the exposition to reopen, which would not only result indirectly in continued unemployment for many persons but would involve disastrous losses to creditors of the exposition held in 1939

CHAPTER 40

An act making an appropriation for the establishment of aviation facilities for the California National Guard, declaring the urgency of this act, to take effect immediately

[Approved by Governor February 29, 1940. Filed with Secretary of State February 29, 1940.] In effect immediately

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

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated seventy-five thousand dollars (\$75,000) to be expended by The Adjutant General for the construction and equipment of one or more National Guard aviation units, including the construction of hangars, quarters, barracks, machine shops, and other necessary buildings, the equipment, removal and relocation thereof, and the conditioning of landing fields. Appropriation Adjutant General

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

effect immediately. The facts constituting such necessity are as follows:

The activities of certain nations whose philosophies and ambitions are hopelessly incompatible with our own have compelled the United States, in self-defense, to commit herself to a policy of adequate military and naval protection, to be achieved in part by the immediate building of additional aviation facilities and an augmented aviation reserve corps from which piloting material can be drawn readily in case of National emergency. One of the several agencies contributing towards the fruition of this policy is the California National Guard.

This act will enable the California National Guard to continue apace its work of diffusing military education and training in aviation. The present world crisis threatening our public peace, health and safety requires that it go into effect immediately.

CHAPTER 41

Stats 1939, p 2079 *An act to amend Sections 2, 23, 24, 25, 26, 27, 28, 29, 30, 31, 37, 40, 41, 44, 54, 63, 67, 72 and 73 of the Gift Tax Act of 1939, to repeal Section 76 thereof, and to add Sections 2.3, 2.4, 6.5, 10.5, 12.5, 29.5, 39.5, 42.5, 43.3, 43.5, 44.5, 48.5, 53.5, 61.5 and 73.5 thereto, relating to the taxation of transfer of property and the administration of said act, to take effect immediately.*

In effect immediately [Approved by Governor March 6, 1940. Filed with Secretary of State March 6, 1940.]

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

Stats. 1939, p 2079 SECTION 1. Section 2 of the Gift Tax Act of 1939 is hereby amended to read as follows:

‘Property’ Sec. 2. As used in this act, “property” means the real and personal property or interest therein of the donor transferred to any person, including all intangible and other personal property the transfer of which this State may constitutionally tax.

In the case of a gift of community property transferred to either spouse, one-half of the community property so transferred is not subject to this act.

New section SEC. 1.3. Section 2.3 is hereby added to said act, to read as follows:

Community property SEC. 2.3. If any community property is transferred by gift to a person other than one of the spouses, one-half the amount of the transfer is subject to this act as a transfer from the husband to the donee and one-half the amount of the transfer is subject to this act as a transfer from the wife to the donee.

New section SEC. 1.4. Section 2.4 is hereby added to said act, to read as follows:

Separate property SEC. 2.4. If separate property of either spouse is transferred by agreement into community property, one-half of

the separate property so transferred is subject to this act as a transfer from the spouse whose property it was to the other spouse, and the other half is not subject to this act. The half which is subject to this act becomes by this transfer the half of the community property which is not subject to the Inheritance Tax Act of 1935 on the death of the spouse whose separate property was transferred.

If all of the community property passing to the husband on the death of the wife is exempt from the Inheritance Tax Act of 1935, and if the spouse whose separate property is transferred by agreement into community property is the wife, then the half of the separate property not previously taxed shall be taxed on the death of the wife under this act as a gift from the wife to the husband at the time of death and no annual exemption shall be allowed for such gift.

SEC. 1.6. Section 6.5 is hereby added to said act, to read New section as follows:

Sec. 6.5. As used in this act:

(a) "Specific exemption" means the exemptions allowed Exemption definitions in Sections 24, 25, 26 and 27.

(b) "Annual exemption" means the exemption allowed in Section 29.

(c) "Charitable exemption" means the exemption allowed in Section 23.

(d) "Intangibles exemption" means the exemption allowed in Section 30.

SEC. 2. Section 10.5 is hereby added to said act, to read as New section follows:

Sec. 10.5. As used in this act, "net gifts" in any calendar "Net gifts" year means the total amount of gifts made during a calendar year, after 10 p.m. June 21, 1939, other than those gifts subject to the intangibles exemption or to the charitable exemption, less the annual exemption for such year.

SEC. 3. Section 12.5 is hereby added to said act, to read as New section follows:

Sec. 12.5. The tax for a calendar year on gifts to a donee Computation of tax shall be computed as follows:

(a) There shall first be determined the aggregate sum of:

(1) the total net gifts to the donee for such calendar year, and

(2) the net gifts to the same donee for each of the preceding calendar years.

(b) From this aggregate sum there shall be deducted:

(1) the net gifts to the donee for the preceding calendar years.

(2) the specific exemption, excepting therefrom such portion of the specific exemption as was used in preceding calendar years.

(c) The transfer of the remainder of the aggregate sum mentioned in subdivision (a) after making the deductions allowed in subdivision (b) shall be taxed at the rates at which it would have been taxed had such deductions not been made.

Stats 1931, p. 208; See also Stats 1941, p. 267; Exemption Charitable Institution, etc.

SEC. 3.5 Section 23 of said act is hereby amended to read as follows:

Sec. 23. There shall be exempt from the tax imposed by this act all transfers to this State or to the United States or to societies, corporations and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, or association of persons engaged or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose); or to any person, society, corporation, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled in possession or expectancy to any such property or to the income thereof; provided, however, that such society, corporation, institution or association be organized or existing under the laws of this State or of the United States or that the property transferred be limited for use within this State; provided, further, that if such society, corporation, institution, or association be organized or existing under the laws of a Territory or State of the United States (other than California) or of a foreign state or country, all transfers to such society, corporation, institution or association shall be exempt if at the date of the transfer the said State or Territory or foreign state or country under the laws of which such society, corporation, institution or association was organized or existing did not impose a gift tax of any character in respect of transfers to such a society, corporation, institution or association organized or existing under the laws of this State, or if at the date of the transfer the laws of the State or Territory or foreign state or country under which such society, corporation, institution or association was organized or existing contained a reciprocal provision under which transfers to such a society, corporation, institution or association organized or existing under the laws of another State or Territory or foreign state or country were exempted from gift taxes of every character providing said other State or Territory or foreign state or country allowed a similar exemption to such a society, corporation, institution or association organized or existing under the laws of another State or Territory or foreign state or country.

Stats 1939, p. 2083

SEC. 4. Section 24 of said act is hereby amended to read as follows:

Class A Sec. 24. Property of the clear value of twenty-four thousand dollars (\$24,000), transferred to the wife of the donor, and of twelve thousand dollars (\$12,000) transferred to a minor child of the donor, and of five thousand dollars (\$5,000) transferred to each of the other donees in Class A, is exempt from the tax levied by this act, except where the donor is an alien nonresident of the United States.

SEC. 5. Section 25 of said act is hereby amended to read as follows: Stats 1939, p 2083

Sec. 25. Property of the clear value of two thousand dollars (\$2,000) transferred to a donee in Class B is exempt from tax, except where the donor is an alien nonresident of the United States. Class B

SEC. 6. Section 26 of said act is hereby amended to read as follows: Stats 1939, p 2083

Sec. 26. Property of the clear value of five hundred dollars (\$500) transferred to a donee in Class C is exempt from tax, except where the donor is an alien nonresident of the United States. Class C

SEC. 7. Section 27 of said act is hereby amended to read as follows: Stats 1939, p 2083

Sec. 27. Property of the clear value of fifty dollars (\$50) transferred to a donee in Class D is exempt from tax, except where the donor is an alien nonresident of the United States. Class D

SEC. 7.5. Section 28 of said act is hereby amended to read as follows: Stats 1939, p 2083

Sec. 28. The specific exemption shall be applied to the amount of net gifts as such gifts are made. If the specific exemption, or the unused portion thereof, exceeds the net gifts in any year the excess may be applied to the net gifts in subsequent years, but after the limit has been allowed no further such exemption is allowable. Taking of exemption

SEC. 8. Section 29 of said act is hereby amended to read as follows: Stats 1939, p 2083
See also Stats 1941, p 2675

Sec. 29. In addition to the specific exemptions, a transfer by gift from any donor to any one donee in any calendar year not exceeding four thousand dollars (\$4,000) is exempt from taxation under this act, except where the donor is an alien nonresident of the United States and except where the transfer is: General exemption

(a) Of a future interest in property.

SEC. 9. Section 29.5 is hereby added to said act, to read as follows: New section
See also Stats 1941, p 2676

Sec. 29.5. Except as otherwise provided in Sections 23 and 30, no exemption shall be allowed where the donor is an alien nonresident of the United States. Nonresident aliens

SEC. 10. Section 30 of said act is hereby amended to read as follows: Stats 1939, p. 2083

Sec. 30. The tax imposed by this act in respect of intangible personal property shall not be payable if the donor is a resident of a State or Territory of the United States or a foreign state or country which at the time of the gift imposed a gift tax in respect of intangible personal property of residents of the State or Territory or foreign state or country, but did not impose a gift tax of any character in respect of intangible personal property of residents of this State, or if the laws of the State or Territory or foreign state or country of residence of the donor at the time of the gift contained a reciprocal provision under which nonresidents were exempted from Reciprocity

gift taxes of every character in respect of intangible personal property providing the State or Territory or foreign state or country of residence of such nonresidents allowed a similar exemption to residents of the State or Territory or foreign state or country of residence of such donor.

Stats 1939, For the purposes of this act, the District of Columbia is
p 2084
Sec also
Stats 941, a Territory of the United States.
p 2676

Stats 941, SEC. 11. Section 31 of said act is hereby amended to read
p 2676 as follows:

Inheritance
tax reduction SEC. 31. In case a tax has been imposed and paid under this act upon any gifts, and thereafter upon the death of the donor there is imposed by this State on the transfer to the donee an inheritance or succession tax on account of property embraced within such gift, there shall be credited against and applied in reduction of the inheritance or succession tax which would otherwise be chargeable against or on account of such property an amount equal to the tax paid on account of such gifts and in the event the donor has in any year paid the tax imposed by this act with respect to a gift or gifts to any donee subject to such inheritance tax, then the amount of the tax which shall be deemed to have been paid upon the gift or gifts subject to such inheritance or succession tax shall be that proportion of the entire tax paid on account of all gifts to such donee which the amount of the gift or gifts required to be so included bears to the total amount of gifts to such donee in that year.

Stats 1939, SEC. 12. Section 37 of said act is hereby amended to read
p 2085 as follows:

Transfer in
trust with
property
to revest SEC. 37. The tax does not apply to a transfer of property in trust where the power to revest in the donor title to the property is vested in the donor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of the property or the income therefrom. However, the relinquishment or termination of such power, other than by the donor's death, a transfer by the donor by gift of the property subject to the power, and any payment of the income from the property to a beneficiary other than the donor is a transfer by the donor by gift.

New section SEC. 13. Section 39.5 is hereby added to said act, to read as follows:

Entire
transaction SEC. 39.5. Where the Controller has reason to believe that several gifts are actually part of one transaction he may elect to disregard intermediate parts of the transaction, even though they may appear to be separate gifts, and determine the tax as if the entire transaction were one gift, in accordance with the real effect of the transaction.

Stats 1939, SEC. 13.5. Section 40 of said act is hereby amended to
p 2085
Sec also
Stats 1941, read as follows:
p 2677

Gift return SEC. 40. Any person who makes any transfer by gift shall, on or before the first day of March following the close of the calendar year in which the gift was made, make a gift return under oath to the Controller, who may for cause

shown extend the time for making the return not exceeding six months. In such cases as the Controller may by rule prescribe, no gift return need be made.

SEC. 14. Section 41 of said act is hereby amended to read as follows: Stats. 1939, p. 2085

Sec. 41. The gift return shall show:

(a) Each gift made during the calendar year for which the return is made. Contents of return

(b) The exemptions claimed and allowable.

(c) The net gifts to the same donees for each of the preceding calendar years.

(d) Any other information required by the Controller.

SEC. 15. Section 42.5 is hereby added to said act, to read as follows: New section

Sec. 42.5. When property is transferred in trust and the trustee has actual knowledge that the transfer is a gift, the trustee shall also execute a gift return as to the property included in the trust, or shall join in the execution of the gift return of the donor. Return by trustee

SEC. 15.3. Section 43.3 is hereby added to said act, to read as follows: New section

Sec. 43.3. All payments made under this act shall be applied first to the payment of interest on the tax, secondly to the payment of the penalties imposed by Section 43, and the balance, if any, on the tax. Application of payments

SEC. 16. Section 43.5 is hereby added to said act, to read as follows: New section

Sec. 43.5. In computing the tax or any penalties or interest under this act, fractions of a cent when a half or more shall be treated as a full cent, and when less than a half shall be rejected. Fractions of cent

SEC. 17. Section 44 of said act is hereby amended to read as follows: Stats. 1939, p. 2086

Sec. 44. The amount of taxes imposed by this act shall be determined by the Controller at any time after the tax is due but not later than six months after the gift return is filed, but the determination by the Controller is not invalid if made within three years after the gift return is filed. In the case of a false or fraudulent return, or in the case of a failure to file a gift return, the tax may be determined at any time. Determination of tax

SEC. 18. Section 44.5 is hereby added to said act, to read as follows: New section

Sec. 44.5. When the Controller is determining a tax in the case of a false or fraudulent return or in the case of a failure to file a gift return, the tax shall be determined as if the gift under consideration had been made immediately after all gifts made by the donor in the preceding calendar year, except in regard to the time from which the computation of the delinquent penalty should be started, and except that the rates to be applied shall be the rates in effect at the date of gift or the rates in effect at the date of determination of the tax, whichever are higher. The computation of the Determination if return false or not filed

delinquent penalty on such tax shall start from the last day when the return for such gift should have been filed.

New section SEC. 19. Section 48.5 is hereby added to said act, to read as follows:

Freedom from suit Sec. 48.5. No injunction or writ of mandate or other legal or equitable process shall ever issue in any suit, action or proceeding in any court against this State, or any officer thereof, to prevent or enjoin the collection of any tax levied under this act.

New section SEC. 21 Section 53.5 is hereby added to said act, to read as follows:

Examination of returns by tax officials Sec. 53.5. The Controller may allow any local, State, or Federal officials charged with the administration of any tax laws to examine his inheritance or gift tax records under such rules and regulations as he may prescribe.

Stats 1939, p. 2087 Sec. 21.3. Section 54 of said act is hereby amended to read as follows:

Appraisal Report Sec. 54 The State Controller may, in such cases as he deems proper, designate an inheritance tax appraiser to appraise the fair market value of any taxable transfer by gift, and said appraiser shall be paid for his services at the same rate provided in Section 609 of the Probate Code, by the persons liable for the payment of the tax imposed by this act. The report of the appraiser to the Controller shall state the appraised value of the transfer by gift and the amount of the appraiser's fee and reasonable expenses, and said report shall be a public record.

New section SEC. 21 5. Section 61.5 is hereby added to said act, to read as follows:

Certificate of amount due Sec. 61.5. In any proceeding for the enforcement of the gift tax a certificate by the Controller showing the amount due is prima facie evidence of the levy of the tax, of the fact that it is due, and of compliance by the Controller with all provisions of law in relation to the computation, determination and levy of the tax.

Stats 1939, p. 2089 See also Stats 1941, p. 2678 SEC. 22. Section 63 of said act is hereby amended to read as follows:

Civil penalty Sec. 63. Any person required under this act to make any return or pay any tax who wilfully fails to make such return or pay such tax, shall, in addition to other penalties provided by law, be subject to a penalty of one thousand dollars (\$1,000), which may be collected in a civil action by the Controller brought in any court of competent jurisdiction.

Stats 1939, p. 2090 SEC. 23. Section 67 of said act is hereby amended to read as follows:

Transfer on contingency Tax rate Sec. 67. When property is transferred in trust or otherwise, and the rights, interest or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended, or abridged, a tax shall be imposed upon said transfer at the highest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of this act.

and such tax so imposed shall be payable in full out of the corpus of the property transferred and shall not be charged against the interest of or collected from the beneficiaries thereof; provided, however, that on the happening of any contingency whereby the said property, or any part thereof, is transferred to a person exempt from taxation under the provisions of this act, or to any donee taxable at a rate less than the rate imposed and paid, the person who paid the tax, his heirs, executors, or assigns, is entitled to a refund of that part of the tax imposed and paid represented by the difference between the amount paid and the amount actually payable under the provisions of this act; such refund of overpayment shall be made in the manner provided for refund of erroneous payments, on application made to the Controller within six months after the happening of said contingency; provided, that the donee beneficially interested in the property chargeable with said tax or the trustees thereof may elect not to pay the same until such donee beneficially interested in such property shall come into the actual possession or enjoyment thereof, and in that case such donee or trustees shall execute a bond to the people of the State of California in a penalty of the amount of said tax plus interest thereon for five years at the rate of 7 per cent per annum with such sureties as the Controller may approve, conditioned for the payment of said tax or any lesser tax which may become payable on the happening of said contingency, and interest thereon at the rate of 7 per cent per annum commencing at the time the tax becomes delinquent, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, and conditioned further, that if said bond be not renewed and the returns made as herein provided, the amount of said tax and interest thereon shall immediately become due and payable. Said bond shall be filed in the office of the Controller; provided further, that such person or trustees shall enter into such security before the gift tax becomes delinquent, and shall make a full and verified return of such property to the Controller and file the same in the Controller's office within one year from the date such gift tax becomes delinquent, and at such times thereafter as the State Controller may require, and renew such security every five years after the date of the approval thereof by filing a new bond with such sureties as said Controller may approve, and transmitting a certified copy of said renewal bond to the State Controller. The penalty of each renewal bond shall be increased by five years' interest at the rate of 7 per cent per annum on the unpaid tax. Upon the approval of said bond as herein provided, said tax shall cease to be a lien upon the property so transferred. If such security shall not be renewed before the expiration of each five-year period, said bond shall immediately become due and payable and if the same be not paid forthwith, the State Controller may file an action on the bond to recover the amount of said gift taxes on

Refund

Bond

Renewal

high contingency and the penalties provided in said bond, and no demand for payment shall be necessary before the institution of said suit. Whenever the Controller determines that any surety on such bond or undertaking has for any reason become insufficient, the State Controller may, after such notice to such person or trustees as the Controller may deem proper, order the giving of a new undertaking with sufficient sureties in lieu of such insufficient undertaking. In case such new undertaking so required shall not be given within the time required by such order, or in case the sureties thereon fail to justify thereon when required, all rights obtained by the filing of such original undertaking, or subsequent undertaking, shall cease and the amount of said tax and interest thereon shall immediately become due and payable.

Stats 1939,
p 2093 SEC. 24. Section 72 of said act is hereby amended to read as follows:

Refunds
Persons
entitled SEC. 72. When any amount of tax levied under this act has been erroneously paid, the person who made such payment or his heir, executor, or administrator, but not his assign, is, within one year after such payment, entitled to refund of the portion of the tax so erroneously paid.

Stats 1939,
p 2093 SEC. 25. Section 73 of said act is hereby amended to read as follows:

After
judgment SEC. 73. If a tax is paid and it is later determined by a judgment that any portion of the tax so paid was in excess of the amount legally due, the person who paid the tax, his heir, executor or administrator, but not his assign, within one year after the judgment becomes final, is entitled to refund of such excess.

New section SEC. 26. Section 73.5 is hereby added to said act, to read as follows:

Payment SEC. 73.5 When any person is entitled to a refund of a tax previously paid, the amount of the refund shall, on application of the person entitled to the refund, be credited on any amounts then due from such person, or which are a lien on property owned by such person, under this act or the Inheritance Tax Act of 1935, and the balance shall be refunded to the person applying for refund or to his heir, executor, or administrator, but not his assign.

Stats 1939,
p 2094 SEC. 27. Section 76 of said act is hereby repealed.

Declaration
of intent SEC. 28. The Legislature hereby declares that the addition of Sections 6.5, 10.5, 12.5, 39.5, 43.3, 43.5, 44.5, 48.5 and 73.5 to, and the amendments to Sections 23, 28, 30, 31, 37, 41, 44, 63, 67, 72 and 73 of, the Gift Tax Act of 1939 contained in this act are not changes in the law, but are declaratory of the law as the Legislature intended it to be when it enacted Chapter 652 of the Statutes of 1939.

Retroactive
effect SEC. 29. The Legislature hereby declares that the amendment to section 40 of the Gift Tax Act of 1939 contained in this act shall apply to gift returns for all taxable transfers made before or after the effective date of this act.

SEC. 30. This act, inasmuch as it provides for a tax levy ^{Tax levy} for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 42

An act to add Sections 2.1 and 19.5 to the Orange County Flood Control Act, relating to the Orange County Flood Control District, including the use of funds received by the district for the purchase and retirement of outstanding district bonds, to repeal Chapter 17 of the Statutes of the First Extra Session of the Fifty-third Legislature, and to provide that this act shall take effect immediately. Stats. 1927, p. 1325, amended
Stats. 1941, p. 42, repealed

[Approved by Governor May 21, 1940 Filed with Secretary of State ^{In effect immediately}
May 21, 1940]

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

SECTION 1. Section 2.1 is hereby added to the Orange ^{New section} County Flood Control Act, to read as follows:

Sec. 2.1. In addition to its other powers, the Orange ^{Reimbursement of funds} County Flood Control District may receive and accept funds, as reimbursement for funds previously expended by the district, or otherwise, and apply such funds toward the purchase and retirement of the outstanding bonds of the district or the payment of installments of principal or interest due, or which may become due, upon the outstanding bonds of the district.

SEC. 2. Section 19.5 is hereby added to said act, to read as ^{New section} follows:

Sec. 19.5. Any funds received by the district from the Federal Government, or any department, agency, or instrumentality thereof, as reimbursement to the district for funds previously expended by it, or otherwise, together with any funds received by the district as income, other than income received by taxation, and including all funds received by the district as the result of the sale, lease or rental of the property of the district, may, by resolution adopted by the board of supervisors of the district, be used to purchase and retire the outstanding bonds of the district. ^{Retirement of outstanding bonds}

The board may reject any or all offers to sell such bonds to the district. All such bonds purchased by the district shall be purchased at a price which shall not exceed the prevailing market price and in no event shall the purchase price be more than 5 per cent above the par value.

All funds of the district available for the purchase and retirement of bonds under the provisions of this section may also, by resolution adopted by the board of supervisors of the district, be used to pay installments of principal or interest due, or to become due, upon the outstanding bonds of the district.

Validation SEC. 3. The purchase and retirement of any outstanding bonds by the district prior to the effective date of this act is hereby confirmed, validated and declared legally effective, if such purchase and retirement was duly authorized by the board of supervisors of the district.

Constitutionality SEC. 4. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

Repeal SEC. 5 Chapter 17 of the Statutes of the First Extra Session of the Fifty-third Legislature is hereby repealed.

Urgency SEC. 6. 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 as such shall take effect immediately. The facts constituting such necessity are as follows:

Unless this act goes into effect immediately bonds now available for purchase by the district because of certain funds received by the district from the Federal Government for that purpose will increase in price to such an extent that the district will be unable to purchase the same.

In order to avoid irreparable financial loss to the district and for the preservation of the public peace and safety, it is essential that this act shall take effect immediately

CHAPTER 43

Stats 1935, *An act to amend Section 64 of, and to add Section 541 to, the*
D 1123, *Alcoholic Beverage Control Act, relating to alcoholic bev-*
amended *erages, to take effect immediately*

In effect [Approved by Governor May 21, 1940 Filed with Secretary of State
immediately May 21, 1940]

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

Stats 1939, SECTION 1. Section 64 of the Alcoholic Beverage Control
D 2224 Act is hereby amended to read as follows:

Imports to Sec. 64. The San Francisco Bay Exposition, a corpora-
Golden Gate tion sponsoring the Golden Gate International Exposition on
International Treasure Island in San Francisco Bay, during the year
Exposition 1940, or the duly authorized commissioner of any foreign gov-
 ernment exhibiting thereat may at any time in the year
 1940 import without an importer's license foreign distilled
 spirits, wine or malt beverages for exhibit purposes at the
 Golden Gate International Exposition or for on-premises
 consumption in the national pavilion restaurant of a foreign
 government at the Golden Gate International Exposition;
 provided, the imported distilled spirits, wine or malt beverages
 so imported for the account of the commissioner of such for-
 eign government be produced in such foreign country. The

San Francisco Bay Exposition importing any such distilled spirits, wine or malt beverages for the account of a commissioner of any such foreign government for exhibit purposes or on-premises consumption as aforesaid shall be deemed the duly authorized representative of such commissioner and shall be freely authorized to transfer without tax or license fees such distilled spirits, wine or malt beverages imported under authority hereof to such commissioner for exhibit purposes or on-premises consumption as aforesaid; provided, however, that any such alcoholic beverages sold shall be subject to the payment of excise taxes in accordance with the provisions of this act. Excise taxes

The San Francisco Bay Exposition or such commissioner shall within 10 days after the importation and receipt of alcoholic beverages as authorized by this section report to the board the quantity of alcoholic beverages so imported under the provisions of this section. The San Francisco Bay Exposition or such commissioner shall on or before the tenth day of each month prepare a verified return of the quantity of alcoholic beverages sold or otherwise disposed of by the San Francisco Exposition or such commissioner during the preceding calendar month and shall deliver the return to the board together with a remittance payable to the board for the amount of the excise taxes due. Reports
Remittance

The removal from the premises of any national pavilion restaurant of any alcoholic beverages imported under the provisions of this section for on-premises consumption in such national pavilion is prohibited otherwise than and for destruction or exportation under Federal customs supervision, and in the event any of the alcoholic beverages so imported are not consumed upon the premises of the national pavilion restaurant and are removed from such premises for consumption or for sale or commercial purposes in California, such alcoholic beverages so removed shall be seized and forfeited. Such seizure and forfeiture and the disposition of such alcoholic beverages subsequent to seizure and forfeiture shall be in accordance with other provisions of this act relating to seizures and forfeitures and dispositions of alcoholic beverages or other property seized or forfeited. Removal
from
premises

Nothing in this section shall authorize the importation of distilled spirits in containers of larger than one gallon capacity. Limitation

SEC. 2. Section 54.1 is hereby added to said act, to read as follows: New section

Sec. 54.1 The provisions of Section 54 of this act shall not apply to a manufacturer of beer or a manufacturer of wine with respect to one location only and the on-sale licenses, fixtures and appurtenances necessary to the conduct of such location and the sale of alcoholic beverages thereon when such location is in and upon and to be operated for the duration of the Golden Gate International Exposition to be held in the San Francisco Bay region in 1940, and the manufacturer of beer or wine has, in writing, notified the board of such Brewers and
wineries

single location as to which such manufacture elects the provisions of Section 54 shall not apply

Urgency SEC. 3. This act is hereby declared 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:

The Golden Gate International Exposition under the sponsorship of the San Francisco Bay Exposition, a California nonprofit corporation, was opened on Treasure Island on February 18, 1939, and continued open to and including October 29, 1939, and will be reopened on Treasure Island on May 25, 1940, and will continue open up to and including September 29, 1940.

The President of the United States under authority of a joint resolution of the Congress approved June 15, 1936, did by proclamation issued November 16, 1936, and also by proclamation issued in the month of January, 1940, invite the participation of the nations in this exposition. Many foreign nations did in 1939 and will again in 1940 maintain exhibits on Treasure Island in response to these proclamations. Some of them will maintain national pavilion restaurants and these foreign nations desire to exhibit and to offer for sale within their national pavilion restaurants the distilled spirits, wines and malt beverages produced in such foreign countries. It is essential in order to maintain good will between the United States and these foreign countries that all reasonable efforts be made to add to the comfort and convenience of the commissioners of foreign governments in connection with their participation in this exposition. Those foreign governments desiring to import their native distilled spirits, wine and malt beverages were confronted by many difficulties by reason of the provisions of the Federal Alcohol Administration Act and the provisions of the California Alcoholic Beverage Control Act. In order to grant relief in the premises and recognizing the necessity therefor in connection with maintaining the good will of the countries concerned, the Congress by an act entitled "An act relating to the importation of distilled spirits for consumption at the New York World's Fair 1939 and the Golden Gate International Exposition of 1939 and to duties on certain articles to be imported at the New York World's Fair 1939," approved April 29, 1939, did relieve the commissioners of these foreign governments from some of the difficulties provided by the Federal Alcohol Administration Act. The provisions of this act will apply to both world's fairs in 1940. Under the terms of the California Alcoholic Beverage Control Act no one can import distilled spirits, wine or malt beverages unless holding an importer's license and no person can be granted an importer's license except such person be the holder of a manufacturer's, rectifier's or wholesaler's license. Neither the San Francisco Bay Exposition

nor the commissioner of any foreign government is the holder or can qualify to become the holder of a manufacturer's, rectifier's or wholesaler's license except under authority of Section 6.4 of the Alcoholic Beverage Control Act.

This act is necessary in order to facilitate the importation of distilled spirits, wine and malt beverages for on-premises consumption in the national pavilion restaurants of foreign governments at the Golden Gate International Exposition as provided above, and in view of the limited period for which this act will be operative, and in order to give the commissioners of foreign governments immediate relief in the premises, it is necessary that this act shall take effect immediately.

CHAPTER 44

An act making an appropriation for the contingent expenses of the Senate for the Fifty-third (extraordinary) Session of the Legislature including expenses of committees created at that session and for any and all claims approved by the Senate, and declaring that this act shall take effect immediately.

[Passed over Governor's veto May 22, 1940 Filed with Secretary of State May 22, 1940] In effect immediately

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

SECTION 1. The sum of thirty thousand dollars (\$30,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, for contingent expenses of the Senate for the Fifty-third (extraordinary) Session of the Legislature and other matters incidental thereto, including expenses of committees created at that session and for any and all claims approved by the Senate. Appropriation Senate contingent expenses

SEC. 2. Inasmuch as this act makes an appropriation for the usual current expenses of the State it shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately. Current expenses

CHAPTER 45

“Unemploy-
ment Relief
Appropri-
ation Act
of 1947”
See also
Stats 19-1,
pp 176,
343, 628
and 1305

An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment and for the administration thereof, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

In effect immediately [Approved by Governor May 29, 1940 Filed with Secretary of State May 29, 1940]

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

Appropri-
ation Relief

SECTION 1. Out of the money in the State Treasury, the sum of twenty-four million three hundred forty-seven thousand ninety-one dollars (\$24,347,091) is hereby appropriated to the Relief Administrator and the Relief Commission, in addition to any sum remaining unexpended in Chapter 12 of the Statutes of 1940, for the relief of hardship and destitution and the administration thereof from the effective date of the act to and including March 31, 1941, as provided in this act and the California Unemployment Relief Act of 1935, including not to exceed five hundred thousand dollars (\$500,000) for the administrative expenses of the Controller.

Stats 1935,
p 1850

Definitions

As used in this act, (i) “Unexpended” describes sums of money which are unencumbered and against which no commitments have been made by the Relief Administrator and Relief Commission or which having been encumbered or committed, have been unencumbered and the commitment released by the Relief Administrator and the Relief Commission, and (ii) “Expended” describes sums of money which are encumbered and against which commitments are made.

Transfer
of funds

SEC. 2. The sum appropriated by this act, except the money available for the administrative expenses of the Controller, shall, upon order of the State Controller, be transferred to the Unemployment Relief Fund and shall be disbursed therefrom for the purposes herein provided. Until such time as such transfer is made, or when there is no money in said fund, the procedure for transfer of money from other funds prescribed by Section 1a of the California Unemployment Relief Act of 1935 shall be applicable hereto.

Stats 1937,
p 1

Schedule of
payments

SEC. 3. The money appropriated by this act, except the money available for the administrative expenses of the Controller, shall not be expended in excess of following quarterly schedule.

(a) For the remainder of the last quarter of the ninety-first fiscal year not more than two million three hundred sixty-one thousand one hundred thirteen dollars (\$2,361,113) together with any sum remaining unexpended in Chapter 12 of the Statutes of 1940 Any unexpended amount remaining in this classification at the close of the ninety-first fiscal year may be expended during the first, second, or third quarter of the ninety-second fiscal year.

(b) For the first quarter of the ninety-second fiscal year:	
(1) July -----	\$2,088,691
(2) August -----	2,116,532
(3) September -----	1,901,289
	\$6,106,512
(c) For the second quarter of the ninety-second fiscal year:	
(1) October -----	\$1,874,919
(2) November -----	1,938,062
(3) December -----	2,515,743
	\$6,328,724
(d) For the third quarter of the ninety-second fiscal year:	
(1) January -----	\$2,781,075
(2) February -----	3,100,875
(3) March -----	3,168,792
	\$9,050,742

The rate per month provisions of this section are directory and not mandatory. The quarterly limitations are mandatory.

If any money is not expended in the quarter for which it is available, the unexpended amount may be expended in any subsequent quarter without regard to the apportionment provided for that quarter.

SEC. 3.5. Out of the money appropriated by this act, the Relief Administrator or his duly authorized agent may, without at the time furnishing vouchers and itemized statements, draw one sum not to exceed twenty-five thousand dollars (\$25,000) for use as a revolving fund for payment of compensation earned, traveling expenses advanced, or where other cash payments are necessary; and another sum not to exceed four hundred fifty thousand dollars (\$450,000) as a revolving fund for Federal food stamp purposes. On March 31, 1941, or at any other time, upon demand of the Department of Finance, these expenses must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller

Revolving fund

Federal food stamp revolving fund

SEC. 4. Within each quarter provided in Section 3, the money appropriated by this act, exclusive of the money available for the administrative expenses of the Controller, shall be expended for the purposes authorized as follows:

Limitations on expenditures

(a) Not less than 82 per cent shall consist, if and when expended, of cash, wages, personal property and services to persons receiving relief from this appropriation. All sums expended for (i) distribution of surplus commodities, (ii) maintenance and operation of relief camps, (iii) maintenance and operation of medical bureaus and dental clinics and (iv) sponsorship contributions to the Works Projects Administration may be charged to this classification, if and when expended.

(b) Not more than 3 per cent for any work relief projects and the administration thereof, exclusive of contributions to the Works Projects Administration. Not more than one-third of this classification may be expended for self-help cooperatives, for production for use projects, consumer cooperatives or direct production projects. No such cooperative or project shall produce, manufacture, process or sell consumable goods for consumption or use by any person, firm, association or corporation, other than a person directly participating in the work of such cooperative or project and other than a relief client.

(c) Not more than 15 per cent for administration.

Work relief projects SEC. 5. Of the sum appropriated by this act, any amounts expended by the Relief Administrator in accordance with the provisions of subdivisions (a) and (f), or either, of Section 3 of the California Unemployment Relief Act of 1935 for work relief projects sponsored by the Federal Government and by any political subdivision, district or municipality of the State either alone or in conjunction with the Relief Administrator, shall be exempt from Section 669 of the Political Code and limitations, if any, of the Budget Act of 1939.

Access to records SEC. 6. Of the governmental agencies through which Section 3 of the California Unemployment Relief Act of 1935 authorizes the Relief Administrator to make expenditures, the counties as such governmental agencies under the California Unemployment Relief Act of 1935 shall, for the purposes of examination, have access at all reasonable times to all records of the Relief Administrator and the Relief Commission.

Credit investigations SEC. 6.5. In order to safeguard the money for the purposes for which it is appropriated, the Relief Administrator and the Relief Commission, or, with money available for his administrative expenses, the Controller may contract with one or more credit associations, credit organizations, or financial investigating agencies to ascertain the financial condition and credit rating of applicants for, and recipients of, relief from the money appropriated by this act.

Medical services SEC. 67. With money from this appropriation, not to exceed 1 per cent of the total sum appropriated, chargeable to the 82 per cent classification, the Relief Administrator and the Relief Commission may contract with any nonprofit medical or health service corporation organized under the laws of this State for the rendition of medical and health services to any person and his family eligible for assistance from this appropriation.

Eligible persons SEC. 7. The appropriation made by Section 1 of this act shall be expended to and for the relief of all persons who are not totally incapacitated for gainful employment and to and for the relief of all dependents of such persons provided such persons and their dependents are, as to need, otherwise eligible for relief under rules and regulations established by the Relief Commission under Section 8 of the California Unemployment Relief Act of 1935; provided, however, that

none of said appropriation shall be expended to, or used for the relief of, persons who on February 18, 1940, were receiving assistance from any of the several counties under Chapter 2 of Division 4 of the Welfare and Institutions Code.

SEC. 8. The total relief allowance, whether in cash or kind, from the appropriation made by this act shall not be more than fifty-eight dollars (\$58) per month per family. Relief
limitations

Relief, in addition to the maximum of fifty-eight dollars (\$58) per month allowance, may, however, be granted, but (i) only in the form of commodities, services or other forms of relief in kind and (ii) only in extraordinary cases, which term "extraordinary cases" shall include within its scope families of extraordinary size.

In determining any relief allowance, all net cash income from any source of any member of the family shall be deducted except the following which shall not be considered, if used only for educational or other purposes for which the relief allowance may be used:

(a) All income of minors for educational scholarships and National Youth Administration student aid received by any person under the National Youth Administration in-school programs.

(b) Three-fourths of the income earned by National Youth Administration project workers under the National Youth Administration out-of-school programs.

(c) That portion of the income from the Civilian Conservation Corps which that agency permits the enrollee to expend for his own use.

(d) One-quarter of the earned income of any adult member of the family.

(e) All income received by any relief recipient or member of his family as pay for attending drill or for any other duty as a member of the National Guard.

In addition, all other income of any minor under 18 years of age, not mentioned above, need not, but may, be deducted either in whole or in part

In order to be entitled to the exclusion of any income, all income of all members of the family shall be reported.

SEC. 9. Any surplus commodities distributed by the Federal Government or any agency thereof shall not be deducted in determining any relief allowance or budget of any family. Surplus
commodities

SEC. 10. (a) None of the appropriation made by this act shall be expended for the relief of any person who: Ineligible
persons

(1) Has not either (i) lived continuously in this State for five years, if he began to live in the State of California after June 1, 1940, or (ii) lived continuously in the State of California for three years, if he began to live in the State of California on or before June 1, 1940; or

(2) Has lost his residence by remaining away from this State for an uninterrupted period of one year.

Within the meaning of this subdivision (a), time spent in a public institution or on parole therefrom is to be disregarded

in determining the period of residence in this State. Absence from the State for labor or other special or temporary purposes does not occasion loss of residence.

(b) Notwithstanding the provisions of subdivision (a), the appropriation made by this act may be expended for the relief of any person who:

(1) On February 18, 1940 (i) is receiving or has received relief from the Relief Administrator and Relief Commission or (ii) is certified or has been certified to the Works Projects Administration or its predecessor by the Relief Administrator and the Relief Commission, and

(2) Has not left the State with intent to reside elsewhere, and

(3) Has not remained away from the State for a period of one year.

(c) Notwithstanding the provisions of subdivision (a), the appropriation shall be available for relief pending transportation, but not to exceed 30 days, and for the costs of transportation of a nonresident to any State in which he resides. Every nonresident, who has once received assistance under this subdivision (c), or subdivision (c) of Section 9 of Chapter 12 of the Statutes of 1940, shall not be granted further assistance from the appropriation made by this act.

Aliens SEC. 11. None of the appropriation shall be expended for the relief of any alien who entered the United States illegally subsequent to July 1, 1924. In order to be eligible for relief from the appropriation, every alien, unless he first proves entry prior to July 1, 1924, shall prove his entry into the United States was legal.

If relief from the appropriation is barred to any alien by the terms of this section, the members of his family shall not be affected thereby and the family, exclusive of the aliens, shall remain entitled to relief from the appropriation made by this act notwithstanding this section and shall receive the same relief it would have received if the aliens were not members thereof. No ineligible alien shall be considered in determining the family budget.

The presence of all alien applicants for relief from this appropriation shall be reported immediately to the United States immigration authorities.

The appropriation is available for costs of transportation to any foreign country immediately contiguous to the United States for the aliens of such countries and for the dependents of such aliens.

Applications for relief SEC. 12. To secure relief from the appropriation made by this act, an applicant for such relief shall prove, to the satisfaction of the State Relief Administration, his eligibility therefor, including his eligibility as to need, residence and citizenship.

All statements made by an applicant for such relief shall be verified by the oath of the applicant. Every employee of the Relief Administrator receiving an application for such relief

in the course of his official duties may administer an oath to the applicant for such relief.

Within three months after the effective date of this act, the Relief Administrator shall require an oath under this section of every person who has not taken an oath under Section 11 of Chapter 12 of the Statutes of 1940, who was receiving relief from the State Relief Administration on the effective date of this act and who continues to receive or reapplies for relief from this appropriation. Every person who applies for relief for the first time after the effective date of this act shall take the oath required by this section before any relief is granted to him.

If the applicant for relief wilfully makes any false statement in his application for such relief from the appropriation made by this act, he shall be guilty of a misdemeanor.

SEC. 13. None of the appropriation made by this act shall be expended for the relief of any person who is, or any member of whose family is, making payments upon any chattel mortgage or conditional sales contract for personal property, other than payments for essential food and essential clothing, in excess of five dollars (\$5) per month, when the debt, secured by the chattel mortgage or conditional sales contract, was incurred subsequent to his application for relief from the appropriation made by this act, or while receiving relief under Chapter 12 of the Statutes of 1940.

Chattel mortgages or conditional sales contracts

SEC. 14. If any county, city, district or political subdivision or other governmental agency takes any recipients of relief from the State Relief Administration, furnishes materials, equipment, tools, supervision, and transportation, and sponsors and finances useful but nonessential work relief projects, it may, but need not, reimburse the State for the value of the labor supplied by the Relief Administration

Reimbursement for relief work

SEC. 15. All money received by any relief client from this appropriation for himself or his dependents shall be used exclusively for food, rent, utilities and any other necessities. The Relief Commission shall establish rules and regulations, in accordance with this section, relating to the purposes for which relief clients may not expend money received by them from this appropriation.

Use of relief funds

Any relief client who uses the money received by him for purposes other than those permitted by this section or such rules and regulations may be disqualified for any further relief from this appropriation. The Relief Administrator may require satisfactory evidence of the payment of rent.

SEC. 16. In determining the amount to be expended from the appropriation for the relief of any person and his family consideration shall be given (i) to the amounts of public assistance, if any, such person and his family are receiving under any other provision of law and (ii) to the standards of living, wage rates and living conditions in the locality in which such person and his family reside.

Determination of amount

Automobiles SEC. 17 None of the appropriation made by this act may be expended for the relief of any person who possesses, or whose family possesses, more than one automobile, unless such person or persons shall deliver the license plates of all but one of the automobiles to the State Relief Administration.

Unlawful political activity SEC. 18. (a) It is unlawful for any person, directly or indirectly, to promise any compensation, employment, relief or other benefit provided for or made possible in whole or in part by the appropriation, to any individual as consideration, favor or reward for any political activity or for the support of or opposition to any candidate or any political party in any election.

(b) It is unlawful for any person to deprive, attempt to deprive or threaten to deprive by any means any person of any relief or other public assistance provided for or made possible in whole or in part by the appropriation on account of any political activity, support of or opposition to any candidate or to any political party in any election.

(c) It is unlawful for any person knowingly to solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution of money for any political purpose whatever from any person receiving compensation, employment, relief or other benefit made available from the appropriation.

(d) It is unlawful for any person to furnish or disclose or to aid or assist in furnishing or disclosing any names of persons receiving compensation, employment, relief or other benefits provided or made possible by the appropriation to any political candidate, committee, campaign manager or to any person for delivery to a political candidate, committee or campaign manager, and it is unlawful for any person to receive any such names for political purposes.

(e) No part of the appropriation shall be used for the purpose of directly or indirectly influencing or attempting to influence or interfering with or restraining or coercing any person in the exercise of his right to vote at any election.

(f) It is unlawful for any person employed in any capacity in connection with the administration or disbursement of the appropriation to take an active part in political management, or be an active member of political organizations or take an active part in political campaigns which have as their purpose the election or nomination of any person to any office or employment, or to be a candidate for nomination or election to any office, whether partisan or nonpartisan.

(g) It is unlawful for any person employed in any capacity in connection with the administration or disbursement of the appropriation to influence or attempt to influence any individual known to be receiving compensation, employment, relief or other benefits provided by the appropriation to support or oppose any candidate or any political party in any election.

(h) Every person violating any provision of this section is guilty of a misdemeanor and in addition to the penalty imposed therefor shall not be entitled to any further compensation or employment provided for or made possible in whole or in part by the appropriation.

(i) As used in this section "appropriation" refers to the sum appropriated in Section 1 of this act.

(j) The Relief Administrator is charged with the duty of enforcing the provisions of this section.

SEC. 19. The Legislature hereby declares that the use of the money appropriated by this act for the support of a publicity department and the making of expenditures for press releases, publicity statements, propoganda and other forms of appeals to the public is contrary to its policy in providing this appropriation for the relief of hardship and destitution due to and caused by unemployment. Declaration of intent

SEC. 21. The Relief Administrator shall refuse any further employment in the administration of this appropriation and shall pay no further compensation from this appropriation to any officer or employee of the State Relief Administration, (i) who refuses to appear, to testify or to answer the questions of any legislative committee, or (ii) who has heretofore refused to appear, to testify or to answer the questions of any legislative committee. The refusal shall be certified to the Relief Administrator by the legislative committee before which he refused to appear, to testify or to answer. Refusal to testify before legislative committee

SEC. 22. The Legislature hereby directs, but does not require, the State Relief Administration to provide all relief and assistance for single men and unattached men through relief camps or by relief-in-kind whenever and wherever possible in lieu of direct cash payments. Relief camps

SEC. 24. 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. The Legislature hereby declares that it would have passed 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 be declared unconstitutional. Constitutionality

SEC. 25. 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 as such shall take effect immediately. The facts constituting such necessity are as follows: Urgency

The appropriation for unemployment relief is about to be totally expended and it is necessary that additional funds be made available immediately. Unless this act providing immediate funds and the means for the expenditure thereof and safeguards upon their use takes effect immediately relief operations will have to be suspended at a time when the need is

great, which will result in untold hardship and suffering to a great number of persons receiving relief in this State at this time, and will cause serious unrest throughout the State.

Short title SEC. 26. This act shall be known and may be cited as the Unemployment Relief Appropriation Act of 1940.

CHAPTER 46

Stats 1933, *An act to add Section 2.5 to the Retail Sales Tax Act of 1933*
p 2599, and *and Section 2.5 to the Use Tax Act of 1935, relating to the*
Stats 1935, *definition of "sale" and "purchase" respectively, includ-*
p. 1297, *ing but not limited to declaring the legislative intent as*
amended *to the construction of said acts with respect to transac-*
tions involving the sales of newspapers and providing
when this act shall become effective.

[This bill having remained with the Governor ten days (Sundays excepted), and the Legislature being in session, it became a law this second day of June, A. D., 1940. PAUL PEREK, Secretary of State]

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

New section See also SECTION 1. Section 2.5 is hereby added to the Retail Sales
Stats 1941, Tax Act of 1933, to read as follows:

p. 1324 "Sale" SEC. 2.5. As defined in Section 2, "sale" does not include
the transfer of any publication by the publisher thereof or
subsequent distributors thereof if such publication is regu-
larly issued at average intervals not exceeding one month.

New section See also SEC. 2. Section 2.5 is hereby added to the Use Tax Act of
Stats 1941, 1935, to read as follows:

p. 1335 "Purchase" SEC. 2.5. As defined in Section 2, "purchase" does not
include the transfer of any publication by the publisher thereof
or subsequent distributors thereof if such publication is regu-
larly issued at average intervals not exceeding one month.

Declaration of intent SEC. 3. Sections 1 and 2 of this act in so far as they per-
tain to newspapers of general circulation as defined in Section
4460 of the Political Code, are hereby declared to be positive
expression of a continuing legislative intent with respect to
the construction of the Retail Sales Tax Act of 1933 and the
Use Tax Act of 1935 ever since the first enactments thereof.
Accordingly, gross receipts from the transfer of any such
newspaper by the publisher thereof or subsequent distributors
thereof shall not be included in the measure of any tax
assessed or determined under said acts or either of them,
regardless of the time of such transfer.

Constitutionality SEC. 4. If any section, subsection, clause, sentence or
phrase of this act which is reasonably separable from the
remaining portions of this act is for any reason held to be
unconstitutional, such decision shall not affect the remaining
portions of this act. The Legislature hereby declares that it

would have passed the remaining portion of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

SEC. 5. The provisions of Sections 1 and 2 of this act shall become operative and applicable July 1, 1940. Save as to newspapers, nothing herein contained shall affect any liability for sales or use taxes arising out of sales or storage, use or other consumption of tangible personal property occurring prior to such date. Operative
date

SEC. 6. This act inasmuch as it provides for tax levies for the usual current expenses of the State shall under the provisions of Section 1 of Article IV of the Constitution take effect as a statute immediately. Tax levy

CHAPTER 47

An act to amend Sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division 1 of, to repeal Sections 3614, 3707 and 4108 of, to add Sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of Sections 3534 to 3562, and Chapter 4.6, consisting of Sections 3571 to 3578, to Part 6 of Division 1 of, the Revenue and Taxation Code, and to amend Sections 3833.3, 3857.2 and 3859.20 of, to repeal Sections 3773.1, 3833 and 3859.18 of, and to add Sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter 9b, consisting of Sections 3860.01 to 3860.32, and Chapter 9c, consisting of Sections 3861.1 to 3861.8, to Title 9 of Part 3 of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax-deeded property, and making an appropriation. Stats 1939,
p. 1274
amended

[Approved by Governor June 1, 1940. Filed with Secretary of State June 4, 1940.] In effect
June 1,
1941
See
Stats 1941,
p. 427

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

SECTION 1. Section 124 of the Revenue and Taxation Code is hereby amended to read as follows: Stats 1939,
p. 1279
See also
Stats 1941,
p. 1423

124. "Current taxes" means taxes which are a lien on property, but which are not included in "amount of sold taxes," except that, between a lien date and the time in the same calendar year when property is sold to the State for taxes, the taxes becoming a lien on this lien date in such calendar year are not yet "current taxes." "Current
taxes"

SEC. 1.5. Section 127 of the Revenue and Taxation Code is hereby amended to read as follows: Stats 1939,
p. 1279
See also
Stats 1941,
p. 1424

127. "Tax-deeded property" is property which has been deeded to the State for taxes and which has not been sold to "Tax-deeded
property"

a private purchaser or a taxing agency and has not been finally classified as suitable for public use.

New section
See also
Stats 1941,
pp 1425
and 1426

SEC. 2. Section 3511.5 is hereby added to the Revenue and Taxation Code, to read as follows:

Right of
redemption

3511.5. On execution of the deed to the State the right of redemption is terminated.

New section
See also
Stats 1941,
p. 1426

SEC. 3. Section 3521 is hereby added to the Revenue and Taxation Code, to read as follows:

Statute of
limitations

3521. A proceeding based on an alleged invalidity or irregularity of any deed to the State for taxes or of any proceedings leading up to the deed can only be commenced within one year after the date of recording of the deed to the State in the county recorder's office or within one year after Section 3785.4 of the Political Code takes effect, whichever is later.

Sections 351 to 358, inclusive, of the Code of Civil Procedure do not apply to the time within which a proceeding may be brought under the provisions of this section.

New chapter

SEC. 4. Chapter 4.3, consisting of Sections 3534 to 3562, is hereby added to Part 6 of Division 1, of the Revenue and Taxation Code, to read as follows:

CHAPTER 4.3. CLASSIFICATION OF TAX-DEEDED PROPERTY

Land
Classification
Commission

3534. The Land Classification Commission is continued in existence. There shall be three commissioners who shall be appointed by the Governor to serve at his pleasure, one of whom shall be learned in the subject of agricultural economics, one of whom shall be learned in the subject of real property taxation, and one of whom shall be learned in the subject of conservation and regional planning.

Secretary

3535. The chief of the redemption tax department in the Controller's office, or any other civil service employee of the classifying agency designated by the classifying agency, shall act as secretary of the Land Classification Commission.

Chairman

3538. The chairman of the Land Classification Commission shall be elected by and serve at the pleasure of the commission and shall be a member of the commission. The chairman and members of the commission shall each receive their actual and necessary expenses incurred in the course of their duties under this chapter, and shall each receive a sum to be fixed by the State Personnel Board, and which the State Personnel Board may from time to time change, as compensation for each and every day devoted to the actual performance of their duties under this chapter.

Expenses

3539. The classifying agency shall, from its personnel, furnish any secretarial, clerical, technical, or other assistance as may be needed by the Land Classification Commission.

Assistants

3540. Until the Land Classification Commission is appointed and qualified, the classifying agency shall exercise the powers and duties conferred upon the Land Classification Commission.

Exercise of powers

3541. "Administering agency" means the State or local agency which administers tax-deeded property which has been classified as suitable for a public use. The administering agency may be any State department, commission, board, or other State agency, or may be a county, city, district, or other local agency.

"Administering agency"

3542. "Classifying agency" means the Controller, or such State agency as he may designate.

"Classifying agency"

3543. After the deeds to the State are received in the Controller's office, or after the right of redemption is terminated, whichever is later, the classifying agency shall, as prescribed by the Land Classification Commission, tentatively classify each parcel of tax-deeded property so as to indicate the best use for each parcel.

Tentative classification
See also
Stats. 1941,
p. 1426

3544. This tentative classification shall include, but is not limited to, the following:

Basis of classification

(a) Which property is suitable for public use, and what the public use should be.

(b) Which property is suitable to go back to private ownership.

(c) Which property appears to be essentially waste land not fit for either public or private use with recommendations for its rehabilitation.

3545. When the tentative classification is completed, the classifying agency shall notify the various State or local agencies which in its judgment are best fitted to administer the property classified for public use. As prescribed by the Land Classification Commission, each State or local agency so notified shall notify the classifying agency whether or not it desires to become the administering agency for such property.

Notification to administering agencies

3546. As prescribed by the Land Classification Commission, any State or local agency may apply to the classifying agency:

Applications

(a) To have tax-deeded property classified for public use.

(b) To be the administering agency for property classified for public use.

3547. As prescribed by the Land Classification Commission, the classifying agency shall transmit to the Land Classification Commission the tentative classification, the responses

Transmission of information

of the State or local agencies to its notifications, any requests of State or local agencies relating to classification, and its recommendations for the final classification.

- Final classification** 3548. The Land Classification Commission, under such rules as it may prescribe, shall establish a final classification of property which has been deeded to the State for taxes. This final classification shall include, but is not limited to, the same subjects as the tentative classification.
- Prerequisite** 3549. No property shall be finally classified for public use unless some State or local agency has indicated its willingness to become the administering agency for the property. If no agency desires property otherwise suitable for public use, it shall be finally classified for private ownership or as waste land.
- Rental and sale** 3550. Until final classification is completed, tax-deeded property is subject to rental but not to sale, except that it may be sold under Chapter 8 of Part 6 of this division.
See also Stats. 1941, p 1426
- Classification as suitable for public use** 3551. Not more than 5 per cent of the assessed valuation of property in any county shall be finally classified as suitable for public use, except by consent of the board of supervisors. As used in this section, "assessed valuation" means the assessed valuation of all taxable property and the valuation which would be placed on tax-deeded property, and on former tax-deeded property which has been classified for public use, if such property were assessed. On information furnished by the county assessor, the assessed valuation shall be determined by the Land Classification Commission as of each time final classification is made.
- Classification for private ownership** 3552. After tax-deeded property has been finally classified as to use, the property classified for private ownership is subject to sale and continues to be subject to rental in the manner provided by law.
See also Stats 1941, p 1427
- Land not subject to sale** 3554. After tax-deeded property has been finally classified as to use, the property classified for public use and the waste land is not subject to sale to private owners.
- Administration** 3555. The property finally classified for public use shall be administered by the State or local agency which consents to administer the property and which, in the judgment of the Land Classification Commission, is best fitted to administer the property. The administering agency shall enter on administration of the property in the manner and at the time prescribed by the Land Classification Commission.
- Terms of sale** 3556. Before taking over the property for purposes of administration, the administering agency shall agree with the board of supervisors as to the purchase price to be paid for the

property and any terms of sale. This purchase price shall not exceed the amount which would have been necessary to redeem the property at the time it was deeded to the State for taxes. This price shall be paid from any funds appropriated or given to the administering agency. If the administering agency is the county, the board of supervisors shall agree with the governing bodies of all revenue districts as to the amount to be paid to such revenue districts by the county. On consummation of any agreement under this section, the property classified for public use ceases to be subject to rental. The money received under this section shall be distributed in the same manner as money received on sale of tax-deeded property to a private purchaser.

3557. If agreement is not reached within a time set by the Land Classification Commission as to the amount to be paid or the terms of sale for property finally classified for public use, any property classified for public use may be immediately reclassified as if it had not been previously classified.

Reclassification

3558. The administering agency may also agree to purchase the rights of other taxing agencies.

Purchase of rights

3559. If the Controller has not authorized sale of property finally classified for private ownership, or if no agreement has been consummated regarding the purchase price and terms of sale for property finally classified for public use, such property may be reclassified at any time in the manner and at the time prescribed by the Land Classification Commission.

Reclassification

3560. The property finally classified as waste land continues to be subject to rental and shall be administered by the classifying agency or such agency as it may designate. When, in the judgment of the Land Classification Commission, this waste land is rehabilitated, it shall be reclassified as to private or public use in the same manner as tax-deeded property being classified for the first time.

Waste land

3561. At any time, all State and local agencies shall supply all information requested by the classifying agency or the Land Classification Commission.

Additional information

3562. Any money necessary for carrying out the provisions of this chapter shall be appropriated only out of the tax-deeded land rental fund. This section is not an appropriation, but only prescribes the fund out of which appropriations are to be made by other provisions of law for the purposes of this chapter.

Source of future appropriations

New charter SEC. 5. Chapter 4.6, consisting of Sections 3571 to 3578, inclusive, is hereby added to Part 6 of Division 1 of the Revenue and Taxation Code, to read as follows:

CHAPTER 4.6. TERMINATING RIGHT OF REDEMPTION

Right of redemption See a 30 Stats 1941, p 1427 3571. The right of redemption of property which was deeded to the State before the effective date of Section 3785.4 of the Political Code shall be terminated under this chapter.

Notice of termination See also Stats 1941, p 1428 3572. Within one year after the effective date of Chapter 9c of Title 9 of Part 3 of the Political Code, or within six months after default under any plan for payment of delinquent taxes in installments, whichever is later, the tax collector shall send a notice of termination of right of redemption by registered mail to the last assessee of every assessment of tax-deeded property which was deeded to the State before the effective date of Section 3785.4 of the Political Code. The notice need not be mailed if the last assessee files with the tax collector a waiver of the notice.

Contents of notice 3573. The notice of termination of right of redemption shall state:

(a) The time of termination of the right of redemption;

(b) A description of the property;

(c) That if the property is not redeemed, or payment of delinquent taxes in installments is not started, before the time set for termination of the right of redemption, the right of redemption will cease.

Publication See also Stats 1941, p 1429 3574. The tax collector may also publish the notice of termination of right of redemption once in a newspaper published in the county, or, if none, by posting in three conspicuous places in the county.

Time of termination 3575. The time set for the termination of the right of redemption shall be four months after the notice of termination of the right of redemption is sent.

Termination 3576. If any property is not redeemed, or payment of delinquent taxes in installments is not started, before the time set for termination of the right of redemption, the right of redemption as to such property is terminated.

Failure to send notice 3577. Failure of the tax collector to send the notice of termination of the right of redemption within the time limited in this chapter does not affect the validity of the termination of the right of redemption within the proper time after the notice is actually sent. The tax collector shall be liable for any damages suffered by the county or State because of his failure to send the notice within the time limited in this chapter.

3578. When the right of redemption of any property is terminated under this chapter, and the property is classified for public use, the minimum price which the administering agency shall pay to the county is the cost of mailing and publishing the notice of termination of right of redemption.

Minimum
price

SEC. 5.3. Section 3591 of the Revenue and Taxation Code is hereby amended to read as follows:

Stats 1939,
p 1328

3591. As used in this chapter, "redemption" means any person entitled to redeem real property from tax sale, or who would be so entitled if the right of redemption were not terminated.

"Redemp-
tion"

SEC. 6. Section 3594 of the Revenue and Taxation Code is hereby amended to read as follows:

Stats 1939,
p. 1329

3594. As prescribed in this chapter, the State may quiet its title to tax-deeded property.

Quiet-
ing
title by
State

SEC. 7. Section 3614 of the Revenue and Taxation Code is hereby repealed.

Stats 1939,
p 1331

SEC. 8. Section 3616 of the Revenue and Taxation Code is hereby amended to read as follows:

Stats 1939,
p 1332
See also
Stats 1941,
p. 1422

3616. This invalidity redemption shall be made within one year after the interlocutory decree establishing the invalidity becomes a final judgment.

Invalidity
redemption

SEC. 8.1. Section 3651 of the Revenue and Taxation Code is hereby amended to read as follows:

Stats 1939,
p 1332
See also
Stats 1941,
p 1429

3651. After the recording of the deed to the State, the State has exclusive power through the Controller to rent tax-deeded property and to receive all proceeds arising in any manner from the property except proceeds from a sale of a parcel of tax-deeded property.

Renting,
etc., by
Controller

SEC. 8.2. Section 3659 of the Revenue and Taxation Code is hereby amended to read as follows:

Stats 1939,
p 1333

3659. All moneys received by the Controller under this chapter and Section 3441 shall be placed in the Tax-Deeded Land Rental Fund in the State Treasury, which fund is continued in existence, and shall not be deducted from the amount necessary to be paid in redemption of the property.

Tax-deeded
land rental
fund

SEC. 8.3. Section 3661 of the Revenue and Taxation Code is hereby amended to read as follows:

Stats 1939,
p 1334
See also
Stats 1941,
p 1429

3661. The Legislature hereby declares that it is the policy of this State to use any revenues received by the State from

Use of
revenues

the administration of tax-sold or tax-deeded property for the primary purpose of restoring tax-deeded property to the rolls and for all other purposes incident to the administration and classification of tax-sold property and tax-deeded property and such revenues are hereby appropriated for the purposes specified in this section. No money shall be appropriated from the Tax-Deeded Land Rental Fund except for the purposes specified in this section. Any unencumbered balance in excess of five thousand dollars (\$5,000) remaining in the Tax-Deeded Land Rental Fund on June 30th of each fiscal year shall be transferred to the General Fund.

Appropriation

Transfer to general fund

Sec. 8.4. Section 3662 is hereby added to the Revenue and Taxation Code, to read as follows:

Advisory committee on tax-deeded property

3662. The advisory committee on tax-deeded property is continued in existence. The committee consists of six members, appointed by the Governor on the recommendation of the Controller, and holding office at the pleasure of the Governor. Three members of this committee shall represent the interests of the counties of this State and three members shall represent the interests of the cities of this State. The members of this committee serve without compensation, except that they shall each receive the actual and necessary expenses incurred in the course of their duties.

Sec. 8.5. Section 3663 is hereby added to the Revenue and Taxation Code, to read as follows:

Recommendations by committee

3663. The advisory committee on tax-deeded property shall meet on call of the Controller for the purpose of conference and making recommendations in regard to:

(a) Restoring tax-deeded property to the rolls;

(b) All other purposes relating to the administration of tax-sold property and tax-deeded property.

Stats. 1939, p 1334
See also Stats 1941, p 1430

Power to sell

Sec. 9. Section 3691 of the Revenue and Taxation Code is hereby amended to read as follows:

3691. As provided in this chapter, after final classification of tax-deeded property has been completed, the tax collector may sell all or any portion of tax-deeded property for lawful money of the United States, except where the property has been classified as waste land.

Stats 1939, p 1338

Sec. 10. Section 3707 of the Revenue and Taxation Code is hereby repealed.

SEC. 11. The title of Chapter 8 of Part 6 of Division 1 of the Revenue and Taxation Code is hereby amended to read as follows: Stats 1939,
p 1342

CHAPTER 8. DEED TO STATE, COUNTY OR PUBLIC AGENCIES

SEC. 12. Section 3807 of the Revenue and Taxation Code is hereby amended to read as follows: Stats 1939,
p 1344
See also
Stats 1941,
p 1430

3807. The deed conveys to the purchaser all the State's interest in the property. Interest
conveyed

SEC. 13. Section 4101 of the Revenue and Taxation Code is hereby amended to read as follows: Stats 1939,
p 1345
See also
Stats 1941,
p 1430

4101. Until the right of redemption is terminated, tax-sold property may be redeemed by the redemptioner. The "redemptioner" is the person whose estate has been sold or his successor in interest. Right to
redeem
"Redem-
ptioner"

SEC. 14. Section 4108 of the Revenue and Taxation Code is hereby repealed. Stats 1939,
p 1346

SEC. 15. Section 4111 of the Revenue and Taxation Code is hereby amended to read as follows: Stats 1939,
p 1347
See also
Stats 1941,
p 1431

4111. Without charge, the auditor shall note in the delinquent list the fact and date of redemption. Auditor's
notation

SEC. 16. Section 4112 of the Revenue and Taxation Code is hereby amended to read as follows: Stats 1939,
p 1347
See also
Stats 1941,
p 1431

4112. On redemption, any interest acquired by virtue of the sale to the State ceases. Effect on
sale

SEC. 17. Section 4113 of the Revenue and Taxation Code is hereby amended to read as follows: Stats 1939,
p. 1347
See also
Stats 1941,
p 1431

4113. Whenever tax-sold property is redeemed, the redemptioner or any other person claiming through him may bring suit against the State to quiet title to all or any portion of the property and prosecute it to final judgment. Quieting
title against
State

SEC. 18. Section 4147 of the Revenue and Taxation Code is hereby amended to read as follows: Stats 1939,
p 1347
See also
Stats 1941,
p 1431

4147. As provided in this chapter, any parcel of tax-sold property contained in an assessment and having a separate valuation on the roll for the year of sale to the State and all subsequent rolls may be redeemed separately from the whole assessment. Separate
redemption
of parcel

New section
Sec. 150
Stats 1941,
p. 132 **SEC. 19.** Section 3785.4 is hereby added to the Political Code, to read as follows:

Termination
of right of
redemption 3785.4. Notwithstanding the provisions of Sections 3780, 3817 or 3818, or any other section of this code, the right to redeem property which has been sold to the State for taxes is terminated on execution of the deed to the State under Section 3785.

New section
Sec. 150
Stats 1941,
p. 132 **SEC. 20.** Section 3785.5 is hereby added to the Political Code, to read as follows:

Statut' of
limitations 3785.5. A proceeding based on an alleged invalidity or irregularity of any deed to the State for taxes or of any proceedings leading up to the deed can only be commenced within one year after the date of recording of the deed to the State in the county recorder's office or within one year after this section takes effect, whichever is later. Sections 351 to 358, inclusive, of the Code of Civil Procedure do not apply to the time within which a proceeding may be brought under the provisions of this section.

New section
Sec. also
Stats 1941,
p. 1432 **SEC. 21.** Section 3785.6 is hereby added to the Political Code, to read as follows:

"Tax-deeded
property" 3785.6. "Tax-deeded property" is property which has been deeded to the State for taxes and which has not been sold to a private purchaser or a taxing agency and has not been finally classified as suitable for public use.

Stats 1939,
p. 1917 **SEC. 22.** Section 3833 of the Political Code is hereby repealed.

Stats 1939,
p. 1917
See also
Stats 1941,
p. 1432 **SEC. 23.** Section 3833.3 of the Political Code is hereby amended to read as follows:

Sale by tax
collector 3833.3. After final classification of tax-deeded property has been completed, the tax collector shall, whenever directed by the board of supervisors of his county, and upon the written authorization of the State Controller, sell all or any portion of tax-deeded property at public auction to the highest bidder for cash in lawful money of the United States except where the tax-deeded property has been classified as waste land.

New chapter **SEC. 24.** Chapter 9b, consisting of Sections 3860.01 to 3860.32, inclusive, is hereby added to Title 9 of Part 3 of the Political Code, to read as follows:

CHAPTER 9B. CLASSIFICATION OF TAX-DEEDED PROPERTY

Land
Classification
Commission **3860.01.** A Land Classification Commission is hereby created. There shall be three commissioners who shall be

appointed by the Governor to serve at his pleasure, one of whom shall be learned in the subject of agricultural economics, one of whom shall be learned in the subject of real property taxation, and one of whom shall be learned in the subject of conservation and regional planning.

3860.05. The chief of the redemption tax department in the Controller's office, or any other civil service employee of the classifying agency designated by the classifying agency, shall act as secretary of the Land Classification Commission.

Secretary
See also
Stats 1941,
p 1432

3860.07. The Governor shall make the first appointments to the Land Classification Commission within 90 days after this chapter takes effect. Failure to make the appointments within the proper time does not invalidate the appointments when actually made.

Appoint-
ments
See also
Stats 1941,
p 1432

3860.08. The chairman of the Land Classification Commission shall be elected by and serve at the pleasure of the commission and shall be a member of the commission. The chairman and members of the commission shall each receive their actual and necessary expenses incurred in the course of their duties under this chapter, and shall each receive a sum to be fixed by the State Personnel Board, and which the State Personnel Board may from time to time change, as compensation for each and every day devoted to the actual performance of their duties under this chapter.

Chairman
See also
Stats 1941,
p 1432

Expenses

3860.09. The classifying agency shall, from its personnel, furnish any secretarial, clerical, technical, or other assistance as may be needed by the Land Classification Commission.

Assistants
See also
Stats 1941,
p 1432

3860.10. Until the Land Classification Commission is appointed and qualified, the classifying agency shall exercise the powers and duties conferred upon the Land Classification Commission.

Exercise of
powers
See also
Stats 1941,
p 1432

3860.11. "Administering agency" means the State or local agency which administers tax-deeded property which has been classified as suitable for a public use. The administering agency may be any State department, commission, board, or other State agency, or may be a county, city, district, or other local agency.

"Adminis-
tering
agency"
See also
Stats 1941,
p 1432

3860.12. "Classifying agency" means the Controller, or such State agency as he may designate.

"Classifying
agency"
See also
Stats 1941,
p 1432

3860.13. After the deeds to the State are received in the Controller's office, or after the right of redemption is terminated, whichever is later, the classifying agency shall, as prescribed by the Land Classification Commission, tentatively classify each parcel of tax-deeded property so as to indicate the best use for each parcel.

Tentative
classification
See also
Stats 1941,
p. 1432

Basic of classification
See also
Stats 1941,
p. 1432

3860.14. This tentative classification shall include, but is not limited to, the following:

(a) Which property is suitable for public use, and what the public use should be;

(b) Which property is suitable to go back to private ownership;

(c) Which property appears to be essentially waste land not fit for either public or private use with recommendations for its rehabilitation.

Notification to administering agencies
See also
Stats 1941,
p. 1432

3860.15. When the tentative classification is completed, the classifying agency shall notify the various State or local agencies which in its judgment are best fitted to administer the property classified for public use. As prescribed by the Land Classification Commission, each State or local agency so notified shall notify the classifying agency whether or not it desires to become the administering agency for such property.

Applications
See also
Stats 1941,
p. 1432

3860.16. As prescribed by the Land Classification Commission, any State or local agency may apply to the classifying agency:

(a) To have tax-deeded property classified for public use;

(b) To be the administering agency for property classified for public use.

Transmission of information
See also
Stats 1941,
p. 1432

3860.17. As prescribed by the Land Classification Commission, the classifying agency shall transmit to the Land Classification Commission the tentative classification, the responses of the State or local agencies to its notifications, any requests of State or local agencies relating to classification, and its recommendations for the final classification.

Final classification
See also
Stats 1941,
p. 1432

3860.18. The Land Classification Commission, under such rules as it may prescribe, shall establish a final classification of property which has been deeded to the State for taxes. This final classification shall include, but is not limited to, the same subjects as the tentative classification.

Prerequisite
See also
Stats 1941,
p. 1432

3860.19. No property shall be finally classified for public use unless some State or local agency has indicated its willingness to become the administering agency for the property. If no agency desires property otherwise suitable for public use, it shall be finally classified for private ownership or as waste land.

Rental and sale
See also
Stats 1941,
p. 1432

3860.20. Until final classification is completed, tax-deeded property is subject to rental but not to sale, except that it may be sold under Section 3897d.

Classification as suitable for public use
See also
Stats 1941,
p. 1432

3860.21. Not more than 5 per cent of the assessed valuation of property in any county shall be finally classified as suitable for public use, except by consent of the board of supervisors.

As used in this section, "assessed valuation" means the assessed valuation of all taxable property and the valuation which would be placed on tax-deeded property, and on former tax-deeded property which has been classified for public use, if such property were assessed. On information furnished by the county assessor, the assessed valuation shall be determined by the Land Classification Commission as of each time final classification is made.

3860.22. After tax-deeded property has been finally classified as to use, the property classified for private ownership is subject to sale and continues to be subject to rental in the manner provided by law.

Classification for private ownership
See also
Stats 1911,
p 1432

3860.24. After tax-deeded property has been finally classified as to use, the property classified for public use and the waste land is not subject to sale to private owners.

Land not subject to sale
See also
Stats 1941,
p 1432

3860.25. The property finally classified for public use shall be administered by the State or local agency which consents to administer the property and which, in the judgment of the Land Classification Commission, is best fitted to administer the property. The administering agency shall enter on administration of the property in the manner and at the time prescribed by the Land Classification Commission.

Administration
See also
Stats 1941,
p 1432

3860.26. Before taking over the property for purposes of administration, the administering agency shall agree with the board of supervisors as to the purchase price to be paid for the property and any terms of sale. This purchase price shall not exceed the amount which would have been necessary to redeem the property at the time it was deeded to the State for taxes. This price shall be paid from any funds appropriated or given to the administering agency. If the administering agency is the county, the board of supervisors shall agree with the governing bodies of all revenue districts as to the amount to be paid to such revenue districts by the county. On consummation of any agreement under this section, the property classified for public use ceases to be subject to rental. The money received under this section shall be distributed in the same manner as money received on sale of tax-deeded property to a private purchaser.

Terms of sale
See also
Stats 1941,
p 1432

3860.27. If agreement is not reached within a time set by the Land Classification Commission as to the amount to be paid or the terms of sale for property finally classified for public use, any property classified for public use may be immediately reclassified as if it had not been previously classified.

Reclassification
See also
Stats 1941,
p. 1432

3860.28. The administering agency may also agree to purchase the rights of other taxing agencies.

Purchase of rights
See also
Stats 1941,
p 1432

Reclassification
See also
Stats 1941,
p 1432

3860.29. If the Controller has not authorized sale of property finally classified for private ownership, or if no agreement has been consummated regarding the purchase price and terms of sale for property finally classified for public use, such property may be reclassified at any time in the manner and at the time prescribed by the Land Classification Commission.

Waste land
See also
Stats 1941,
p 1432

3860.30. The property finally classified as waste land continues to be subject to rental and shall be administered by the classifying agency or such agency as it may designate. When, in the judgment of the Land Classification Commission, this waste land is rehabilitated, it shall be reclassified as to private or public use in the same manner as tax-deeded property being classified for the first time.

Additional
information
See also
Stats 1941,
p. 1432

3860.31. At any time, all State and local agencies shall supply all information requested by the classifying agency or the Land Classification Commission.

Source of
future ap-
propriations
See also
Stats 1941,
p 1432

3860.32. Any money necessary for carrying out the provisions of this chapter shall be appropriated only out of the Tax-Deeded Land Rental Fund. This section is not an appropriation, but only prescribes the fund out of which appropriations are to be made by other provisions of law for the purposes of this chapter.

New chapter
See also
Stats 1941,
p 1432

SEC. 25. Chapter 9c, consisting of Sections 3861.1 to 3861.8, inclusive, is hereby added to Title 9 of Part 3 of the Political Code, to read as follows:

CHAPTER 9C. TERMINATING RIGHT OF REDEMPTION

Right of
redemption

3861.1. The right of redemption of property which was deeded to the State before the effective date of Section 3785.4 shall be terminated under this chapter.

Notice of
termination

3861.2. Within one year after the effective date of this chapter, or within six months after default under any plan for payment of delinquent taxes in installments, whichever is later, the tax collector shall send a notice of termination of right of redemption by registered mail to the last assessee of every assessment of tax-deeded property which was deeded to the State before the effective date of Section 3785.4. The notice need not be mailed if the last assessee files with the tax collector a waiver of the notice.

Contents
of notice

3861.3. The notice of termination of right of redemption shall state:

- (a) The time of termination of the right of redemption;
- (b) A description of the property;

(c) That if the property is not redeemed, or payment of delinquent taxes in installments is not started, before the time set for termination of the right of redemption, the right of redemption will cease.

3861.4. The tax collector may also publish the notice of termination of right of redemption once in a newspaper published in the county, or, if none, by posting in three conspicuous places in the county. Publication

3861.5. The time set for the termination of the right of redemption shall be four months after the notice of termination of the right of redemption is sent. Time of termination

3861.6. If any property is not redeemed, or payment of delinquent taxes in installments is not started, before the time set for termination of the right of redemption, the right of redemption as to such property is terminated. Termination

3861.7. Failure of the tax collector to send the notice of termination of the right of redemption within the time limited in this chapter does not affect the validity of the termination of the right of redemption within the proper time after the notice is actually sent. The tax collector shall be liable for any damages suffered by the county or State because of his failure to send the notice within the time limited in this chapter. Failure to send notice

3861.8. When the right of redemption of any property is terminated under this chapter, and the property is classified for public use, the minimum price which the administering agency shall pay to the county is the cost of mailing and publishing the notice of termination of right of redemption. Minimum price

SEC. 26. Section 3857.2 of the Political Code is hereby amended to read as follows: Stats Ex Sess 1938, p 111 See also Stats 1941, p 1432

3857.2. "Redemptioner" means any person entitled to redeem real property from tax sale or who would be so entitled if the right of redemption were not terminated. "Redemptioner"

SEC. 27. Section 3859.18 of the Political Code is hereby repealed. Stats Ex Sess 1938, p 113

SEC. 28. Section 3859.20 of the Political Code is hereby amended to read as follows: Stats Ex. Sess 1938, p 113 See also Stats 1941, p 1432

3859.20. This invalidity redemption shall be made within one year after the interlocutory decree establishing the invalidity becomes a final judgment. Invalidity redemption

SEC. 29. Section 3773.1 of the Political Code is hereby repealed. Stats 1939, p 2663

New section
See also
Stats 1941,
p 1432

SEC. 30. Section 3773.1 is hereby added to the Political Code, to read as follows:

Use of
revenues

3773.1. The Legislature hereby declares that it is the policy of this State to use any revenues received by the State from the administration of property which has been sold or deeded to the State for taxes for the primary purpose of restoring such tax-deeded property to the assessment rolls and for all other purposes incident to the administration and classification of property which has been sold or deeded to the State for taxes and such revenues are hereby appropriated for the purposes specified in this section. No money shall be appropriated from the Tax-Deeded Land Rental Fund except for the purposes specified in this section. Any unencumbered balance in excess of five thousand dollars (\$5,000) remaining in the Tax-Deeded Land Rental Fund on June 30th of each fiscal year shall be transferred to the General Fund.

Appropriation

Transfer to
general fund

New section

SEC. 31. Section 3773.2 is hereby added to the Political Code, to read as follows:

Advisory
committee
on tax-
deeded
property

3773.2. An advisory committee on tax-deeded property is hereby created. The committee shall consist of six members, appointed by the Governor on the recommendation of the Controller, and holding office at the pleasure of the Governor. Three members of this committee shall represent the interests of the counties of this State and three members shall represent the interests of the cities of this State. The members of this committee shall serve without compensation, except that they shall each receive from the Tax-Deeded Land Rental Fund the actual and necessary expenses incurred in the course of their duties.

The advisory committee on tax-deeded property shall meet on call of the Controller for the purpose of conference and making recommendations in regard to:

- (a) Restoring tax-deeded property to the rolls;
- (b) All other purposes relating to the administration of tax-sold property and tax-deeded property.

Effect of act

SEC. 32. Until the right of redemption of property heretofore deeded to the State is terminated in accordance with this act, none of the provisions of this act shall affect the right to redeem such property or to commence or to continue payment of delinquent taxes in installments in accordance with the provisions of law in effect on the effective date of this act.

Effective
dates

Repeals
See also
Stats 1941,
pp 175
and 427

SEC. 33. The provisions of this act making amendments to the Revenue and Taxation Code take effect at the same time the Revenue and Taxation Code takes effect, at which time any section of the Political Code amended or added by this act is hereby repealed.

CHAPTER 48

An act to add Section 3014.5 to the Civil Code, relating to trust receipt transactions, including those pertaining to motor vehicles, and to repeal an act entitled "An act to add Section 3014.5 to the Civil Code, relating to trust receipt transactions, including those pertaining to motor vehicles," approved February 28, 1940, to take effect immediately.

Stats. 1941,
p. 80,
repealed

[Approved by Governor June 1, 1940 Filed with Secretary of State June 4, 1940.] In effect immediately

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

SECTION 1. Section 3014.5 is hereby added to the Civil Code, to read as follows: New section

3014.5. A trust receipt transaction is also one in which, pursuant to a trust receipt, a motor vehicle dealer as trustee obtains new value from an entruster upon the transfer to the latter of a security interest in new or used motor vehicles, whether or not such vehicles are owned or possessed by the trustee prior or subsequent to the execution of the trust receipt document, and whether or not such vehicles are thereafter retained in the trustee's possession. Trust receipt transaction

All of the provisions of this chapter which are applicable to the trust receipt transactions enumerated in Section 3014 are applicable to the trust receipt transaction specified in this section.

SEC. 2. The act entitled "An act to add Section 3014.5 to the Civil Code, relating to trust receipt transactions, including those pertaining to motor vehicles," approved February 28, 1940, is hereby repealed. Stats 1941,
p. 80,
repealed

SEC. 3. 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 following is a statement of the facts constituting such necessity: Urgency

Legislation was inadvertently enacted at the 1939 Session of the Legislature depriving motor vehicle dealers of the privilege of obtaining funds upon the security of their used car stock through the medium of trust receipt financing. As a result, dealers now find themselves loaded with more than twenty-five million dollars (\$25,000,000) worth of frozen assets and in a position in which they are becoming less and less able to accommodate persons in moderate circumstances who desire to purchase new vehicles and pay for the same by "turning in" vehicles already owned by them.

One of the major industries in this State, the motor vehicle industry, is the sole means of livelihood for a large percentage of our population, and, through payment of taxes, fees and assessments, plays an important role in keeping the wheels of government in action. It is an industry woven integrally into our economic and social life and one whose services and progress are vitally necessary for the entire community.

This bill will enable the motor vehicle industry to continue to function in a manner most favorable to the general welfare by removing the garroting effect of the 1939 legislation previously mentioned. It is therefore highly imperative that it become effective at the earliest possible date as provided in this act.

CHAPTER 49

Stats 1933, p 60, amended
Stats 1941, p 80 repealed

An act to amend Section 1300.17 of the Agricultural Code, and to repeal Chapter 28 of the Statutes of the First Extraordinary Session of the Fifty-third Session of the Legislature, relating to the marketing of agricultural products, and declaring the urgency of this act.

In effect immediately [Approved by Governor June 1, 1940 Filed with Secretary of State June 4, 1940.]

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

Stats 1939, p 2134
See also Stats 1941, p 155

SECTION 1. Section 1300.17 of the Agricultural Code is hereby amended to read as follows:

Assessment

1300.17. (a) For the purpose of providing funds to defray the necessary expenses incurred by the director in the formulation, issuance, administration and enforcement of any marketing order issued by the director hereunder, each and every person engaged in the production, processing, distributing or handling of any agricultural commodity within this State, and directly regulated by any marketing order issued pursuant to this chapter, for such commodity, shall pay to the director, at such times and in such installments as the director may prescribe, an assessment based upon the units in which such agricultural commodity is marketed, or upon any other uniform basis which the director determines to be reasonable and equitable, but in amounts which in the case of producers will not exceed one and one-half ($1\frac{1}{2}$) per cent of the gross dollar volume of sales, of the commodity affected, by all such producers, regulated by such marketing order or in amounts which in the case of processors, distributors or other handlers will not exceed one and one-half ($1\frac{1}{2}$) per cent of the gross dollar volume of purchases of the commodity affected by the marketing order from producers or of the gross dollar volume of sales of the commodity affected by the marketing order and handled by all such processors, distributors or other handlers

regulated by such marketing order during the marketing season or seasons during which such marketing order is effective; provided, that assessments shall be required from producers alone if producers only are regulated, as to the commodity affected, by the marketing order; that assessments shall be required from producers and from processors, distributors or other handlers if both such groups are regulated, as to the commodity affected, by the marketing order; and that assessments shall be required from processors, distributors or other handlers alone if only processors or distributors or other handlers are regulated, as to the commodity affected, by such marketing order.

The director may require each and every producer, processor, distributor or handler directly regulated by any marketing order to deposit with him in advance, an amount based upon the estimated number of units to be marketed by such producer or handled by such processor, distributor or handler, or upon any other uniform basis which the director determines to be reasonable and equitable, such bases to be applicable during the marketing season or seasons during which such marketing order is effective. At the close of each marketing season the sums so deposited shall be adjusted to the amount which is chargeable against such producer, processor, distributor or handler upon the basis of the actual number of units marketed by such producer or handled by such processor, distributor or handler, or upon the same uniform basis under which such funds were assessed by the director, during such marketing season.

Deposit in
advance

The director shall prescribe the rules and regulations with respect to the assessment and collection of such funds for such purposes.

(b) For the purpose of providing funds to cover the necessary costs of any advertising or sales promotion plan prescribed in any marketing order issued by the director pursuant to this chapter, each and every person engaged in the production, processing, distributing or handling of any agricultural commodity within this State, and directly regulated by any such marketing order issued pursuant to this chapter for such commodity, shall pay to the director, at such times and in such installments as the director may prescribe, an additional assessment based upon the units in which such agricultural commodity is marketed, or upon any other uniform basis which the director determines to be reasonable and equitable, but in amounts which will not exceed three per cent (3%) of the gross dollar volume of sales by all producers, or by all processors, distributors or other handlers of such agricultural commodity, regulated by such marketing order during the marketing season or seasons during which such marketing order is effective; provided, that assessments shall be required from producers alone if producers only are regulated, as to the commodity affected, by the marketing order; that assessments shall be required from producers and from

Additional
assessment

processors, distributors or other handlers if both such groups are regulated, as to the commodity affected, by the marketing order; and that assessments shall be required from processors, distributors or other handlers alone if only processors or distributors or other handlers are regulated, as to the commodity affected, by such marketing order. Whenever both producers and processors, distributors or other handlers are regulated by a marketing order, the assessment for advertising or sales promotion may in the case of producers be based upon the form in which the agricultural commodity is delivered by producers to processors, distributors or other handlers and in the case of processors, distributors and other handlers upon the processed form of such commodity as sold by processors, distributors or other handlers; provided, that no producer, processor, distributor or other handler shall be subject to such assessment for advertising or sales promotion covering the same agricultural commodity in more than one existing marketing order.

Deposit in advance For the purpose of providing funds to cover the costs of such advertising or sales promotion plans incurred prior to the receipt of sufficient funds from assessments as provided herein, the director may require each person so assessed to deposit with him in advance an amount not exceeding twenty-five per cent (25%) of such assessment, based upon the estimated number of units of such commodity to be marketed or handled by such person, or upon any other uniform basis which the director determines to be reasonable and equitable, during such marketing season. At the close of such marketing season the sum so deposited by such person shall be adjusted to the amount which is properly chargeable against such person pursuant to the assessment authorized herein.

The director shall prescribe the rules and regulations with respect to the assessment and collection of such funds for such purposes.

Deposit of moneys (c) Any moneys so collected by the director shall be deposited in the Department of Agriculture Fund in the State Treasury, allocated by commodities affected by such marketing orders and disbursed by the director only for the actual expenses incurred by the director with respect to each such separate commodity marketing order. Any moneys remaining in such fund, allocable to any particular agricultural commodity affected by a marketing order, at the discretion of the

Refund director, may be refunded at the close of any marketing season upon a pro rata basis, to all persons from whom such funds were collected; provided, that, upon termination by the director of any marketing order, any and all moneys remaining, and not required by the director to defray the expenses of such marketing order, shall be returned by the director upon a pro rata basis, to all persons from whom such funds were collected; provided, further, however, that if the director finds that the amounts so returnable are so small as to make impractical the computation and remitting

of such pro rata refund to such persons, the director may use such funds to defray the expenses incurred by him in the formulation, issuance, administration or enforcement of any subsequent marketing order for such commodity. At the expiration of a period of two years from the date of such finding by the director, any of such moneys remaining and not so used by the director shall become available for use by the director for marketing functions and said sums shall be transferred to the then current appropriation for support for the Department of Agriculture payable from the General Fund.

SEC. 2. Chapter 28 of the Statutes of the First Extraordi- Stats 1941,
p 80,
repealed
nary Session of the Fifty-third Legislature is hereby repealed.

SEC. 3. This act is hereby declared to be an urgency 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 therefore shall take effect immediately.

The following is a statement of facts constituting such necessity:

The orderly marketing of agricultural crops is essential to the welfare of the people of this State. The economic conditions of many agricultural producers throughout the State are such as to require immediate assistance, if their purchasing power and taxpaying ability are to continue and their morale and standard of living are not to be undermined. Seasonal and accumulated surpluses of agricultural commodities which have a seriously depressing effect upon marketing conditions must be directed into channels of trade and consumption through the aid of orderly marketing procedure, including sound advertising and sales promotion plans. To be of maximum benefit, the provisions of this act must be made available for application during the current harvest season; hence, it is necessary that this act take effect immediately.

CHAPTER 50

Stats. 1933, p 2599, and Stats 1935, p 1297, amended
 Stats. 1941, p 15, repealed

An act to add Section 5.18 to the Retail Sales Tax Act of 1933, and Section 4.11 to the Use Tax Act of 1935, relating to exemptions, including the exemption of live stock and poultry of a kind the products of which ordinarily constitute food for human consumption, to repeal Chapter 6 of the Statutes of the First Extraordinary Session of the Fifty-third Legislature and to declare that this act shall take effect immediately.

In effect immediately [Approved by Governor June 1, 1940. Filed with Secretary of State June 4, 1940]

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

New section
 See also
 Stats. 1941, p 558

SECTION 1. Section 5.18 is hereby added to the Retail Sales Tax Act of 1933, to read as follows:

Exemptions

Sec. 5.18. There are hereby specifically exempted from the computation of the amount of tax levied, assessed or payable under this act, the gross receipts from sales of live stock and poultry of a kind the products of which ordinarily constitute food for human consumption.

New section
 See also
 Stats. 1941, p 558

SEC. 2. Section 4.11 is hereby added to the Use Tax Act of 1935, to read as follows:

Exemptions

Sec. 4.11. The storage, use or other consumption of live stock and poultry of a kind the products of which ordinarily constitute food for human consumption is hereby exempted from the tax imposed by this act.

Stats. 1941, p 15, repealed

SEC. 3. Chapter 6 of the Statutes of the First Extraordinary Session of the Fifty-third Legislature is hereby repealed.

Urgency

SEC. 4. 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, Article IV of the Constitution and as such shall take effect immediately. The facts constituting such necessity are as follows:

The collection of use and sales taxes upon the sales, storage, use, or other consumption of live stock and poultry of a kind, the products of which ordinarily constitute food for human consumption has cost more than the revenues received therefrom. Nor, until recently has it been determined that live stock and poultry of a kind the products of which ordinarily constitute foods for human consumption are subject to the sales and use taxes, as a result of which the citizens of the State have been inconvenienced and harassed by their collection. Unless these taxes are immediately repealed, they will result in great hardship both to the citizens of the State and their government, endangering the public peace and safety.

CHAPTER 51

An act to submit to the people, at the general election on November 5, 1940, a proposed amendment to the Constitution of this State, relating to liens, mortgages, encumbrances and agreements taken as security for aid to the aged and to the powers of the Legislature in relation thereto, and to provide that this act shall take effect immediately.

[Approved by Governor June 1, 1940 Filed with Secretary of State In effect June 4, 1940.] immediately

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

SECTION 1. Assembly Constitutional Amendment No. 6, a Stats 1941. p 221 proposal by the Legislature adopted in extraordinary session commencing on the twenty-ninth day of January, 1940, to add Section 13 relating to liens, mortgages, encumbrances and agreements taken as security for aid to the aged and to the powers of the Legislature in relation thereto, to Article XVI of the Constitution of the State of California, shall be submitted to the people of the State of California at the general election to be held on the fifth day of November, 1940. Submission to voters

SEC. 2. (a) One of the authors of the proposed amendment, or in case all of the authors decline, one member of the Assembly voting in favor of the proposed amendment shall be appointed by the speaker of the Assembly to draft an argument for the proposed amendment. Argument

(b) A qualified person shall be appointed by the speaker of the Assembly to draft an argument against the proposed amendment.

(c) Each argument shall be not more than 500 words in length and shall be submitted to the Secretary of State prior to or upon the fourteenth day of August, 1940.

SEC. 3. If an argument for or against the proposed amendment has not been filed with the Secretary of State prior to or upon the fourteenth day of August, 1940, pursuant to this act, the Secretary of State shall, by a general press release, request voters to submit arguments. Press release

SEC. 4. The press release shall be mailed prior to or upon the twenty-first day of August, 1940, and shall consist of an announcement containing: Contents

(a) A summary of the essential nature or purpose of the proposed amendment.

(b) A statement as to whether the affirmative, negative, or both arguments have not been filed.

(c) An invitation to any and all voters or groups of voters to submit and file with the Secretary of State prior to or upon the thirty-first day of August, 1940, arguments for or against the proposed amendment, as to which a pro or con argument has not been filed.

The Legislative Counsel Bureau shall prepare the summary of the proposed amendment.

Argument
by voters

SEC. 5. Any voter or any group of voters may at any time within the time limit prepare and file an argument for or against the proposed amendment as called for by the press release.

Selection of
argument

SEC. 6. If more than one argument for or more than one argument against the proposed amendment are filed within time, the Secretary of State shall select one of the arguments for printing in the voters' pamphlets. In selecting the argument the Secretary of State shall give preference and priority in the order named to the arguments of the following:

- (a) Members of the Legislature.
- (b) Bona fide associations of citizens.
- (c) Individual voters.

Elections
Code
provisions

SEC. 7. The provisions of Division 4, Chapter 1, and Division 6, Chapter 2, of the Elections Code, so far as they are applicable and are not contrary to the provisions of this act, are incorporated herein by reference and made a part of this act for submission of the proposed amendment to the people with the same force and effect as if the proposed amendment is expressly mentioned in these provisions of the Elections Code.

Urgency

SEC. 8. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety and shall, therefore, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately. The facts constituting such necessity are as follows:

The Legislature in extraordinary session has considered and proposed to the people a certain amendment to the Constitution relating to the release of liens, mortgages, encumbrances and agreements taken as security for aid to the aged, and to the powers of the Legislature in relation thereto. In order that the people may be informed of the contents and of the arguments for and against the proposed constitutional amendment, it is necessary that this act take effect immediately. Thus this information can be prepared for the voters prior to the election at which this constitutional amendment is to be submitted, and the right to vote may be exercised intelligently with full knowledge of the facts, thereby effectively safeguarding public peace, health and safety.

CHAPTER 52

An act to amend Section 1300.17 of the Agricultural Code, and to repeal Chapter 28 of the Statutes of the First Extraordinary Session of the Fifty-third Legislature, relating to the marketing of agricultural products, and declaring the urgency of this act.

Stats 1933,
p 60,
amended
Stats 1941,
p 80,
repealed

[Approved by Governor June 3, 1940 Filed with Secretary of State June 4, 1940.] In effect immediately

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

SECTION 1. Section 1300.17 of the Agricultural Code is hereby amended to read as follows:

Stats 1941,
p 148

1300.17. (a) For the purpose of providing funds to defray the necessary expenses incurred by the director in the formulation, issuance, administration and enforcement of any marketing order issued by the director hereunder, each and every person engaged in the production, processing, distributing or handling of any agricultural commodity within this State, and directly regulated by any marketing order issued pursuant to this chapter, for such commodity, shall pay to the director, at such times and in such installments as the director may prescribe, an assessment based upon the units in which such agricultural commodity is marketed, or upon any other uniform basis which the director determines to be reasonable and equitable, but in amounts which in the case of producers will not exceed one and one-half ($1\frac{1}{2}$) per cent of the gross dollar volume of sales, of the commodity affected, by all such producers, regulated by such marketing order or in amounts which in the case of processors, distributors or other handlers will not exceed one and one-half ($1\frac{1}{2}$) per cent of the gross dollar volume of purchases of the commodity affected by the marketing order from producers or of the gross dollar volume of sales of the commodity affected by the marketing order and handled by all such processors, distributors or other handlers regulated by such marketing order during the marketing season or seasons during which such marketing order is effective; provided, that assessments shall be required from producers alone if producers only are regulated, as to the commodity affected, by the marketing order; that assessments shall be required from producers and from processors, distributors or other handlers if both such groups are regulated, as to the commodity affected, by the marketing order; and that assessments shall be required from processors, distributors or other handlers alone if only processors or distributors or other handlers are regulated, as to the commodity affected, by such marketing order.

Assessment

The director may require each and every producer, processor, distributor or handler directly regulated by any marketing order to deposit with him in advance, an amount based

Deposit in
advance

upon the estimated number of units to be marketed by such producer or handled by such processor, distributor or handler, or upon any other uniform basis which the director determines to be reasonable and equitable, such bases to be applicable during the marketing season or seasons during which such marketing order is effective. At the close of each marketing season the sums so deposited shall be adjusted to the amount which is chargeable against such producer, processor, distributor or handler upon the basis of the actual number of units marketed by such producer or handled by such processor, distributor or handler, or upon the same uniform basis under which such funds were assessed by the director, during such marketing season.

The director shall prescribe the rules and regulations with respect to the assessment and collection of such funds for such purposes.

Additional
assessment

(b) For the purpose of providing funds to cover the necessary costs of any advertising or sales promotion plan prescribed in any marketing order issued by the director pursuant to this chapter, each and every person engaged in the production, processing, distributing or handling of any agricultural commodity within this State, and directly regulated by any such marketing order issued pursuant to this chapter for such commodity, shall pay to the director, at such times and in such installments as the director may prescribe, an additional assessment based upon the units in which such agricultural commodity is marketed, or upon any other uniform basis which the director determines to be reasonable and equitable, but in amounts which will not exceed three per cent (3%) of the gross dollar volume of sales by all producers, or by all processors, distributors or other handlers of such agricultural commodity, regulated by such marketing order during the marketing season or seasons during which such marketing order is effective; provided, that assessments shall be required from producers alone if producers only are regulated, as to the commodity affected, by the marketing order; that assessments shall be required from producers and from processors, distributors or other handlers if both such groups are regulated, as to the commodity affected, by the marketing order; and that assessments shall be required from processors, distributors or other handlers alone if only processors or distributors or other handlers are regulated, as to the commodity affected, by such marketing order. Whenever both producers and processors, distributors or other handlers are regulated by a marketing order, the assessment for advertising or sales promotion may in the case of producers be based upon the form in which the agricultural commodity is delivered by producers to processors, distributors or other handlers and in the case of processors, distributors and other handlers upon the processed form of such commodity as sold by processors, distributors or other handlers; provided, that no producer, processor, distributor or other handler shall be subject

to such assessment for advertising or sales promotion covering the same agricultural commodity in more than one existing marketing order.

For the purpose of providing funds to cover the costs of such advertising or sales promotion plans incurred prior to the receipt of sufficient funds from assessments as provided herein, the director may require each person so assessed to deposit with him in advance an amount not exceeding twenty-five per cent (25%) of such assessment, based upon the estimated number of units of such commodity to be marketed or handled by such person, or upon any other uniform basis which the director determines to be reasonable and equitable, during such marketing season. At the close of such marketing season the sum so deposited by such person shall be adjusted to the amount which is properly chargeable against such person pursuant to the assessment authorized herein.

Deposit in
advance

The director shall prescribe the rules and regulations with respect to the assessment and collection of such funds for such purposes.

(c) Any moneys so collected by the director under each marketing order shall be deposited in the State Treasury in the "State Marketing Act Trust Fund," which fund is hereby created, allocated by the commodity or commodities regulated by the marketing order and disbursed by the director only for the necessary expenses incurred or approved by the director with respect to each such separate commodity marketing order, which expenditures shall be exempt from Section 669 of the Political Code. Any moneys now in the State Treasury to the credit of the Department of Agriculture Fund collected under the provisions of this chapter shall be withdrawn and deposited in conformity with the provisions of this subdivision. The director shall prescribe the rules and regulations with respect to the expenditure of the moneys deposited in accordance with this subdivision.

Deposit of
moneys

Any moneys remaining in such fund, allocable to any particular agricultural commodity affected by a marketing order, at the discretion of the director, may be refunded at the close of any marketing season upon a pro rata basis, to all persons from whom such funds were collected; provided, that, upon termination by the director of any marketing order, any and all moneys remaining, and not required by the director to defray the expenses of such marketing order, shall be returned by the director upon a pro rata basis, to all persons from whom such funds were collected; provided, further, however, that if the director finds that the amounts so returnable are so small as to make impractical the computation and remitting of such pro rata refund to such persons, the director may use such funds to defray the expenses incurred by him in the formulation, issuance, administration or enforcement of any subsequent marketing order for such commodity. At the expiration of a period of two years from the date of such finding by the director, any of such moneys remaining and

Refund

not so used by the director shall become available for use by the director for marketing functions and said sums shall be transferred to the then current appropriation for support for the Department of Agriculture payable from the General Fund.

Stats 1941, SEC. 2. Chapter 28 of the Statutes of the First Extraordinary Session of the Fifty-third Legislature is hereby repealed.
p. 80,
repealed

Urgency SEC. 3. 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 therefore shall take effect immediately.

The following is a statement of facts constituting such necessity:

The orderly marketing of agricultural crops is essential to the welfare of the people of this State. The economic conditions of many agricultural producers throughout the State are such as to require immediate assistance, if their purchasing power and taxpaying ability are to continue and their morale and standard of living are not to be undermined. Seasonal and accumulated surpluses of agricultural commodities which have a seriously depressing effect upon marketing conditions must be directed into channels of trade and consumption through the aid of orderly marketing procedure, including sound advertising and sales promotion plans. To make the services rendered expeditious and responsive to needs, an improved means for depositing and disbursing funds collected by assessment must be provided. To be of maximum benefit, the provisions of this act must be made available for application during the current harvest season; hence, it is necessary that this act take effect immediately.

CHAPTER 53

Stats 1933, *An act to amend Sections 867 and 868 of the Fish and Game Code, and to repeal Chapter 24 of the First Extraordinary Session of the Fifty-third Legislature, relating to yellow-tail, barracuda, and white sea bass.*
p. 394,
amended
Stats 1941,
p. 77,
repealed

In effect [Approved by Governor June 1, 1940. Filed with Secretary of State
immediately June 4, 1940.]

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

Stats 1935, SECTION 1. Section 867 of the Fish and Game Code is hereby amended to read as follows:
p. 1752

Yellow-tail, 867. Yellow-tail, barracuda, and white sea bass taken in waters lying south of the international boundary line between the United States and Mexico, extended westerly in the Pacific
barracuda,
white sea
bass

Ocean may be delivered to California ports aboard boats, including boats carrying purse seine or round haul nets. The commission is authorized to prescribe regulations governing the inspection and marking of such fish imported into this State. The cost of such inspection and marking shall be paid by the importer.

SEC. 2. Section 868 of the Fish and Game Code is hereby amended to read as follows: Stats 1935,
p 1732

868. It is unlawful to use any purse seine or round haul net to take yellow-tail, barracuda or white sea bass. It is unlawful to possess any yellow-tail, barracuda or white sea bass, except those taken south of the international boundary between the United States and Mexico, and imported into the State under regulations of the commission as provided in Section 867, on any boat carrying or using any purse seine or round haul net other than a bona fide bait net as described in Section 919. Gill nets with meshes of a minimum length of three and one-half inches may be used to take yellow-tail, barracuda, and white sea bass. Yellow-tail,
barracuda,
white sea
bass

SEC. 3. Chapter 24 of the First Extraordinary Session of the Fifty-third Legislature is hereby repealed. Stats 1941,
p 77,
repealed

SEC. 4. 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 as such shall take effect immediately. The facts constituting such necessity are as follows: Urgency

This act permits the utilizing of an already available supply of healthful food fish in canned, as well as in a fresh, state. Unless this act takes effect at once no facilities will be available for using for canning purposes the fish taken during the next ensuing fishing season and the people of the State will be deprived of the opportunity of using a desirable food supply for a considerable period. Existing conditions make it necessary that the supply of food fish be utilized as much as possible and, therefore, it is necessary that this act take effect immediately.

CHAPTER 54

Stats 1937,
p 750,
an ended

An act to amend Section 6 of an act entitled "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the disposal of the property of the California Commission for the Golden Gate International Exposition upon the termination of the exposition, declaring the urgency of this act, to take effect immediately.

In effect immediately [Approved by Governor June 1, 1940 Filed with Secretary of State June 4, 1940.]

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

Stats. 1941,
p 106
See also
Stats 1941,
p 3372

SECTION 1. Section 6 of the act cited in the title hereof is hereby amended to read as follows:

Leases Sec. 6. The commission is hereby authorized, with the approval of the Department of Finance, to lease buildings or space therein or other property owned by it or under its jurisdiction or control to such persons, firms or corporations and under such terms and conditions as it may deem desirable to facilitate the success of the exposition.

Demolition Upon the termination of the exposition the commission is hereby authorized to remove, dispose of, or demolish all buildings, exhibits or other structures owned or controlled by it, and to restore the grounds used or occupied by the commission in such manner as the commission deems proper.

Number One-a District Agricultural Association

The commission shall give, turn over and deliver to the Number One-a District Agricultural Association at the time of the closing of the Golden Gate International Exposition, and without expense to said association other than the cost of removal, all of the personal property and equipment then in existence, constituting the structures, equipment, stalls, fencing, gates, booths and other property in which the live stock shows and exhibits are now or will hereafter be housed during the Golden Gate International Exposition, except such property and equipment as the Number One-a District Agricultural Association shall by appropriate action reject, as being of no use to it. The commission may, with the approval of the Department of Finance, sell or otherwise dispose of any or all other property or materials owned or controlled by it, and shall deposit the proceeds of any such sale in the State Treasury. The commission is hereby expressly authorized, with the approval of the Department of Finance, upon request,

Sale of property

to donate any furniture, equipment, exhibits, or any of such other property owned or controlled by it to any State institution upon such terms and conditions as the commission deems appropriate.

Upon the final winding up of the affairs of the commission, it shall submit a complete report of its transactions and affairs to the Governor, and from time to time prior thereto shall report to the Governor as requested regarding its affairs and transactions. Report

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

This act provides for the disposal of the property and the clearing of the grounds of the exposition at Treasure Island in San Francisco Bay. It is planned to use this site as a landing field for aircraft after the termination of the present fair. In view of the present international situation no time should be lost between the termination of the fair and the conversion of this site into a landing field usable for defense purposes, and consequently, it is necessary that this act take effect immediately.

CHAPTER 55

An act to create a joint legislative committee to study, investigate, survey and report to the Legislature regarding motor vehicles, including needed changes in the laws relating thereto, the enforcement of existing laws and the safe operation of vehicles upon the public highways, making an appropriation to carry out the provisions of this act, and repealing Chapter 25 of the Statutes of 1940, approved February 28, 1940, to take effect immediately.

Stats 1941.
p 77.
repealed

[Approved by Governor June 1, 1940 Filed with Secretary of State
June 4, 1940]

In effect
immediately

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

SECTION 1. There is hereby created a joint legislative committee to be known as the "Joint Committee on Motor Vehicle Laws," which committee is authorized to hold meetings at any place within the State and to exercise the powers and perform the duties hereby granted to and imposed upon it from and after the effective date of this act and until the commencement of the Fifty-fourth Session of the Legislature.

Joint
Committee
on Motor
Vehicle Laws

The committee shall study, investigate and survey, accurately and in detail, either independently or in cooperation with interested persons or organizations, all matters within the scope of legislative control relating to motor vehicles and the safe operation thereof upon the public highways, the Powers

enforcement of existing laws relating thereto, and needed provisions in the laws relating to motor vehicles, with a view to discovering and recommending to the Legislature such legislation as appears necessary and desirable at the Fifty-fourth Regular Session of the Legislature.

Report The committee shall submit its report to the Legislature, together with drafts of such legislation as it may propose, on or before the twentieth day of January, 1941.

Members SEC. 2. The committee shall consist of three members of the Senate appointed by the President pro tempore and six members of the Assembly appointed by the Speaker. Any vacancy in the membership of the committee occurring at any time shall be filled by the respective officer of either house authorized to make the original appointment.

Chairman, secretary, etc SEC. 3. The committee shall select a chairman, a vice chairman and a secretary from its membership. It has authority to adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action upon any matter) as may appear to it appropriate.

Cooperation by Legislative Counsel The Legislative Counsel shall cooperate with the committee in its work and render to the committee all such assistance in the conduct of its research and in the drafting of prospective legislation and otherwise as the committee may request.

Expenses The members of the committee shall receive no additional compensation for their services as committeemen but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way, incurred in connection with their services upon the committee, and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee or in lieu of such expenses for accommodations and meals, an allowance of eight dollars (\$8) per day.

All expenses of the committee and of the members thereof shall be paid out of the appropriation made by this act. The Controller shall 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 the committee and the State Treasurer shall pay the same.

Information from State officers, etc SEC. 4. Each officer of the State and of each of its agencies and political subdivisions shall furnish the committee with all such information, documents and records as it may request and with such clerical, expert and technical assistance, advice and counsel as may be rendered without detriment to the administration of the office furnishing the service.

Power to examine witnesses SEC. 5. The committee, each of its members and any representative of the committee thereunto authorized by the committee or by its chairman is authorized and empowered to administer oaths. All of the provisions of Article 8, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attend-

ance and examination of witnesses before the Legislature and committees thereof, apply to the committee hereby created.

SEC. 6. For the purpose of carrying out the provisions of this act the sum of two thousand five hundred dollars (\$2,500) is hereby appropriated as follows: seven hundred fifty dollars (\$750) from the contingent fund of the Senate, and one thousand seven hundred fifty dollars (\$1,750) from the contingent fund of the Assembly.

Appropri-
ation

SEC. 7. Chapter 25 of the Statutes of 1940, approved February 28, 1940, is hereby repealed.

Stats. 1941,
p. 77,
repealed
Urgency

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 State Constitution and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

A swelling stream of traffic over the highways of this State has created problems that require an early solution.

Traffic accidents have increased to alarming proportions, reckless and careless driving have taken a huge and appalling toll in life and property, traffic law enforcement has become more and more complicated. In desperation citizens everywhere are calling out to the Legislature for succor and relief.

The gravity of the situation necessitates a thorough study and complete investigation of its underlying causes, on the basis of which this Legislature can act wisely and judiciously in framing corrective legislation in 1941. As a consequence, and because the time remaining for such study and investigation is so short, it is imperative that this act go into effect at the earliest possible date.

CHAPTER 56

An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of school districts, to take effect immediately.

[Approved by Governor May 31, 1940. Filed with Secretary of State June 4, 1940.] In effect immediately

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

SECTION 1. "School district," as used in this act, means any school district of whatever kind or class.

"School
district"

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

Organization

Boundaries SEC. 3. The boundaries of every school district as heretofore established, defined, or recorded are hereby confirmed, validated, and declared legally established.

Officers SEC. 4. In so far as any other matter to which this act relates is or may be affected, the members of the governing board or the governing officers of every school district heretofore elected or appointed and acting as such, are hereby declared legally appointed or elected, qualified and acting members of such board or officers of such district.

Bonds SEC. 5. All acts and proceedings heretofore taken by any school district under any law, or under color of any law, for the issuance, sale, or exchange of bonds of any such district for any public purpose are hereby confirmed, validated, and declared legally effective. This includes all acts and proceedings of the governing board of such district and of any other public officer or agency heretofore done or taken in connection with any election upon the question of the issuance, sale, or exchange of such bonds, if any election be required by law.

All such bonds heretofore issued, or heretofore authorized to be issued when hereafter issued in substantially the form contemplated in such authorization, shall be, in the form and manner in which issued and delivered, the legal, valid, and binding obligations of the school district.

Scope of act SEC. 6. (a) This act is limited to the correction of defects, irregularities, and ministerial errors in complying with statutory requirements which the Legislature originally could have omitted from the law under which acts or proceedings hereby validated were taken.

(b) This act is limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) Nothing contained in this act shall be construed to render the creation of any school district, or any change in the boundaries of any school district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Section 3720 of the Political Code, is filed in the manner and within the time required by that section.

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 following is a statement of the facts constituting such necessity:

Many school districts within the State have been established, enlarged, changed or altered within the last several months for the purpose of increasing and widening facilities for the dissemination of education. Many of these districts have voted bonds for raising money for the purchase of school lots, for building or purchasing school buildings, for repairing school buildings, for supplying school buildings with furniture or necessary apparatus, for improving school grounds.

and for liquidating outstanding indebtedness. In many instances, however, these actions will be of no avail because of minor nonjurisdictional defects and irregularities in the proceedings taken. To correct this situation, and in order to meet our present educational requirements, the immediate validation of such proceedings in the manner herein set forth is of the utmost necessity.

CHAPTER 57

An act amending Sections 3 and 5 of an act entitled "An act creating the Colorado River Board of California and the office of Colorado River Commissioner of California, prescribing the powers and duties of said board and commissioner," approved July 1, 1937, relating to powers and duties of the board and commissioner, to repeal Chapter 14 of the Statutes of the First Extraordinary Session of 1940, convened on January 29, 1940, declaring the urgency thereof, and providing this act shall take effect immediately.

Stats 1937,
p 2350,
amended

Stats 1941,
p 38,
repealed

[Approved by Governor June 1, 1940 Filed with Secretary of State
June 4, 1940.] In effect immediately

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

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

Stats 1937,
p 2351

Sec. 3. All of the records of the board or copies thereof, shall be maintained at its office in Los Angeles, and all information and records of the board shall be considered confidential and none thereof shall be available to the public unless and until the board shall so authorize.

Records

The board shall make such reports and recommendations to the Governor of the State of California as he may require or as the board may deem proper.

The board shall adopt such rules of procedure as may be required for the orderly disposition of its business, and such regulations as may be necessary in order to carry out the provisions of this act.

SEC. 2. Section 5 of said act is hereby amended to read as follows:

Stats 1937,
p 2351

Sec. 5. It shall be the duty of the commissioner, under the direction of the board:

Duties of
commissioner

(1) To consult and advise with the board in exercising the powers and performing the duties hereinafter enumerated, and to make such reports and recommendations as the commissioner may deem proper, or as the board may request, to the end that the rights and interests of the State of California, its agencies and citizens, in, to, and in respect of, the waters of the Colorado River System and the use thereof, may be properly safeguarded and protected.

(2) To exercise, on behalf of the State of California, every right and power granted to said State, or to any representative thereof, by section 16 of the act of Congress designated the "Boulder Canyon Project Act."

(3) To investigate uses, past, present and potential, of the waters of the Colorado River System, within and without the State of California.

(4) To investigate, coordinate, collate, and preserve information, facts, and data bearing upon the claims of all States and of all agencies, public or private, within and without the State of California, to and in respect of, the waters of the Colorado River System, and the use thereof.

(5) To confer with representatives of other States in the Colorado River basin and the United States of America and others, concerning problems and measures relating to the development of the Colorado River Basin, the use of the waters of the Colorado River System and the protection of the interests therein of the State of California and of the United States, to negotiate respecting such problems and measures and discuss the same and to formulate and recommend to the Governor and the Legislature measures, agreements and legislation deemed for the benefit of the State of California and the United States of America.

(6) To do and perform all other such things as may be deemed necessary or expedient to carry out the purposes of this act.

Stats 1941,
p 38,
repealed

SEC. 3. Chapter 14 of the statutes of the first extraordinary Session of 1940, which convened on January 29, 1940, is hereby repealed.

Urgency SEC. 4. 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 take effect immediately. The facts constituting such necessity are as follows:

A long standing controversy over the division of the waters of the Colorado River has hampered the development of the vast water projects in the States of California, Nevada and Arizona. Informal conversations among the responsible officials of these States have led to believe that it is possible to compose this controversy in the near future by interstate agreement. The authority of the Colorado River Board of California and the Colorado River Commissioner to negotiate such an agreement and to submit it to the Governor and the Legislature must be immediately confirmed in order that such an agreement be formulated before the regular session of the Legislature to be held in the year 1941 and in order that the controversy existing between California and its sister States may be quickly terminated to the satisfaction of all States concerned.

CHAPTER 58

An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State Park System, to repeal an act entitled "An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State Park System," approved February 28, 1940, and providing that this act shall take effect immediately.

Stats 1941,
p. 79,
repealed

[Approved by Governor June 1, 1940 Filed with Secretary of State June 4, 1940.] In effect immediately

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

SECTION 1. In addition to any money otherwise appropriated, there is hereby appropriated out of the State Park Maintenance and Acquisition Fund the sum of forty-six thousand five hundred dollars (\$46,500), or so much thereof as may be necessary, to be expended in accordance with law for the operation, maintenance and extension of the State Park System.

Appropriation State Park System

SEC. 2. The money appropriated in this act shall be expended during the Ninety-first and Ninety-second Fiscal Years and shall be subject to the provisions of the Budget Act of 1939.

Fiscal years

SEC. 3. An act entitled "An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State Park System," approved February 28, 1940, is hereby repealed.

Stats 1941,
p. 79

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall, therefore, go into immediate effect. A statement of the facts constituting such necessity is as follows:

Urgency

In order to provide safe, adequate, and healthful recreational facilities for the people of the State of California during the period of 1940 when these facilities are most used, it is imperative that the appropriation made by this bill be available for immediate expenditure.

Storms and floods during the past winter have created dangerous conditions in certain State parks, such as damage to piling on pleasure piers and the washing out or undermining of roads and pathways. One-way roads exist in certain parks which must be widened to accommodate anticipated increased usage during the coming summer. Sanitation facilities are inadequate or lacking in certain parks so that these parks will have to be closed unless repairs and additions are made immediately. The immediate effect of this bill will enable the

people of the State to enjoy its healthful recreational facilities to the fullest extent and will avoid possible injuries and illnesses which may otherwise result unless this appropriation is immediately available.

CHAPTER 59

Stats. 1935, *An act to amend Sections 232 and 377.5 of the Vehicle Code*
 p 93, *and to repeal an act entitled "An act to amend Sections*
 amended *232 and 377.5 of the Vehicle Code, relating to the installa-*
 Stats 1941, *tion of motor vehicle engines or motors," approved Feb-*
 p 15, *ruary 16, 1940, relating to the installation of motor vehicle*
 repealed *engines or motors, to take effect immediately.*

In effect [Approved by Governor June 1, 1940. Filed with Secretary of State
 immediately June 4, 1940.]

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

Stats 1935, SECTION 1. Section 232 of the Vehicle Code is hereby
 p 126 amended to read as follows:

Notice of motor installation 232. Notice of Installation of Engine or Motor. (a)
 Whenever a motor vehicle engine or motor is installed in a motor vehicle subject to registration hereunder, the owner of such motor vehicle shall, within 10 days thereafter, give notice to the department upon a form furnished by it containing a description of the motor vehicle engine or motor installed, including the maker's number thereon or the number assigned by the department thereto, and the date of such installation. The owner of such motor vehicle shall also submit to the department with such notice the certificate of ownership and registration card covering the motor vehicle in which the motor vehicle engine or motor is installed and evidence of ownership covering the new or used motor vehicle engine or motor installed, and such other documents as may be required by the department.

Exceptions (b) Such notice need not be given upon the installation of a new motor vehicle engine or motor in a new and unregistered motor vehicle.

(c) The owner of three or more motor vehicles shall not be required to notify the department under the requirements of subdivision (a) of this section or to pay the fee required under Section 377.5 when motor vehicle engines or motors owned by him are installed in or transferred between the motor vehicles owned by him until such motor vehicle is sold, transferred or otherwise disposed of by him.

(d) Nothing in this section shall be construed to modify or in any manner affect the provisions of Section 167.

SEC. 2. Section 377.5 of the Vehicle Code is hereby amended to read as follows: Stats 1939,
p 2342

377.5. Fees Payable upon Installation of Engine or Motor. Fee
Every notice of the installation in a vehicle of a motor vehicle engine or motor required to be filed under Section 232 shall be accompanied by a filing fee of one dollar (\$1).

SEC. 3. The act cited in the title hereof is hereby repealed. Stats. 1941,
p 15,
repealed

SEC. 4. 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. Urgency

The following is a statement of facts constituting such necessity: Under the provisions of Sections 232 and 377.5 of the Vehicle Code, a fee of one dollar (\$1) must be collected each time a motor vehicle engine changes hands between persons before it reaches the ultimate consumer. This situation has led to a great deal of dissatisfaction on the part of persons engaged in the business of reconditioning engines. Cooperation of persons so engaged with the Department of Motor Vehicles is essential in order that the records of the Department may be kept up to date. It is necessary under the provisions of Sections 232 and 377.5 of the Vehicle Code to impose the fee only when the engine is installed in the vehicle since no record of intermediate transactions is kept by the Department of Motor Vehicles. In order to relieve the situation as soon as possible, and to remove this unnecessary burden from those engaged in the business of reconditioning motor vehicle engines or motors, it is necessary that this act take effect immediately.

CHAPTER 60

An act to amend Sections 210 and 252 of the Vehicle Code, to repeal Sections 211, 212, 213 and 214 thereof, and to repeal an act entitled "An act to amend Sections 210 and 252 of the Vehicle Code, and to repeal Sections 211, 212, 213 and 214 thereof, relating to permits to nonresident owners of motor vehicles," approved February 24, 1940, relating to permits to nonresident owners of motor vehicles, to take effect immediately. Stats 1935,
p 93,
amended
Stats 1941,
p 37,
repealed

[Approved by Governor June 1, 1940 Filed with Secretary of State June 4, 1940.] In effect
immediately

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

SECTION 1. Section 210 of the Vehicle Code is hereby amended to read as follows: Stats 1935,
p 121

210. Nonresident Owner Exempt from Registration. (a) Nonresident
owner's
permit
A nonresident owner of a foreign vehicle of a type otherwise

subject to registration hereunder may operate or permit the operation of such vehicle within this State without registering such vehicle in, or paying any fees to, this State, when such vehicle at all times when operated in this State is duly registered in, and displays upon it a valid plate or plates issued for such vehicle in the place of residence of such owner.

(b) The provisions of this section shall not apply to a non-resident owner of a foreign vehicle operated or used within this State for the purposes mentioned in Section 215 or Section 216 hereof.

Repeals **SEC. 2.** Sections 211, 212, 213 and 214 of the Vehicle Code are hereby repealed.

Stats 1937, **SEC. 3.** Section 252 of the Vehicle Code is hereby amended
p 1592 to read as follows:

Nonresident **252.** When Nonresident Exempt. (a) A nonresident over
operator the age of 21 years having in his immediate possession a valid operator's license issued to him in his home State or country may operate a motor vehicle in this State as an operator only for not to exceed one year without obtaining a license hereunder.

(b) A nonresident over the age of 21 years having in his immediate possession a valid chauffeur's license issued to him in his home State or country may operate a motor vehicle in this State without obtaining a license hereunder, but such nonresident must be licensed as a chauffeur under this code before accepting employment as a chauffeur from a resident of this State.

(c) A nonresident over the age of 21 years whose home State or country does not require the licensing of operators or chauffeurs may operate a foreign vehicle owned by him for not to exceed 30 days without obtaining a license hereunder.

(d) The provisions of subdivisions (a), (b) and (c) shall apply to any nonresident over the age of 16 years but under the age of 21 years, except that the maximum period during which such nonresident may operate a motor vehicle in this State without obtaining an operator's or chauffeur's license shall be limited to a period of 10 days immediately following the entry of such nonresident into this State.

Stats 1941, **SEC. 4.** The act cited in the title hereof is hereby repealed.
p 37,
repealed

Urgency **SEC. 5.** 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 following is a statement of facts constituting such necessity: This act provides for the abolition of permits now issued

to nonresident owners of vehicles. In view of the fact that the permits are printed and the supply of such permits on hand is limited, it is necessary that this act shall take effect immediately in order to avoid the unnecessary expense of printing additional forms.

CHAPTER 61

An act to amend Section 164 of the Vehicle Code and to repeal an act entitled "An act to amend Section 164 of the Vehicle Code, relating to renewal of registration of vehicles," approved February 28, 1940, relating to renewal of registration of vehicles, to take effect immediately.

Stats. 1935,
p 98,
amended
Stats 1941,
p 70,
repealed

[Approved by Governor June 1, 1940. Filed with Secretary of State June 4, 1940.]

In effect
immediately

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

SECTION 1. Section 164 of the Vehicle Code is hereby amended to read as follows:

Stats 1935,
p 114
See also
Stats 1941,
p 1967

164. Department to Renew Registration. (a) The department upon renewing a registration shall issue a new registration card and license plate or plates to the owner as upon an original registration.

Renewal of
registration

(b) Whenever the legal owner of a vehicle shall notify the department at Sacramento in writing, prior to December 1st preceding the renewal period, that he desires notice of the registration numbers assigned for the ensuing year to such vehicle or to all vehicles of which he is the legal owner, the department shall, within a reasonable time following the renewal of the registration of such vehicles, deliver such information to him at the offices of the department without charge, or upon request shall mail such notice to the legal owner at the latter's expense.

SEC. 2. The act cited in the title hereof is hereby repealed.

Stats 1941,
p 76

SEC. 3. 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.

Urgency

The following is a statement of facts constituting such necessity: This act exempts the Department of Motor Vehicles from the duty of mailing to legal owners notices of successive renewals by registered owners of vehicles. This will effect an estimated saving of nearly seventeen thousand dollars (\$17,000) per annum; and, in order to enable the Department of Motor Vehicles to make this economy as soon as possible, and to prepare for the enforcement of the act prior to December 1, 1940, according to its terms, it is necessary that this act take effect immediately.

CHAPTER 62

An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., to take effect immediately.

In effect immediately [Approved by Governor October 2, 1940 Filed with Secretary of State October 3, 1940]

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

Appropriation Legislative printing SECTION 1. The sum of thirty thousand dollars (\$30,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated to meet a deficiency in the appropriation for legislative printing, binding, etc., for the Ninety-first and Ninety-second Fiscal Years.

Current expenses SEC. 2. This act, inasmuch as it makes an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 63

An act making an additional appropriation for support of the Division of Parks, Department of Natural Resources, from the State Park Maintenance and Acquisition Fund for operating and maintaining the State Park System, and providing that this act shall take effect immediately.

In effect immediately [Approved by Governor October 2, 1940 Filed with Secretary of State October 3, 1940.]

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

Appropriation Division of Parks SECTION 1. In addition to any money otherwise appropriated, the sum of forty-two thousand dollars (\$42,000), or so much thereof as may be necessary, is hereby appropriated out of the State Park Maintenance and Acquisition Fund for support of the Division of Parks, Department of Natural Resources, for the purpose of operating and maintaining the State Park System during the Ninety-second Fiscal Year. The expenditure of the money appropriated by this act shall be subject to the provisions of the Budget Act of 1939.

Current expenses SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution of the State of California, take effect immediately.

CHAPTER 64

An act making an appropriation for the contingent expenses of the Assembly for the Fifty-third (First Extraordinary) Session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately.

[Approved by Governor October 3, 1940. Filed with Secretary of State October 5, 1940] In effect immediately

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

SECTION 1. The sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, for contingent expenses of the Assembly for the Fifty-third (First Extraordinary) Session of the Legislature, including expenses of committees created at that session. Appropriation
Assembly
contingent
expenses

SEC. 2. Inasmuch as this act makes an appropriation for the usual current expenses of the State it shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately. Current
expenses

CHAPTER 65

An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the purpose of augmenting appropriations for the support of the government of the State, in order to provide for salary and wage adjustments for State employees receiving less than one hundred and fifty dollars (\$150) per month and providing that this act shall take effect immediately.

[Approved by Governor December 6, 1940. Filed with Secretary of State December 6, 1940] In effect immediately

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

SECTION 1. Out of any money in the State Treasury not otherwise appropriated, the sum of three hundred ninety-three thousand two hundred eighty-two dollars (\$393,282) is hereby appropriated to the Emergency Fund specified in Item 212 of the Budget Act of 1939, to be allocated therefrom by the Department of Finance solely for the purposes and in the manner provided by this act. Appropriation

Stats. 1939,
p 1833

SEC. 2. Such of the amount hereby appropriated shall be allocated to the several State officers, departments, boards, bureaus, commissions and other State agencies in augmentation of their respective appropriations for support for the Ninety-first and Ninety-second Fiscal Years in such amounts as will make sufficient money available during said fiscal years to pay to each State employee in the State civil service whose Salary
adjustments

salary or wage, or a portion thereof, is payable from the General Fund, and is less than one hundred and fifty dollars (\$150) per month, any adjustment in salary or wage to which said employee, during the Ninety-first and Ninety-second Fiscal Years, under the provisions of Section 70 of the State Civil Service Act, (1) may have heretofore been entitled if the money therefor had been available, effective the date such employee became entitled to such adjustment, and (2) may hereafter become entitled.

SEC. 3. Such of the amount hereby appropriated shall be allocated to the several State officers, departments, boards, bureaus, commissions and other State agencies in augmentation of their respective appropriations for support for the Ninety-first and Ninety-second Fiscal Years in such amounts as will make sufficient money available during said fiscal years to pay to each State employee not in the State civil service whose salary, or a portion thereof, is payable from the General Fund, and is less than one hundred and fifty dollars (\$150) per month, an adjustment in salary or wage pursuant to a plan to be approved by the Director of Finance which will provide adjustments for such employees in substantially the same amounts and same manner during the Ninety-first and Ninety-second Fiscal Years as is provided by law for civil service employees.

Transfer
of funds

SEC. 4. The State Controller shall transfer to the appropriations for support of the several State officers, departments, boards, bureaus, commissions and other State agencies such amounts from the money hereby appropriated as may be provided by the written authorization of the Department of Finance for expenditure in the manner provided by law.

Current
expenses

SEC. 5. This act, inasmuch as it provides an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 66

An act to amend Section 33 of an act entitled "An act to amend Sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division 1 of, to repeal Sections 3614, 3707 and 4108 of, to add Sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of Sections 3534 to 3562, and Chapter 4.6, consisting of Sections 3571 to 3578, to Part 6 of Division 1 of, the Revenue and Taxation Code, and to amend Sections 3833.3, 3857.2 and 3859.20 of, to repeal Sections 3773.1, 3833 and 3859.18 of, and to add Sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter 9b, consisting of Sections 3860.01 to 3860.32, and Chapter 9c, consisting of Sections 3861.1 to 3861.8, to Title 9 of Part 3 of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax-deeded property, and making an appropriation," approved June 1, 1940, relating to the effective date of the provisions thereof.

Stats 1911,
p 131,
amended
See also
Stats 1941,
p 426

[Approved by Governor December 7, 1940. Filed with Secretary of State December 7, 1940]

In effect
March 6,
1941

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

SECTION 1. Section 33 of the act cited in the title hereof is hereby amended to read as follows:

Stats 1911,
p. 146
See also
Stats 1941,
p 427

Sec. 33. If at the time this act takes effect the Revenue and Taxation Code has been enacted and is in effect, or if the Revenue and Taxation Code takes effect at the same time as this act, then:

Effective
dates

(a) The provisions of this act making amendments to the Revenue and Taxation Code shall take effect on the effective date of this act.

(b) The sections of the Political Code amended by this act are hereby repealed.

(c) All provisions added to the Political Code by this act shall take effect for one day and are then hereby repealed.

If at the time this act takes effect the Revenue and Taxation Code is not in effect, or if the Revenue and Taxation Code does not take effect at the same time as this act, then the provisions of this act making amendments to the Revenue and Taxation Code take effect at the same time the Revenue and Taxation Code takes effect, at which time any section of the Political Code added or amended by this act is hereby repealed.

SEC. 2. It is hereby declared to be the legislative intent in amending Section 33 of the act cited in the title hereof to make fully operative the provisions of the act regardless of whether it goes into effect prior to or subsequent to the date on which the Revenue and Taxation Code takes effect. At the time the act cited in the title hereof was introduced, it was

Legislative
intent

anticipated that if enacted it would go into effect prior to the effective date of the Revenue and Taxation Code. The act was therefore drawn to amend both the Political Code and the Revenue and Taxation Code, the provisions amending the Revenue and Taxation Code being so drawn as to be a continuation of the Political Code sections. As a result of the recessing of the First Extraordinary Session of the Fifty-third Legislature, the effective date of the act cited in the title hereof can now in no event precede February 1, 1941, the date set in Section 27 of the Revenue and Taxation Code for the code to go into effect. Thus, in order to make operative the provisions of the act which make amendments to the Revenue and Taxation Code and which contain time limits expressly or impliedly dependent on the date on which provisions contained in the act are added to the Political Code, all provisions added to the Political Code by the act will take effect for one day, and then be repealed.

CHAPTER 67

Stats 1941, *An act to add Section 3.9 to the Unemployment Relief Appropriation Act of 1940, relating to the money available and the uses to which it may be put under the Federal Stamp Plan, to take effect immediately.*
 p 122,
 amended

In effect [Approved by Governor December 11, 1940 Filed with Secretary of State
 immediately December 12, 1940]

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

New section SECTION 1. Section 3.9 is hereby added to the act cited in the title, to read as follows:

Revolving fund Sec. 3.9. The revolving fund established by Section 3.8 of this act for financing the operations of the Federal Food Stamp Plan may also be used for financing the operations of any Federal Stamp Plan for the distribution of any commodities, goods or other personal property.

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

The Federal Government has established a stamp plan, not only for the distribution of food, but also of other commodities, goods and personal property to persons eligible for unemployment relief. Under present legislation, the money made available by the State is not fully available for the complete, State-wide operation of the Federal Stamp Plan. This act, by taking effect immediately, will make money available for the complete, State-wide operation thereby reducing the causes of unrest throughout the State and removing dangers to the public peace, health and safety.

CONCURRENT AND JOINT RESOLUTIONS
AND
CONSTITUTIONAL AMENDMENTS
FIRST EXTRA SESSION, 1940

CONCURRENT AND JOINT
RESOLUTIONS
AND
CONSTITUTIONAL AMENDMENTS

ADOPTED AT THE
FIRST EXTRA SESSION OF THE
FIFTY-THIRD LEGISLATURE

CHAPTER 1

Senate Concurrent Resolution No. 1—Relative to approving a certain amendment to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a special municipal election held therein on the twelfth day of December, 1939.

[Filed with Secretary of State February 2, 1940.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the amendment, hereinafter set forth, to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the city clerk of the said city as follows, to wit:

City of
Los Angeles:
Charter
amendment

CERTIFICATE OF RATIFICATION BY ELECTORS OF
THE CITY OF LOS ANGELES OF A CERTAIN
CHARTER AMENDMENT.

State of California }
County of Los Angeles } ss.
City of Los Angeles }

I, the undersigned, Ralph E. Davis, City Clerk of the City of Los Angeles, State of California, do hereby certify as follows:

Certificate

That the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has ever since the first day of July, 1925, and is now, organized and acting under a freeholders' charter adopted under and by virtue of section 8 of Article XI of the Constitution of the State of California, which charter was duly

ratified by a majority of the qualified electors of such city at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Stats. 1925, p. 1024).

That in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Los Angeles, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City of Los Angeles a certain proposal for amendment of the Charter of said city to be voted upon by said qualified electors at a certain special election called and held for that purpose in said city on the 12th day of December, 1939, which said proposal was designated as proposed charter amendment No. 2.

That said proposed amendment was published and advertised in accordance with section 8 of Article XI of the Constitution of the State of California, in the Los Angeles Daily Journal, a daily newspaper of general circulation, published in said city, and the official paper of said city. That copies of said proposed amendment were printed in convenient pamphlet form and in type of ten-point, and, until the date fixed for the election hereinafter described, and as required by law, a notice was advertised and published in said Los Angeles Daily Journal that such copies could be had upon application therefor at the office of the City Clerk of the City of Los Angeles.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the date fixed for the election hereinafter described. That a copy thereof was mailed to each of the qualified electors of said city as required by law.

That, in accordance with the provisions of the Charter of the City of Los Angeles and Ordinance No. 81,875, adopted by the Council of said city, approved by the Mayor, and published in said Los Angeles Daily Journal for five days prior to the holding of said election, a special municipal election was held in said city on the 12th day of December, 1939, which day was not less than forty nor more than sixty days after the completion of the publication and advertising of the proposed amendment aforesaid in the Los Angeles Daily Journal; and said Council of said city did, by said Ordinance No. 81,875, order said special municipal election consolidated with the general municipal election to be held in said city on the 12th day of December, 1939.

That pursuant to the law in such cases made and provided the said proposed amendment was submitted to the qualified electors of said city for their ratification at said election and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the proposed amendment to the Charter of said city.

That the City Council of the City of Los Angeles did, at the time, place and in the manner made and provided by law, duly and regularly canvass the returns of said special municipal election, and by resolution adopted on the 20th day of December, 1939, did duly find, determine and declare the result of said special election as determined from the canvass of the returns thereof to be that a majority of the qualified electors voting thereon at said special election had voted in favor of and ratified such proposed amendment to the Charter of said city.

That said amendment to the Charter of said city, so ratified by the qualified voters of the City of Los Angeles, is in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 2

That a new section be added to the Charter of the City of Los Angeles to be numbered 4 and to read as follows:

"Sec. 4. Notwithstanding any other provisions of this Charter, the City of Los Angeles, in addition to any other rights and powers now possessed by it, or that hereafter may be granted to it under this charter or under the Constitution or general laws of the State of California, shall have the power and is hereby authorized to borrow money in a sum not exceeding Nine Hundred Seventy-six Thousand Dollars (\$976,000.00) in the aggregate from the Federal Government or the State Government or from any duly authorized agency created by either of said governments and acting therefor, or from any other source, and to evidence the money so borrowed by the issuance of bonds, notes or other evidences of indebtedness, to defray the cost and expense of the acquisition, construction and completion of a certain municipal improvement to wit, the acquisition, construction, and completion of runways, hangars, buildings, garages, works and structures for the improvement of the Los Angeles Airport, as a first-class municipal airport, including all grading, paving, lighting, drainage facilities, sewer and water mains, labor and materials necessary or convenient therefor, and to do and perform such other acts and things as are hereinafter in this section specified, which power shall be exercised under and pursuant to the following provisions of this section:

(1) The principal and interest of the bonds, notes, or other evidences of indebtedness, evidencing such borrowed money, shall be paid solely from the revenue fund pertaining to the public works or public improvements for or on account of which such indebtedness was created, or solely from such special fund created by, or under authority of, this Charter as may pertain to such public works or public improvements. The principal thereof may be repaid in not more than twenty (20) equal annual payments or in not more than twenty (20) annual graduated amounts such

that the aggregate of principal and interest to be paid in each year shall be substantially equal, and such indebtedness and the whole or any part thereof, may be repaid before maturity in accordance with such terms and conditions as may be reserved in the bonds, notes or other evidences of indebtedness issued to evidence money so borrowed. It is further provided that no payment of principal need be required during the first three (3) years following the making of any such loan.

(2) As evidence of any indebtedness created under authority of this section, or of any indebtedness created for like purposes under the authority of any other provision of this Charter or of the Constitution or general laws of the State of California, in addition to any other methods prescribed by, or permitted under, this Charter, or by or under any ordinance adopted as provided in this section, said City is hereby authorized and empowered to issue and sell to the party or parties from whom such loans are obtained negotiable or non-negotiable bonds, notes, or other evidences of indebtedness of the City borrowing said money, payable solely from the revenues obtained from the public improvements, public works, or public system upon or in connection with which said moneys are expended, and to pledge such revenues, or any part thereof, for the payment of such bonds, notes, or other evidences of indebtedness, which said bonds, notes, or other evidences of indebtedness shall not constitute a general debt of the City issuing the same.

(3) Whenever said City shall have borrowed money from the Federal Government or the State Government, or from any duly authorized agency created by either of said governments and acting therefor, pursuant to the authorization contained in this section, or pursuant to any other authority, it may, in the expenditure of the money so borrowed, conform to all applicable requirements of Federal and State laws and of regulations and orders issued under the authority thereof with respect to the awarding of contracts, hours of labor, employment preferences, and other matters covered thereby, notwithstanding any provisions of this Charter inconsistent therewith, and any such inconsistent provisions shall yield and be subordinate thereto with respect to such matters.

(4) All money derived as revenue from the use, operation or maintenance of the Los Angeles Airport shall be deposited in the City Treasury to the credit of a fund to be known as the "airport revenue fund" which special fund is hereby created, and the money so deposited in said fund shall be kept separate and apart from other money of the City, and shall be drawn only from said fund upon demands authenticated by the signature of the chief accounting employee of the Department of Airports.

None of the money in or belonging to the airport revenue fund shall be appropriated or used for any purpose except the following purpose pertaining to the Los Angeles Airport from or on account of which such money was received, to wit:

First: For the necessary expenses of operating and maintaining such airport.

Second: For the payment of the principal and interest, or either, due upon outstanding bonds or other evidences of indebtedness issued against revenues from such airport, in pursuance of this section.

No transfer out of said airport revenue fund under the provisions of Section 382 of this Charter shall be made so long as any bonds or other evidences of indebtedness payable out of said revenue fund shall be outstanding and unpaid, or until there shall have been set apart in a reserve fund, or reserve funds, or in a special trust account, or special trust accounts, established for such bonds, or other evidences of indebtedness, sums sufficient to pay, when due, the entire principal of such indebtedness remaining unpaid, together with interest accrued and to accrue thereon.

The City is hereby granted the power to establish and maintain separate special funds to carry out the provisions of this section, or any other provisions of this Charter authorizing the incurring of indebtedness for like purposes, and to the extent that any other provision or provisions of this Charter may operate to prevent the establishment or maintenance of such separate special funds, such other provision or provisions are hereby modified.

(5) The power of the City to borrow money hereunder shall be exercised under such procedure as may be prescribed by ordinance of the City of Los Angeles, and upon terms and conditions approved by the Council and by the Mayor.

(6) The provisions of this section shall not be deemed to restrict or limit, but may supplement and augment, the powers given elsewhere in this Charter or by the general laws of the State of California to the City of Los Angeles.

That Sec. 362 of the Charter be amended to read as follows:

Sec. 362. All claims and demands against the City of Los Angeles, or any board or department thereof, shall be paid only on demands as herein provided, on forms and blanks to be prescribed by the Controller, except in the case of interest upon, or principal, or installments of principal, of bonds, or other evidences of indebtedness, issued by the City, or any board or department thereof, pursuant to authorization by this Charter or by the general laws of the State of California.

That a new section be added to the Charter to be numbered 420.1, to read as follows:

Sec. 420.1. The City, or any board or department thereof, in issuing any bonds, notes, or other evidences of indebtedness, authorized by this Charter, or by the general laws of the State

of California, and payable solely from any revenue fund, or other special fund (a) may provide that any required signatures to such bonds, notes, or other evidences of indebtedness, and to any coupons thereto attached, may be by facsimile, except that as to any such bonds, notes, or other evidences of indebtedness, but not as to any such coupons, at least one signature shall be by autograph; (b) may provide for the registration of such bonds, notes, or other evidences of indebtedness, as to both principal and interest, or either of them; (c) may provide for making such bonds, notes, or other evidences of indebtedness, and such coupons, payable by the City Treasurer or such agency as may be established by said City or by any such board or department thereof for the purpose, and at one or more point or points within or outside of the State of California, upon presentation and surrender thereof, respectively, and without such presentation and approval of demands as is elsewhere herein provided with respect to other claims against the said City, or such board or department; and (d) may deposit with any such agency moneys from the fund or funds from which such bonds, notes, or other evidences of indebtedness, and such coupons are payable, in order to provide for the payment of such bonds, notes, or other evidences of indebtedness, and such coupons, upon such presentation and surrender thereof to such agency."

That I have compared the foregoing amendment with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct and exact copy thereof; I further certify that the facts set forth in the preamble preceding such amendment to said Charter are true.

That as to said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of the said City of Los Angeles to be affixed hereto this 19th day of January, 1940.

[SEAL]

RALPH E. DAVIS
City Clerk of the City of
Los Angeles.

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval *Resolved by the Senate of the State of California, the Assembly concurring* (a majority of all the members elected to each house voting therefor and concurring therein), That said amendment to the charter of the City of Los Angeles as pro-

posed to, and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the charter of the said City of Los Angeles.

CHAPTER 2

Assembly Concurrent Resolution No. 2—Relative to the approval of a certain amendment to the charter of the City of Huntington Beach, a municipal corporation, in the County of Orange, State of California, voted for and ratified by the electors of said city at a special municipal election held therein on the twenty-first day of November, 1939.

[Filed with Secretary of State February 2, 1940.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the amendment, hereinafter set forth, to the charter of the City of Huntington Beach, a municipal corporation, in the County of Orange, State of California, as set out in the certificate of the mayor of the city council and of the city clerk of said city as follows, to wit:

City of
Huntington
Beach
Charter
amendment

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF HUNTINGTON BEACH OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA, }
County of Orange, } ss:
City of Huntington Beach. }

We, the undersigned, M. M. McCALLEN, Mayor of the City of Huntington Beach, County of Orange, State of California, and C. R. FURR, City Clerk and ex-officio Clerk of said City Council of the City of Huntington Beach, do hereby certify and declare as follows:

Certificate

That the City of Huntington Beach, a municipal corporation of the County of Orange, State of California, now is and at all times herein mentioned was, a city having a population of more than thirty-five hundred (3,500) inhabitants and less than fifty thousand (50,000) inhabitants, and has been, since May 15, 1937, and is now organized and acting under a Charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of such City at a special election held for that purpose on the 29th day of April, 1937, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 15th day of May, 1937, (Statutes 1937, page 2975).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, on its own motion the Council of the City of Huntington Beach, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City of Huntington Beach a certain proposal for amendment of the Charter of said City, to be voted upon by said qualified electors at a certain special election called and held for that purpose in said City on the 21st day of November, 1939, which said proposal was designated as "PROPOSITION NO. 1".

That the City Council did, at a regular meeting held on the 2nd day of October, 1939, by Resolution No. 852, adopted by a unanimous vote of said City Council, call said special election to be held on the 21st day of November, 1939 for the purpose of submitting to the electors of said City of Huntington Beach the proposition of the adoption of said proposed Charter amendment framed by the legislative body of said City, which proposed Charter amendment is set out in said Resolution and designated as "PROPOSED CHARTER AMENDMENT OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA", and further provided that the City Council should meet on Monday, the 4th day of December, 1939, at the hour of 7:30 P. M., following said election, for the purpose of canvassing the returns thereof.

That said proposed Charter amendment was published and advertised in accordance with Section 8, Article XI of the Constitution of the State of California, in the Huntington Beach News, a weekly newspaper of general circulation, printed, published and circulated in said City of Huntington Beach. That copies of said proposed amendment were printed in convenient pamphlet form and in a type of 10-point, and until the day fixed for said election as required by law a Notice was advertised and published in said Huntington Beach News that such copies could be had upon application therefor at the Office of the City Clerk of the City of Huntington Beach. That such copies could be had upon application therefor at the Office of the City Clerk of the City of Huntington Beach until the date fixed for said election.

That pursuant to the law in such cases made and provided the said proposed amendment was submitted to the qualified electors of said city for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the proposed amendment to the Charter of said city.

That the City Council of the said City of Huntington Beach in accordance with the law in such cases made and provided did meet on the 4th day of December, 1939, at its usual time and place of meeting and duly canvassed the returns of said election as certified by the election boards and duly found, determined and declared that said proposed amendment to the Charter of the City of Huntington Beach

was ratified by a majority of the electors of said city voting thereon.

That said amendment to the Charter so ratified by the electors of the City of Huntington Beach is in words and figures as follows:

CHARTER AMENDMENT

of the

CITY OF HUNTINGTON BEACH, CALIFORNIA

That the Charter be amended by adding a new article thereto, the same to be known as ARTICLE VIIIa, the same to read as follows:

ARTICLE VIII-A

Section 1: BOARD OF EDUCATION

The control of the public school department of the City of Huntington Beach, including the whole of the Huntington Beach Elementary School District as the same now exists or may hereafter be changed and exist as provided by law, shall be vested in a Board of Education which shall consist of five (5) members elected from the district at large. Board of
Education

Section 2: POWERS AND DUTIES

The powers and duties of the Board of Education shall be such as are prescribed by the Constitution and the laws of the State of California. Powers and
duties

Section 3: ELECTION AND TERM

The members of the Board of Education shall serve for terms of three (3) years from the 1st day of July in each year and until their successors are elected and qualified; provided, however, that the Trustees of the Huntington Beach Elementary School District who shall be in office at the time this Charter Amendment is approved by the State Legislature shall become members of the City Board of Education. Each of said members shall remain in office until the expiration of the term for which he was elected School Trustee, provided that within thirty (30) days after the effective date of this Charter Amendment the three members of the Board of Education shall appoint the two additional members to serve until the next succeeding regular election, at which time three members shall be elected; the two receiving the highest vote to serve for three years and the third highest to serve for two years. At each annual school election, which shall be held at the same time set forth in the School Code for the Election
and term

regular annual election of School Trustees, there shall be elected members of the Board of Education to fill the terms of members expiring in that year. All vacancies in the Board of Education shall be filled by vote of the remaining members of the Board of Education for the unexpired term thereof.

Exception Section 4: The present High School, being a Union High School, is not affected by this Article.

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendment to said Charter are true.

That as to said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the said City of Huntington Beach to be affixed hereto this 22nd day of December, 1939.

M. M. McCALLEN,
MAYOR of the City Council of
the City of Huntington
Beach, California.

[SEAL]

C. R. FURR,
CITY CLERK of the City of
Huntington Beach.

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval *Resolved by the Assembly of the State of California, the Senate thereof concurring* (a majority of all the members elected to each house voting therefor and concurring therein), That said amendment to the charter of the City of Huntington Beach as proposed to, and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the charter of the said City of Huntington Beach.

CHAPTER 3

Assembly Concurrent Resolution No. 1—Approving amendments to the charter of the City of Santa Monica, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the fifth day of December, 1939.

[Filed with Secretary of State February 2, 1940.]

WHEREAS, The City of Santa Monica, in the County of Los Angeles, State of California, has been ever since the year 1907, and now is, organized and acting under a Freeholders' Charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 28th day of March, 1906, and approved by the Legislature of the State of California, February, 1907, (Statutes of 1907, page 1007); and

City of Santa Monica - Charter amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of said City of Santa Monica as set out in the certificate of the commissioner of public safety, ex officio mayor, and the commissioner of finance, ex officio city clerk, and ex officio clerk of the city council of the City of Santa Monica, as follows, to wit:

CERTIFICATE OF ADOPTION OF THE QUALIFIED VOTERS OF THE CITY OF SANTA MONICA AT A GENERAL MUNICIPAL ELECTION HELD THEREIN ON THE 5TH DAY OF DECEMBER, 1939, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF SANTA MONICA, STATE OF CALIFORNIA.

STATE OF CALIFORNIA, }
COUNTY OF LOS ANGELES, }ss.
CITY OF SANTA MONICA. }

WHEREAS, the City of Santa Monica, in the County of Los Angeles, State of California, has been ever since the year 1907, and now is, organized and acting under a Freeholders' Charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 28th day of March, 1906, and approved by the Legislature of the State of California February, 1907, (Statutes of 1907, page 1007); and

Certificate

WHEREAS, the legislative body of said City, namely, the City Council of the City of Santa Monica did, pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California, by ordinance adopted October 18th,

1939, being Ordinance No. 730 (Commissioners' Series) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA PROPOSING VARIOUS AMENDMENTS TO THE CHARTER OF THE CITY OF SANTA MONICA, AND PROVIDING FOR THE SUBMISSION OF THE SAME TO THE QUALIFIED ELECTORS THEREOF FOR ADOPTION AND RATIFICATION AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 5TH DAY OF DECEMBER, 1939," duly proposed to the qualified electors of the City of Santa Monica amendments to the Charter of said City be therein designated as proposed Charter amendments, and did order that said amendments be submitted to said qualified electors at the general municipal election to be held on the 5th day of December, 1939, which date was fixed as a date for holding said election; and

WHEREAS, said proposed Charter amendments were, and each of them was on the 20th day of October, 1939, duly published in the Evening Outlook, and in each edition thereof during the day of publication, a daily newspaper of general circulation, printed, published, and circulated in the City of Santa Monica and designated by said Council as the official paper for that purpose; and which said paper is and was at all times herein mentioned the official paper of the City of Santa Monica; and

WHEREAS, said proposed amendments were printed in convenient pamphlet form in type of not less than 10-point and copies thereof were mailed to each of the qualified electors of the City of Santa Monica; and from October 21, 1939, to December 4, 1939, inclusive, a notice was published in said Evening Outlook, the newspaper aforementioned, that said copies could be had upon application therefor at the office of the City Clerk of said City, and said proposed amendments in such pamphlet form were in fact available at the office of the said City Clerk; and

WHEREAS, said Council of said City did, by ordinance duly adopted on the 18th day of October, 1939, being Ordinance No. 731 (Commissioners' Series) entitled: AN ORDINANCE CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 5TH DAY OF DECEMBER, 1939, IN THE CITY OF SANTA MONICA, CALIFORNIA, FOR THE PURPOSE OF ELECTING OFFICERS; THE SUBMISSION OF THREE PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF SANTA MONICA UNDER THE PROVISIONS OF SECTIONS 6 AND 8 OF ARTICLE XI OF THE STATE CONSTITUTION OF THE STATE OF CALIFORNIA, AND THE SUBMISSION OF SUCH OTHER MATTERS AS MAY BE LEGALLY SUBMITTED AT SUCH ELECTION TO BE HELD IN SAID CITY OF SANTA MONICA AND THAT PORTION OF THE CITY OF SANTA MONICA SCHOOL DISTRICT AND OF THE SANTA MONICA HIGH SCHOOL DISTRICT OF LOS ANGELES COUNTY,

LYING OUTSIDE OF THE CORPORATE LIMITS OF THE CITY OF SANTA MONICA FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARD OF EDUCATION; ESTABLISHING THE PRECINCTS AND POLLING PLACES FOR SAID ELECTION, AND APPOINTING OFFICERS OF SAID ELECTION.”, order the holding of a general municipal election in said City of Santa Monica on the 5th day of December, 1939, which said date was more than 40 days and less than 60 days after the completion of the publication of said proposed amendments as aforesaid; which said ordinance was signed by the Mayor of said City on the said 18th day of October, 1939, and was published on the 20th day of October, 1939, in said newspaper, the Evening Outlook; and

WHEREAS, said general municipal election was held in said City of Santa Monica on the 5th day of December, 1939, which date was more than 40 days and less than 60 days after said proposed amendments to said Charter had been published in the Evening Outlook; and

WHEREAS, thereafter the said Council of the said City of Santa Monica did duly canvass the returns of said election and did, on the 7th day of December, 1939, duly and regularly declare the canvass of the returns of said election; and

WHEREAS, at the said election held on said 5th day of December, 1939, proposed amendments No. 1 and No. 2 were ratified by a majority of the electors of said City voting thereon and proposed amendment No. 3 received less than a majority of the votes of the electors voting thereon and was not ratified; and

WHEREAS, said amendments to the Charter so ratified by the electors of the City of Santa Monica are now submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows, to-wit:

“PROPOSED CHARTER AMENDMENT NO. 1

Subdivision 23 of Section 1 of Article II of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

“(23) To make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter; provided, however, that nothing herein shall be construed to prevent or restrict the City from exercising or consenting to, and the City is hereby authorized to exercise, any or all rights, powers and privileges heretofore or hereafter granted or prescribed by general laws of the State.”

Ordinances:
Municipal
affairs

PROPOSED CHARTER AMENDMENT NO. 2

Section 8 of Article V of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

"The City Attorney

City attorney SEC. 8. It shall be the duty of the city attorney to prosecute on behalf of the people all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters and things in which the city may be legally interested; provided, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any such litigation, or to assist the city attorney therein.

It shall be the duty of the city attorney to prosecute on behalf of the people any or all misdemeanor offenses arising upon violation of the laws of the state and appeals arising therefrom. He shall draw complaints for misdemeanors committed against the laws of this state, prosecute all recognizances and bail bonds forfeited in such misdemeanor cases and prosecute all action for the recovery of fines, penalties and forfeitures accruing to the City of Santa Monica or County of Los Angeles in said cases.

He shall give his advice or opinion in writing, whenever required by the Mayor or Council, and shall do and perform all such things touching his office as by the Council may be required of him.

He shall approve, by indorsement in writing, the form of all official or other bonds required by this Charter, or by ordinance of the Council, before the same are submitted to the Council or Mayor for final approval, and no such bonds shall be approved by the Mayor or Council without such approval by the City Attorney.

He shall approve in writing the drafts of all contracts before the same are entered into on behalf of the city.

He shall give his advice or opinion in writing whenever required by the board of education, board of library trustees or any commission or officer of said city".

NOW, THEREFORE, WE, THE UNDERSIGNED, E. S. Gillette, Commissioner of Public Safety, ex-officio Mayor of the City of Santa Monica, State of California, and D. C. Freeman, Commissioner of Finance, ex-officio City Clerk and ex-officio Clerk of the City Council of said City, do hereby certify that the foregoing proposed, ratified amendments to the Charter of the City of Santa Monica, submitted to the electors of said City at an election held in said City on the 5th day of December, 1939, have been compared by us, and each of us, with the proposed amendments set forth in the ordinance adopted by the Council as hereinbefore stated, and that the foregoing is a full, true, and correct copy thereof,

and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are, and each of them is, true.

IN TESTIMONY WHEREOF we have hereunto set our hands and caused the same to be authenticated by the Seal of said City of Santa Monica this 15th day of December, 1939.

E. S. GILLETTE
Commissioner of Public Safety,
ex-officio Mayor of the City
of Santa Monica.

[SEAL]

D. C. FREEMAN
Commissioner of Finance, ex-
officio City Clerk, ex-officio
Clerk of the City Council
of the City of Santa Monica.
; and

WHEREAS, Said amendments have been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly, the Senate thereof concurring, ^{Approval}
a majority of all members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City of Santa Monica, State of California, as proposed to, adopted and ratified by the electors of said city as hereinbefore fully set forth, be, and the same hereby are, approved without amendment or alteration for and as amendments to and as a part of the charter of the said City of Santa Monica.

CHAPTER 4

Senate Concurrent Resolution No. 3—Relative to the death of Senator Frank S. Boggs.

[Filed with Secretary of State February 5, 1940]

WHEREAS, Since the adjournment of the last session the Honorable Frank S. Boggs has been called from this life; and ^{Death of Frank S Boggs}

WHEREAS, Senator Boggs represented a senatorial district which at one time included San Joaquin and Amador counties and at the time of his death included San Joaquin County, the Twentieth Senatorial District; and

WHEREAS, Senator Boggs was a member of an old and respected pioneer family of this State, well known throughout Sacramento and San Joaquin valleys and leaves a host of friends who mourn his passing; and

WHEREAS, Senator Boggs during his long years of service distinguished himself in his many fights for legislation which he thought was to the interest of his district and to the people of the State. He was the author of the present reapportionment law of the State which was the culmination of many years of thought and struggle and study. He ably represented the farmers of the State through his many terms of office as chairman of the Senate Agricultural Committee and frequently was the representative of and sponsor for most of the agricultural legislation. He was one of the directors of the original State Farm Bureau organization and as such devoted much of his time to their activities. He was prominent in many civic activities which were in the interest of the general public. Politically speaking, he was a life-long stalwart Democrat—proud of the history of his party—but was always respected by all, as was shown by his being elected from time to time as representative of both parties; now, therefore, be it

Resolved, That the Senate express its grief at the passing of this beloved former member and when it adjourns this day it do so out of respect to his memory; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to have copies of this resolution duly engrossed and presented to the members of the family of Senator Frank S. Boggs, and that additional copies be mailed to the press of his former district.

CHAPTER 5

Senate Joint Resolution No. 4—Relative to memorializing Congress to take action in respect to the existing emergency in the Tululake District.

[Filed with Secretary of State February 7, 1940.]

Emergency in Tululake district WHEREAS, The continued rising of the waters in the Tululake sump has broken dikes and flooded thousands of acres of valuable land in the Tululake district of the Klamath Reclamation Project; and

WHEREAS, A permanent menace exists on account of the continued rising of these waters which threatens a rich agricultural area producing millions of dollars worth of agricultural products; and

WHEREAS, It appears that this menace can be averted and this condition remedied by the construction of a tunnel, and that a self-liquidating project has been devised for the construction of such tunnel; and

WHEREAS, It appears that said project has been approved by the Federal agencies having jurisdiction over the matter, and that the expenditure of an estimated nine hundred seventy-four thousand seven hundred seventy-three dollars (\$974,773) would construct the necessary works to drain the

area involved, rectify the present condition, and remove a continuing menace to a valuable agricultural area; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States is hereby respectfully urged to enact such legislation as may be necessary to provide for the construction of all necessary drainage and flood control works in the Tulalake district of the Klamath Reclamation Project and to make available funds for the construction of said tunnel project; and be it further

Resolved, That copies of this resolution be forwarded by the Secretary of the Senate to each Senator and Representative in Congress of the United States from California.

CHAPTER 6

Assembly Concurrent Resolution No. 3—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the seventh day of November, 1939.

[Filed with Secretary of State February 8, 1940]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been even since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the office of the Secretary of State on the fifth day of May, 1931, (Statutes of 1931, page 2973); and

City and
County of
San Fran-
cisco:
Charter
amendments

WHEREAS, The legislative authority of said city and county, namely the board of supervisors thereof, duly proposed to the qualified electors of the City and County of San Francisco four (4) amendments to the charter of said City and County of San Francisco by the submission of four (4) proposals, entitled as follows, to wit:

Certificate

CHARTER AMENDMENT NO. 1

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by amending Section 71 of the Charter of the City and County, relating to personal service estimates.

CHARTER AMENDMENT NO. 2

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of the City and County of San Francisco, by amending Section 145 thereof relating to qualifications and tests under the classified service of the City and County of San Francisco.

CHARTER AMENDMENT NO. 3

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 125 thereof, relating to employees engaged in public utility work, to provide for assignment of platform men of the Municipal Railway to duty as bus operators at the salary fixed for bus operators and without loss of seniority.

CHARTER AMENDMENT NO. 4

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, an amendment to Section 36 of the Charter relating to the Fire Department; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and within fifteen (15) days of said proposals, caused said proposed amendments to said Charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to-wit, in "The San Francisco News", a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said City and County; and

WHEREAS, Said legislative body caused copies of said Charter amendments to be printed in convenient pamphlet form and in type of not less than ten point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said Charter amendments, advertised in said "The San Francisco News", a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said Charter amendments could be had upon application therefor at the office of the Board of Supervisors; and

WHEREAS, The said legislative authority of said City and County ordered placed upon the ballot at a general municipal election to be held in the City and County of San Francisco on the Seventh day of November, 1939, the said proposals to amend the Charter of the City and County of San Francisco; and

WHEREAS, Said general municipal election was held in said City and County of San Francisco on the Seventh day of November, 1939, which day was more than forty days and less than sixty days from the completion of the publication of said proposed charter amendments for one day in said "The San Francisco News" and each edition thereof as hereinbefore set forth; and

WHEREAS, The Board of Supervisors of said City and County did thereafter, in regular meeting assembled, by resolution duly adopted by said Board and entered in the minutes thereof, direct that a canvass of said election held on the 7th day of November, 1939, be immediately begun and made by the Registrar of Voters of said City and County, it appearing to said Board of Supervisors that at the time of the commencement of said canvass all of the returns of said election held on the 7th day of November, 1939, from each election precinct in the City and County of San Francisco in which polls were opened had theretofore been received by the said Registrar of Voters; and

WHEREAS, Pursuant to said resolution, the said Registrar of Voters did duly canvass all of the returns from each of the election precincts in the City and County of San Francisco in which polls were opened for voting on the said 7th day of November, 1939, and did thereafter, and upon the completion of said canvass, report and make to the Board of Supervisors of said City and County of San Francisco his official statement of the votes cast at said general municipal election held on Tuesday, the 7th day of November, 1939, showing the vote cast for each person voted for at said general municipal election as well as the vote cast for and against each proposition voted upon at such election, and declaring the result thereof; and

WHEREAS, From the said canvass and official statement made by said Registrar of Voters of the vote cast at said general municipal election so held on the 7th day of November, 1939, it appeared that the proposed amendments to the said Charter of the City and County of San Francisco were ratified by a majority of the electors of said City and County voting thereon, said amendments being Charter Amendments Nos. 1, 2, 3 and 4 submitted to the electors to be voted upon on November 7, 1939; and said Board of Supervisors did, by resolution duly adopted on the 27th day of November, 1939, so declare; and

WHEREAS, The said Charter Amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, which

said amendments are in the words and figures following, to-wit:

CHARTER AMENDMENT No. 1

PERSONAL SERVICE ESTIMATES

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by amending Section 71 of the Charter of the City and County, relating to personal service estimates.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at the general election to be held on the 7th day of November, 1939, a proposal to amend the Charter of the City and County, as follows:

PERSONAL SERVICE ESTIMATES

Salary
standards

Section 71. All increases in salaries or wages of officers and employees shall be determined at the time of the preparation of the annual budget estimates and the adoption of the annual budget and appropriation ordinances, and no such increase shall be effective prior to the fiscal year for which the budget is adopted. Salary and wage rates for classes of employments subject to salary standardization, as in this charter provided, shall be fixed in the manner provided in this charter. Salary and wage rates for classes of employment not subject to salary standardization, exclusive of compensations fixed by this charter, shall be recommended by the officer, board or commission having appointive power for such employments, and fixed by the budget and the annual salary ordinance. Pending the adoption of salary standards as in this charter provided, the salary and wage rates for positions subject to such standardization shall be as recommended by the officer, board or commission having appointing power for such positions and fixed by the budget and annual salary ordinance; provided that the minimum compensation for employees subject to the Civil Service provisions of this charter shall be not less than Fifty Cents (50c) per hour nor less than One Hundred Six Dollars (\$106.00) per month; and provided further that any compensation paid as of January 1st, 1931, to an incumbent who legally held a position in the city and county service at that time, shall not be reduced so long as such incumbent legally holds such position. No compensation other than the minimum as in this Section provided shall be increased so as to exceed the salary or wage paid for similar services of like character and for like service and working conditions in other city departments or in private employments, nor so as to exceed the rate fixed for such service or position

in the proposed schedule of compensations issued by the civil service commission under date of April 9th, 1930, except as such proposed schedule or compensation is amended as provided in this charter, or extended by the civil service commission to include classification not included therein.

ORDERED SUBMITTED—Board of Supervisors, San Francisco, August 21, 1939.

Ayes: Supervisors Brown, McGowan, McSheehy, Mead, Meyer, Ratto, Roncovieri, Shannon, Uhl.

No: Supervisor Colman.

Absent: Supervisor Schmidt.

I hereby certify that the foregoing Charter Amendment was Certificate ordered submitted by the Board of Supervisors of the City and County of San Francisco.

JOHN R. McGRATH,
Acting Clerk.

Approved, San Francisco, Aug. 23, 1939.

ANGELO J. ROSSI,
Mayor.

CHARTER AMENDMENT No. 2

QUALIFICATIONS AND TESTS FOR PLACES IN THE CLASSIFIED SERVICE—VETERANS PREFERENCE

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of the City and County of San Francisco, by amending Section 145 thereof relating to qualifications and tests under the classified service of the City and County of San Francisco.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of the City and County at the general election to be held the 7th day of November, 1939, in the City and County of San Francisco, a proposal to amend as herein set forth the Charter by amending Section 145 thereof, relating to qualifications and tests under the classified service of the City and County of San Francisco.

QUALIFICATIONS AND TESTS

Section 145. All applicants for places in the classified Employees service shall submit to tests, which shall be competitive and Qualifications without charge to the applicants. The commission shall and tests control all examinations and may employ suitable persons in or out of the public service to act as examiners. The tests may be written, oral, mechanical or physical, or any combination of them, practical in character and related to matters fairly to test the relative capacity of the applicants for the positions to be filled. The commission shall be the sole judge of the adequacy of the tests to rate the capacity of the applicants to perform service for the City and County. The commission

may, for each examination, establish a passing mark or may determine the total number of persons who shall constitute the list of eligibles. The commission shall prepare from the returns of the examiners the list of eligibles, arranged in order of relative excellence. No question submitted to applicants shall refer to political or religious opinions or fraternal affiliations.

Applicants for entrance positions in the uniformed forces of the fire and the police departments shall be not less than twenty-one years of age, nor more than thirty-five years of age at the time of appointment and shall have the physical qualifications required for enlistment in the United States Army, Navy and Marine Corps.

Applicants for positions in the mechanical trades and occupations may, in the discretion of the commission, be rated solely on experience and physical qualifications which may be demonstrated by such evidence and in such manner as the commission may direct, and such applicants may be permitted to such further tests as the commission may require. Examinations of laborers shall relate only to physical qualifications and experience, and laborers establishing their fitness shall rank upon the register in order of priority of application.

The commission may remove all names from the list of eligibles after they have remained thereon for more than two years and all names thereon shall be removed at the expiration of four years. The commission may, however, provide in the scope-circular of any examination that the list of eligibles secured thereby shall automatically expire at a date not less than two or more than four years after the adoption of such list.

Veterans

Veterans with thirty days or more actual service, and widows of such veterans, who became eligible for appointment by attaining the passing mark in any entrance examination, shall be allowed an additional credit of 5 per cent in making up the list of eligibles secured by such examination. The term "veteran" as used in this section shall be taken to mean any person who has been mustered into, or served in, the Army, or enlisted in, or served in, the Navy or Marine Corps, of the United States, in time of war and received an honorable discharge or certificate of honorable active service. In the case of promotive examinations, when the passing mark has been attained, a credit of 3 per cent shall be allowed to veterans or to widows of such veterans when requested by such veterans or widows. When an eligible has secured a permanent appointment from a list of eligibles derived from an entrance examination in which he has been allowed additional credits of 5% as herein provided, and has served the full probationary period therein as provided in this Charter, such other additional credits of 5% that have been allowed him on lists of eligibles derived from other entrance examinations shall be automatically cancelled, and his rank on such other list or lists revised to accord with his relative standing before such additional credits were added, and he shall not be allowed such

additional credits in any other entrance examinations. If he has received a permanent appointment from a list of eligibles derived from a promotive examination in which he has requested and been allowed the additional credits of 3% as herein provided, and has served the full probationary period therein as provided in this Charter, such additional credits of 3% that have been allowed him on lists of eligibles derived from other promotive examinations shall be automatically cancelled, and his rank on such other list or lists revised to accord with his relative standing before such additional credits were added, and he shall not be allowed such additional credits in any other promotive examinations. The civil service commission may, for services or employment specified by the commission, allow general or individual preference, but not less than 10 per cent, for entrance appointment of veterans who have suffered permanent disability in line of duty, provided that such disability would not prevent the proper performance of the duties required under such service, or employment, and provided that such disability is of record in the United States Veterans Bureau.

Order Submitted—Board of Supervisors, San Francisco, Sept. 11, 1939.

Ayes: Supervisors Brown, Colman, McGowan, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.

I hereby certify that the foregoing charter amendment was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

Certificate

DAVID A. BARRY,
Clerk.

CHARTER AMENDMENT No. 3

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 125 thereof, relating to employees engaged in public utility work, to provide for assignment of platform men of the Municipal Railway to duty as bus operators at the salary fixed for bus operators and without loss of seniority.

The Board of Supervisors of the City and County of San Francisco hereby submits to the electors of said City and County at the general election to be held on the 7th day of November, 1939, a proposal to amend Section 125 of the Charter, relating to employees engaged in public utility work, to read as follows:

EMPLOYMENTS

Section 125. All employees engaged in public utility work at the time this charter shall go into effect, and who have been permanently appointed to their respective positions in conformity with the civil service provisions of this charter, shall become employees of the public utilities commission under the

Employees
in public
utility work

classification held by each such employee at such time. All persons employed in the operating service of any public utility hereafter acquired by the city and county at the time the same is taken over by the city and county, and who shall have been so employed for at least one year prior to the date of such acquisition, shall be continued in their respective positions and shall be deemed appointed to such positions, under, and entitled to all the benefits of, the civil service provisions of this charter; provided, however, that no person who is not a citizen of the United States shall be so continued in or appointed to his position. All persons residing outside the city and county claiming the benefit of this provision and who are not engaged on such utility work outside of the limits of the city and county shall be allowed a reasonable time, not exceeding one year, to become residents of the city and county.

Persons employed as platform men or bus operators in the operating department of the municipal railway system shall be subject to the following conditions of employment: The basic hours of labor shall be eight hours, to be completed within ten consecutive hours; there shall be one day of rest in each week of seven days; all labor performed in excess of eight hours in any one day, or six days in any one week, shall be paid for at the rate of time and one-half.

Conductors and motormen may be assigned to duty as bus operators and while assigned to such duty they shall receive the compensation fixed for such service. Such assignment shall be governed by seniority of service, subject to a qualifying test by the railroad management as to competency and to state law as to qualifications and licensing.

Positions and employments in the municipal airport, which airport by this charter is placed under the jurisdiction of the public utilities commission, shall be continued and the employees thereof shall, subject to the approval of the commission, be appointed by and hold office at the pleasure of the manager of utilities. See Digest—Francis v. Leavy, p. 134; Archer v. Civil Service Commission, p. 136.

Ordered Submitted—Board of Supervisors, San Francisco, Sept. 11, 1939.

Ayes: Supervisors Brown, Colman, McGowan, McSheehy, Mead, Meyer, Ratto, Roncovieri, Schmidt, Shannon, Uhl.

Certificate I hereby certify that the foregoing charter amendment was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,
Clerk.

CHARTER AMENDMENT No. 4

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, an amendment to Section 36 of the Charter relating to the Fire Department.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of the City and County at an election to be held on the 7th day of November, 1939, in the City and County of San Francisco, a proposal to amend said Charter as herein set forth by amending Section 36 thereof relating to the Fire Department.

FIRE DEPARTMENT

Section 36. The fire department shall be under the management of a fire commission, consisting of three members, who shall be appointed by the mayor and each of whom shall receive an annual compensation of twelve hundred dollars (\$1200). The term of each commissioner shall be four years, commencing at 12 o'clock noon on the 15th day of January in the years 1932, 1933 and 1934, respectively, and the mayor, after the 8th day of January, 1932, shall reorganize the commission to provide for four-year terms of three commissioners, as specified in this section.

Fire
department

The fire commission shall appoint a chief engineer, a secretary and a department physician who shall hold office at its pleasure.

The fire commissioners shall be successors in office of the fire commissioners holding office in the city and county at the time this charter shall go into effect, and shall have all the powers and duties thereof, except as in this charter otherwise provided. The commissioners shall have power, upon recommendation of the chief engineer, to send fire boats, apparatus and men outside of the City and County of San Francisco for fire-fighting purposes.

Positions of officers and employees of the fire department legally authorized shall continue, and incumbents therein legally appointed thereto shall continue as the officers and employees of the department under the conditions governing their respective appointments, and except as in this charter otherwise provided. The annual compensations for the several ranks in the department shall be as follows: Chief engineer, \$7,200; first assistant and second assistant chief engineers, \$4,800; battalion chiefs, \$4,200; captains, \$3,000; lieutenants, \$2,820; engineers, \$2,640; chief's operators, \$2,520; drivers, stokers, tillermen, truckmen and hosemen, for first year of service, \$2,160; for second year of service, \$2,280; and for the third year of service and thereafter, \$2,400; pilots of fire boats and marine engineers of fire boats, \$3,060; firemen of fire boats, \$2,460.

Each period of twenty-four hours shall be divided into two tours of duty, to-wit: From 8 o'clock A. M. to 6 o'clock P. M., and from 6 o'clock P. M. to 8 o'clock A. M. The uniformed force of the fire department shall be divided into two platoons, the officers and members assigned to which shall alternate on the tours of duty at intervals of not more than one week. No officer or member shall be required to remain on duty for more than fourteen consecutive hours, except when changing

from one tour of duty to the other, or in case of a conflagration requiring the services of more than one-half of the force of the department.

On the recommendation of the chief engineer, the commission may reward any member of the department for heroic or meritorious conduct, the form or amount of said award to be discretionary with the commission, but not to exceed one month's salary in any one instance.

The chief engineer, or in his absence any assistant chief engineer, or in their absence any battalion chief in charge, may, during a conflagration, cause to be cut down or otherwise removed any buildings or structures for the purpose of checking the progress of such conflagration.

Ordered Submitted—Board of Supervisors, San Francisco, Sept. 18, 1939.

Ayes: Supervisors Brown, Colman, McGowan, McSheehy, Mead, Ratto, Roncovieri, Schmidt, Shannon, Uhl.

Absent: Supervisor Meyer.

Certificate I hereby certify that the foregoing charter amendment was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,
Clerk.

STATE OF CALIFORNIA }
CITY AND COUNTY OF SAN FRANCISCO } ss.

This is to certify that we, WARREN SHANNON, President of the Board of Supervisors of the City and County of San Francisco, and DAVID A. BARRY, Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals, submitting the same to the electors of said City and County at a general municipal election held on Tuesday, the Seventh day of November, One Thousand Nine Hundred Thirty-nine, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this ----- day of January, One Thousand Nine Hundred and Forty.

WARREN SHANNON
President of the Board of Supervisors
of the City and County of San Francisco.

[SEAL] DAVID A. BARRY
Clerk of the Board of Supervisors
of the City and County of San Francisco.

now, therefore, be it

Resolved by the Assembly of the State of California, the Senate Thereof Concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the City and County of San Francisco.

CHAPTER 7

Assembly Concurrent Resolution No. 4—Relative to the death of Pope Pius XI.

[Filed with Secretary of State February 8, 1940.]

WHEREAS, The year 1939 was saddened for all Christian people by the death of His Holiness, Pope Pius XI, Pope of Peace; and

WHEREAS, On February 10, 1939, he laid down the burdens of a world leader which he had long carried so well, for the eternal rest of the faithful; and

WHEREAS, His labors during the 17 years in which he headed the Roman Catholic Church were devoted to making that church a more effective power for peace and understanding among the nations of this earth; and

WHEREAS, As a temporal sovereign his reign was eminently successful; and

WHEREAS, It is fitting that in times of war, misgovernment and oppression of minorities, the memory of one who vigorously and effectively opposed them be kept alive; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That the Legislature of the State of California hereby expresses the deep sense of loss experienced by the people of California at the death of His Holiness Pope Pius XI.

CHAPTER 8

Assembly Joint Resolution No. 6—Relative to furnishing assistance to the Republic of Finland.

[Filed with Secretary of State February 8, 1940.]

WHEREAS, Our forefathers fought against overwhelming odds and heroically endured the privations and sufferings of Valley Forge to establish here a free Nation of free men; and

WHEREAS, This Nation as constituted has triumphed over all attacks from without and from within and stands pre-eminent today in providing for all its citizens the rights guaranteed to them by the Constitution of the United States of America; and

WHEREAS, The people of the State of California as loyal citizens of the United States cherish for themselves and for all Nations the rights thus established and abhor oppression; and

WHEREAS, The power-besotted dictator of one of the most brutal and degraded tyrannies now existing in the world is at this time attempting to stamp out every vestige of freedom and democracy in Finland; and

WHEREAS, The Republic of Finland is now the innocent victim of unprovoked aggression upon the part of a dictator whose ultimate aim it is to engulf our entire civilization in chaos and destruction; and

WHEREAS, The Finnish people are now engaged in the defense of the very existence of their country, its free institutions and religion against cruelty, tyranny and wrong; and

WHEREAS, The tenacious resistance of the Finnish people and government to overwhelming odds commands the heartfelt admiration of the civilized world; and

WHEREAS, The loyal fulfillment of its obligations by the Republic of Finland has entitled it to and gained it the respect and sympathy of the people of the United States; and

WHEREAS, The people of the United States are anxious to express in a material and useful manner their compassion and friendship to the Finnish people; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That they do hereby extend to the government and the people of Finland their greetings and their fervent hope that they shall continue to succeed in the protection and defense of their national existence; and be it further

Resolved, That the Assembly and Senate of the State of California commend the efforts of the people of the United States to provide funds for Finnish noncombatants, especially women and children, now undergoing suffering and privation, and they equally deplore all efforts in this Nation or abroad to destroy or abate the independence of Finland or the United States of America; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to the Senators and Representatives from this State.

CHAPTER 9

Assembly Joint Resolution No. 9—Relative to discrimination in steamship service and freight rates between New York and California ports to the Panama Canal Zone.

[Filed with Secretary of State February 8, 1940.]

WHEREAS, Congress has authorized the construction of additional locks at the Panama Canal at an eventual total cost of approximately two hundred seventy-seven million dollars (\$277,000,000), as well as an additional expenditure of approximately thirty-five million dollars (\$35,000,000) for the construction of barracks, airports, etc.; and

Discrimination in steamship service and freight rates

WHEREAS, Large quantities of foodstuffs, materials and supplies are imported annually into the Republic of Panama amounting in the year 1937 to twenty-one million eight hundred twenty-eight thousand dollars (\$21,828,000), of which imports from the United States amounted to eleven million three hundred seventy-seven thousand dollars (\$11,377,000) principally from the Atlantic seaboard; and

WHEREAS, Materials and supplies will be imported into the Panama Canal Zone in large quantities as additional protection for National defense by the United States Government and for the Republic of Panama, including alfalfa, groceries, cold storage products, drygoods, dairy products, raw materials, housewares, candies and tobacco, milk and cream, shoes, cattle and hogs, soaps, meats, lard, vegetables, lumber, petroleum products, cement, iron and steel, automobiles, chemicals, medicines, reinforced concrete frames and floor slabs, hollow tile filler walls, stucco exterior, tile and composition roofing, miscellaneous iron and steel, hollow metal work, metal lath and plaster, steel shelving, automatic refrigeration systems, waterproofing, cold storage rooms, slate toilet partitions, glazed tile wainscoting, ceramic, cement and other quarry products, tile floors, paint, plumbing, electric fixtures, and various other types of materials and supplies grown, produced, and manufactured on the Pacific Coast; and

WHEREAS, The United States Government owns and operates the Panama Railroad Steamship Company, which is operated under the direction of the President of the United States and the War Department, which operates steamship service between New York and the Panama Canal Zone, and railway service between Atlantic and Pacific ports of the Canal Zone; and

WHEREAS, Freight rates upon said government-owned line between the Atlantic seaboard and the Panama Canal Zone are materially less than freight rates on private lines operated between Pacific Coast ports and the Canal Zone, in some cases being as much as 50 per cent less; and

WHEREAS, If similar service and the same freight rate basis were provided by the United States Government between Pacific Coast ports and the Panama Canal Zone, California

growers, producers and manufacturers of supplies and materials to be used in said construction work, including the necessities of life, to be imported into the Republic of Panama as hereinabove set forth, would be in a position to compete with growers, producers and manufacturers on the Atlantic seaboard; and

WHEREAS, Due to the withdrawal of ships under the jurisdiction of the United States Maritime Commission from export trade due to the war, there are now numerous vessels available for this service; and

WHEREAS, Private steamship lines operating between the Pacific Coast ports and the Panama Canal Zone will not meet the New York-Panama rates of the government-owned Panama Railroad Steamship Company, resulting in a practical monopoly in favor of shippers from the Atlantic seaboard to said Panama Canal Zone; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President of the United States, the Congress and the Secretary of War are hereby respectfully requested to take such action as will be necessary to provide similar steamship service between Pacific Coast ports and the Panama Canal Zone and at the same freight rate basis in order that Pacific Coast growers, producers, and manufacturers may be enabled to compete with growers, producers and manufacturers on the Atlantic seaboard in supplying agricultural and manufactured materials and supplies to the Panama Canal Zone; and be it further

Resolved, That copies of this resolution be transmitted by the Governor of the State of California to the President and Vice President of the United States, to the Speaker of the House, to the Secretary of War, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 10

Assembly Joint Resolution No. 8—Relative to memorializing the President and Congress to have the Mammoth Pass Road in California constructed as a National defense highway.

[Filed with Secretary of State February 9, 1940.]

Construction
of Mammoth
Pass Road

WHEREAS, The National Government is maintaining a naval ammunition depot at Hawthorne, Nevada, for National defense; and

WHEREAS, The National Government has assisted in the construction of a National highway from the Mexican border to the Canadian line, known as United States Highway No. 395; and

WHEREAS, The United States Highway No. 395 connects with various other highways leading to other portions of California; and

WHEREAS, The central portions of California, namely San Joaquin and Santa Clara valleys are without direct defense for a great portion of each year because of snow on the high Sierra Mountains; and

WHEREAS, The Mammoth Pass, which is within a few miles of United States Highway No. 395, is much lower and in more open country and is not closed with snow for as long a time in the Winter months as the other passes; and

WHEREAS, A portion of said proposed highway has been constructed by the Forestry Department, building from both sides of the mountain range, leaving a distance of approximately 45 miles to connect the said Highway No. 395 and State Highway No. 125 and State Highway No. 126; and

WHEREAS, The construction of a highway over the said Mammoth Pass which could be kept open during the entire year through the use of modern machinery would be an important link in coast defense, inasmuch as the transportation of munitions from the naval ammunition dump at Hawthorne, Nevada, to San Joaquin Valley and coast points would be greatly facilitated thereby; and

WHEREAS, The proposed highway will connect with U. S. Highway No. 99 from which several State highways lead across the Coast Range to the Santa Clara Valley on the west side of the said range, and connect with U. S. Highways Nos. 101 and 466; and

WHEREAS, The construction of the proposed highway would not only be of importance from the standpoint of National defense, but would be of inestimable advantage from an economic standpoint, in that it would:

(a) Afford an opportunity for the development of a virgin territory with extensive natural lumber resources amounting to upwards of 2,800,000,000 board feet of a present commercial value and an additional 2,000,000,000 board feet of potential pulp timber and substantial deposits of iron, lead and silver;

(b) Attract a large number of visitors to view the priceless heritage of forests, mountains, game animals, birds and other scenic beauties of the region which would be open to tourist and other travel;

(c) Provide a loop trip for those persons traveling from southern California to the Owens River Valley by the eastern route;

(d) Assist in the full power and irrigation storage development of the upper San Joaquin River in order to meet the needs of the Central Valley Project; and

WHEREAS, The building of the proposed highway would contribute in great measure to the future and increasing growth and prosperity of the San Joaquin Valley and of other portions of this State; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President and the Congress of the United States be memorialized to take such steps as may be

necessary to have the said Mammoth Pass Road constructed as a National defense highway, to commence at or near Casa Diablo in Mono County, on United States Highway No. 395, and continue over Mammoth Pass at the most feasible location and connect with State Highway No. 125 and Highway No. 126 in Madera County, a distance of approximately 45 miles; and be it further

Resolved, That the Congress of the United States be memorialized to make a suitable appropriation to construct said highway as soon as possible; and be it further

Resolved, That a copy of this resolution be sent by the Chief Clerk of the Assembly, to the President and Vice President of the United States, to the Secretary of War, and to each Senator and Representative from California and from Nevada in the Congress of the United States; and the Senators and Representatives from California and Nevada are hereby respectfully urged to request such action.

CHAPTER 11

Senate Concurrent Resolution No. 4—Relative to the establishment of the Luther Burbank Memorial Highway.

[Filed with Secretary of State February 9, 1940]

Luther
Burbank
Memorial
Highway

WHEREAS, The year 1926 removed from the ranks of California's citizenry a man who dedicated his entire life to the creation of new varieties of flowers, fruits, vegetables, and even timber trees, and whose horticultural accomplishments received world-wide acclaim; and

WHEREAS, Luther Burbank (1849-1926) dedicated his horticultural achievements to the benefit of his fellow men, without personal gain and without the fanfare of brilliant lights; and

WHEREAS, His life was simple, his wants small, his friends legion, it seems fitting and proper that his principles and ideals, his name and what it stood for, should be carried down through the ages; and

WHEREAS, The Santa Rosa-Sebastopol Highway was closely associated with the life of Luther Burbank and served as the pathway which took him to and from his work and brought people of all walks of life to marvel at his accomplishments; and

WHEREAS, It seems fitting and proper that the Legislature, in recognition of the request of the California Highway Commission and in honor of Luther Burbank, dedicate that portion of Highway Route 51 between Sebastopol and Santa Rosa as the Luther Burbank Memorial Highway; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the portion of Highway Route 51 between Sebastopol and Santa Rosa shall be known as the Luther Burbank Memorial Highway; and be it further

Resolved, That a copy of this resolution be transmitted to the Director of the State Department of Public Works and to the California Highway Commission; and be it further

Resolved, That the Department of Public Works and the California Highway Commission are hereby requested to provide for the installation and maintenance of suitable historical markers adjacent to the said highway.

CHAPTER 12

Assembly Concurrent Resolution No 5—Calling upon the Governor to permit well considered, comprehensive legislation upon the subject of the relief of hardship and destitution, whether due to and caused by unemployment or by other causes.

[Filed with Secretary of State February 13, 1940.]

WHEREAS, The present State Relief Administration was established as a temporary expedient for the administration of unemployment relief, and has continued to be and will continue to be in the future a mere temporary expedient; and

WHEREAS, The distinctions required by the present status of the law between employable indigents and unemployable indigents is difficult of application, discriminatory in operation, and deprecated by all agencies interested in public welfare; and

WHEREAS, All legislation upon the subject of relief has been haphazard, temporary, and hastily considered; and

WHEREAS, The subject of relief as stated in the Governor's proclamation convening this Legislature into special session is unduly restrictive and will permit of no more than piecemeal, temporary legislation; and

WHEREAS, The subject of relief of hardship and destitution, whether due to and caused by unemployment or by other causes, should be considered by the Legislature in order to deal effectively with the subject of relief; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That the Honorable Culbert L. Olson, Governor of California, is hereby expressly and specifically requested immediately to issue a proclamation specifying therein the subjects of legislation in such manner that the Legislature and the Governor of California will clearly have power and jurisdiction forthwith to consider and act upon, and enact into law, legislation for the relief of hardship and destitution whether resulting from unemployment or from any other causes; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed forthwith to deliver a copy of this resolution to the Governor of California.

CHAPTER 13

Senate Joint Resolution No. 3—Relative to increased contributions by the Federal Government for relief in California.

[Filed with Secretary of State February 13, 1940.]

Federal
contributions
for relief

WHEREAS, In view of the fact that we live in a Christian Nation and a civilized community, it is incumbent on the citizens of California to be concerned for the welfare of their neighbors who find themselves in the humble position of requiring aid to meet the necessities of life; and

WHEREAS, To add to our responsibilities for the care of poor persons have come many thousands of immigrants to California from the cold of the North, the drouth and dust bowl areas of the Middle West, and the flooded areas of the South; and

WHEREAS, The taxpayers of the State of California have been called upon to aid and assist in assimilating this influx of unfortunate American citizens who have migrated to our State in desperation and are in dire need; and

WHEREAS, We feel that this obligation is a responsibility of the State from which these people came; and

WHEREAS, The taxpayers of the State of California have uncomplainingly up to the present time taken care of this situation as best they know how and to the limit of their ability, at a cost of many millions of dollars annually; and

WHEREAS, The State of California paid to the Federal Government between the years of 1933 and 1938, inclusive, more than one billion one hundred thirty-one million dollars (\$1,131,000,000) in taxes; and

WHEREAS, The State of California received from the Federal Government from all sources in return nine hundred fifty-two million dollars (\$952,000,000)—California having paid nearly two hundred million dollars (\$200,000,000) more in taxes than it received from the Federal Government during that period; and

WHEREAS, During that same period Oregon paid to the Federal Government approximately fifty million dollars (\$50,000,000) in taxes and received more than two hundred twenty-eight million dollars (\$228,000,000) in return from the Federal Government—receiving over four and one-half times what it paid in; and

WHEREAS, Nevada paid approximately fifteen million dollars (\$15,000,000) to the Federal Government during that same period and received in excess of ninety-eight million dollars (\$98,000,000) in return, or in excess of six and one-half times its payment to the Federal Government, and neither of these States received an appreciable amount of immigrants nor are they carrying the local load that California is carrying, on account of the large number of persons receiving Old Age Assistance in our State; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President of the United States, the Congress of the United States, the Federal Security Administrator and the Commissioner of the Work Projects Administration are hereby respectfully urged and implored to come to the aid of California and give immediate attention and favorable action to our just cause at this crucial moment when it is necessary to call an extraordinary session of the Legislature to appropriate additional funds for relief; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President of the United States, the Congress of the United States, the Federal Security Administrator and the Commissioner of the Work Projects Administration; and be it further

Resolved, That the Governor of the State of California and the State Relief Administrator are requested immediately to take steps to prosecute this resolution to a successful conclusion.

CHAPTER 14

Assembly Joint Resolution No. 10—Relative to the use of white canes or walking sticks by blind persons.

[Filed with Secretary of State February 13, 1940.]

WHEREAS, Many persons in the United States of America are blind, unable to protect themselves from accident or danger, and constitute a serious driving hazard; and

White canes
for blind-
persons

WHEREAS, At the Fifty-first Session of the Legislature of California a statute was enacted providing that no person except those wholly or partially blind should carry or use on any street, highway, or other public place a cane or walking stick white in color or white tipped with red and that all pedestrians not wholly or partially blind and all drivers of vehicles approaching or coming in contact with a person wholly or partially blind carrying such a cane or walking stick should immediately come to a full stop and take such precautions before proceeding as are necessary to avoid accident or injury to the person wholly or partially blind; and

WHEREAS, The liability of such blind persons to injury would be greatly lessened if such laws were generally adopted throughout the United States; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is hereby respectfully requested to take all steps within its power to secure the enactment of laws by the several States similar to the laws of the State of California upon this subject; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representa-

tives 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 Representatives from California are hereby respectfully urged to support such action.

CHAPTER 15

Assembly Joint Resolution No 13—Relative to the allocation of funds by the Congress of the United States to the Central Valley Project.

[Filed with Secretary of State February 16, 1940.]

Central Valley Project WHEREAS, The Congress of the United States has heretofore authorized the Central Valley Project as a Federal project to be constructed by the United States Bureau of Reclamation; and

WHEREAS, The Congress of the United States has heretofore appropriated and made funds available for the construction of said project in the sum of forty-four million six hundred thousand dollars (\$44,600,000); and

WHEREAS, The United States Bureau of Reclamation has entered into contracts, subject to availability of funds, for the construction of features of said project, in the sum of seventy-three million dollars (\$73,000,000), of which the sum of approximately thirty-two million dollars (\$32,000,000) has been expended; and

WHEREAS, The actual construction work on the Central Valley Project now provides employment on the project of more than 6,000 men, with other thousands of men required for the production of materials involved in said construction; and

WHEREAS, Unless adequate appropriations are promptly made available by Congress for the continuance of such construction work, it will mean the stoppage of this work within the next few months, thereby adding to the already overburdened relief rolls of the State of California; and

WHEREAS, The President of the United States has included in his budget submitted to the Congress for the next fiscal year, the sum of sixteen million dollars (\$16,000,000) for the Central Valley Project; and

WHEREAS, The President has requested a supplemental emergency appropriation of six million dollars (\$6,000,000) for the current fiscal year which amount, together with that requested in the budget, we believe is still insufficient to adequately provide for the proper progress of construction; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President and the Congress of the United States are respectfully requested to take such action as will be required for providing appropriations for the coming fiscal year in the sum of thirty million dollars (\$30,000,000) or more for the continuance of construction of the Central Valley Project; and be it further

Resolved. That copies of this resolution be transmitted by the Chief Clerk of the Assembly to the President and Vice President of the United States, to the Speaker of the House of Representatives, each Senator and Representative from California in the Congress of the United States, the members of the Appropriations Committee of the House, the Secretary of the Interior and the Commissioner of Reclamation.

CHAPTER 16

Assembly Joint Resolution No. 14—Relative to the continuance of Japanese beetle suppression under Federal auspices.

[Filed with Secretary of State February 16, 1940]

WHEREAS, A hearing has been called by the United States Bureau of Entomology and Plant Quarantine for February 27th at Washington, D. C., to consider whether or not that Federal agency shall continue to enforce regulatory measures to prevent the spread of the Japanese beetle within the United States, said agency having capably and effectively carried on this function for many years; and

Japanese
beetle
suppression

WHEREAS, The abandonment of enforcement of quarantine against the Japanese beetle by this Federal agency will cause such enforcement work to be assumed by the several States, thereby encouraging the development of 48 different kinds of quarantine measures, and will require greatly increased costs for the same objective; and

WHEREAS, The Federal authorities have complete machinery already established and are in better position to conduct necessary investigational and research work relative to control and nursery inspection and certification technics; and

WHEREAS, The fullest protection to be afforded the agricultural industry against the rapid spread of one of the world's most serious fruit, crop and garden pests appears best to be accomplished by an experienced and trained Federal agency; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California does hereby urge that there be no abandonment of quarantine enforcement, nursery certification, control methods, research, or procedures directed to Japanese beetle suppression by the Federal Government, and that the present Federal agency be requested to continue the effective work now in progress; and be it further

Resolved, That Congress be requested to make adequate financial provision for Japanese beetle suppression; and be it further

Resolved, That a copy of this resolution be forwarded, by the Secretary of State, to the United States Secretary of Agriculture, the Chief of the United States Bureau of Entomology and Plant Quarantine, and the Senators and Congressional Representatives for California.

CHAPTER 17

Senate Joint Resolution No. 5—Relative to House Bill No. 7372, relating to Federal control of oil and gas production in California.

[Filed with Secretary of State February 20, 1940.]

Federal
control of
gas and oil
production

WHEREAS, The State of California is one of the States of the Union wherein oil and gas are produced, refined, and made available for the uses of mankind; and

WHEREAS, The production of said natural resources is obtained in this State from three classes of lands: (1) Public lands owned by the United States of America as an incident of National sovereignty; (2) lands owned by the State of California by virtue of its sovereignty as a State; and (3) lands owned in fee by private persons and other private entities; and

WHEREAS, The right to regulate the method and manner of such production from National lands is solely within the jurisdiction of the Government of the United States; and

WHEREAS, The right to regulate the method and manner of such production from State lands is solely within the jurisdiction of the government of the State of California; and

WHEREAS, The State of California in its sovereign capacity as a State has assumed and asserted jurisdiction over the method and manner of such production from privately owned lands in the State of California by passage of laws calculated and designed to prevent waste of oil and gas in the exploration for and production and refining thereof, to the extent deemed best in the wisdom of the Legislature of the State and subject to the will of the people of this State, expressed in accordance with our Constitution; and

WHEREAS, There has been introduced into the Congress of the United States a bill, known as House Bill 7372, providing for exercise of jurisdiction by the Government of the United States over all production of crude oil and gas in the State of California and in other States; and

WHEREAS, Said bill, if passed, would infringe upon the sovereignty of the State of California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the State of California hereby respectfully protests the assertion of jurisdiction evidenced by the pendency of House Bill 7372, in the belief that the passage thereof would be an infringement of the sovereignty of the State of California as one of the United States of America; and be it further

Resolved, That the Secretary of the Senate is hereby instructed to transmit copies of this resolution to the President of the United States, to the presiding officer of the United States Senate, to the Speaker of the House of Representatives, to the Honorable Clarence F. Lea, Chairman of the Interstate and Foreign Commerce Committee of the House of Representatives, and to the Honorable William P. Cole, chairman of the subcommittee thereof.

CHAPTER 18

Assembly Concurrent Resolution No. 9—Approving amendments to the charter of the City of Albany, County of Alameda, State of California, voted upon and ratified by the electors of said city at an election held therein on November 7, 1939.

[Filed with Secretary of State February 20, 1940.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the City of Albany, County of Alameda, State of California, as set forth in the following certificate of the president of the city council and of the city clerk of said city.

City of Albany
Charter
amendments

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF ALBANY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

State of California }
County of Alameda } ss.
City of Albany }

We, the undersigned, O. C. Yenne, President of the Council of the City of Albany, and Herbert W. Brewer, City Clerk of said City do hereby certify and declare as follows:

Certificate

The City of Albany, County of Alameda, State of California is now and at all times mentioned in this certificate has been a city containing a population of more than three thousand five hundred (3,500) inhabitants, and has ever since the year 1927, and is now, organized and existing under and pursuant to the provisions of a freeholders charter adopted in accordance with and by virtue of the provisions of Article XI, Section 8, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the 26th day of March, 1927, in the manner, form and substance as required by law, and was thereafter duly approved by concurrent resolution of the legislature of the State of California, on the 19th day of April, 1927. (Stats. 1927, p. 2312).

The legislative body having authority of said City being a council thereof, did on its own motion, and by resolutions adopted on the 21st day of September, 1939, duly propose to the qualified electors of said City of Albany certain amendments to Section 7 and Section 50 of the charter of said City, which amendments are hereinafter set forth, known as First Proposal and Third Proposal, respectively.

The said City Council did by resolution duly passed and adopted on the 21st day of September, 1939, proclaim and fix the 7th day of November, 1939, the date of the Special State election to be held in said City of Albany, as the date

upon which the said amendments so proposed be submitted to, and voted on by, the qualified electors of said City of Albany.

The said proposed amendments were published on the 22nd day of September, 1939, in the "Albany Times", a newspaper of general circulation printed and published in the City of Albany, and having a general circulation therein, the said paper being the official newspaper of the City of Albany, and said publication was made at the time and in the manner prescribed in Article XI, Section 8, of the Constitution of the State of California.

The said City Council caused copies of said amendment to be printed in convenient pamphlet form, and kept in the office of the City Clerk of said City of Albany, and from September 22, 1939, until the date fixed for the election upon said charter amendment did advertise a notice in said "Albany Times", that said copies might be had upon application thereof at the office of the City Clerk of the City of Albany, which said copies were duly provided.

The said special state election held on November 7, 1939, was not less than forty and not more than sixty days after the completion of the advertising in said official newspaper. At said election the said proposed charter amendments were voted upon by the qualified electors of the City of Albany. A majority of the qualified electors voting thereon voted in favor of, and did ratify the said proposed charter amendments.

That the City Council did by Resolution duly passed and adopted on the 2nd day of October, 1939, request and appoint the Board of Supervisors of the County of Alameda, State of California, to canvass the returns of said election; that thereafter said Board of Supervisors of said County of Alameda, State of California, did duly and regularly canvass the returns of said election and did, by resolution, duly find and declare that said amendments to said City Charter of the City of Albany known and designated as First and Third Proposals were and are approved by electors of the said city of Albany and were ratified by the qualified voters voting thereon.

That said Charter amendments so ratified by the qualified voters of the City of Albany at said election are in words and figures as follows:

Ordinances "SECTION 7. ORDINANCES—All proposed ordinances introduced in the Council shall be in printed or typewritten form. The enacting clause of all ordinances passed by the Council shall read as follows: 'The Council of the City of Albany does ordain as follows:' The enacting clause of all ordinances initiated by the people shall read as follows: 'The people of the City of Albany do ordain as follows:'

"No ordinance shall be passed by the Council on the day of its introduction, nor within five (5) days thereafter. A proposed ordinance may be amended or modified between the time of its introduction and the time of its passage, providing

its general scope and original purpose is retained. All ordinances shall be signed by the Mayor and attested by the City Clerk, and shall be published at least once in an official newspaper of the City of Albany, of general circulation, or posted at three public places within the City, before becoming effective: Provided, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and passed at one and the same meeting and, if passed by a four-fifths vote, shall become effective immediately.

“The Council, by resolution, shall designate three public places within the City of Albany where said ordinances may be posted.”

“SECTION 50.

(p) PENSIONS—If at any time those persons affected by ^{Pensions} the provisions of this section should, for the purpose of obtaining a more satisfactory and financially sound system of pensions and benefits than is herein set forth, desire to take advantage of the provisions of any law or laws of the State of California, now or hereafter in effect, relating to the subject matter of this Section, they are hereby empowered to do so by following such procedure as may be set forth in such State law or laws.”

IN WITNESS WHEREOF, we have hereunto set our signatures, and caused the official seal of the City of Albany, to be affixed this 5th day of February 1940.

[SEAL]

O. C. Yenne

President of the Council of the
City of Albany

H. W. Brewer

City Clerk, City of Albany.

and

WHEREAS, The said proposed charter amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the ^{Approval} Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendments to the charter of the City of Albany as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the City of Albany.

CHAPTER 19

Senate Concurrent Resolution No. 6—Relative to the operation, maintenance, and extension of the State Park System.

[Filed with Secretary of State February 20, 1940.]

State Park
Svs em WHEREAS, A legislative measure entitled "An act relating to parks, and making an appropriation from the State Park Maintenance and Acquisition Fund to be expended in accordance with law for the operation, maintenance and extension of the State Park System" is now being considered by the Legislature; and

WHEREAS, The Legislature is advised that the money is urgently needed by the various State parks for repair of storm damage and decay and the addition of sanitary and other facilities to the park premises; and

WHEREAS, The facts submitted to the Legislature indicate that the proposed program for State parks will require expenditures for such repairs and additions in the sums listed below opposite the names of the State parks:

Seacliff Beach State Park	\$6,500.00
Alamitos Beach State Park	1,500.00
Doheny Beach State Park	2,500.00
San Clemente State Park	1,500.00
San Jacinto Mountain State Park	1,500.00
Mill Creek Redwoods State Park	2,500.00
Borego Desert State Park	1,000.00
Cuyamaca Rancho State Park	2,500.00
Mission Bay State Park	3,500.00
California Redwood Park	2,500.00
Calaveras Big Trees Park	2,500.00
Castle Crags State Park	1,000.00
McArthur-Burney Falls Park	500.00
Mount Diablo State Park	1,000.00
Fort Ross Historic Monument	1,000.00
Armstrong Grove State Park	1,500.00
Van Damme State Park	2,000.00
Carpinteria Beach State Park	1,200.00
Point Lobos State Park	1,000.00
Pfeiffer Redwood State Park	2,500.00
Williams Grove State Park	1,500.00
Bliss-Rubicon-Tahoe Park	1,000.00
Custom House-Monterey	1,000.00
First Theatre	1,000.00
Morro Bay State Park	800.00
Pio Pico Mansion Historic Monument	1,500.00

now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature recommend to the State Park Commission and the Division of Parks that the amount appropriated in such measure, if enacted into law, be so allocated and expended as set forth in this resolution.

CHAPTER 20

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section numbered 13 to Article XVI thereof, relating to liens, mortgages, encumbrances, and agreements taken as security for aid to the aged, and to the powers of the Legislature in relation thereto.

[Filed with Secretary of State February 21, 1940.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, in extraordinary session commencing on the twenty-ninth day of January, 1940, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding a new section, to be numbered 13, to Article XVI thereof, to read as follows:

Constitution,
Art XVI,
Sec 13

Sec. 13. (a) The people of the State of California, for themselves, for the State Government, and for every county and other agency of the government of the State, do hereby abjure, renounce, and relinquish all rights and claims heretofore acquired by the State or any county or other agency of the State under the provisions of the Old Age Security Act of the State of California (Chapter 530 of the Statutes of 1929, as amended), or the Old Age Security Law (Chapter 1 of Division 3 of the Welfare and Institutions Code), or both, against the property of recipients of aid to the aged lawfully granted and received pursuant to said laws, or against such recipients personally, in so far as such rights and claims are based upon or arise out of liens, mortgages, transfers or other encumbrances taken by any county as security for aid granted pursuant to the provisions of said laws, or either of them, or are based upon or arise out of agreements not to transfer or encumber real property without the consent of the board of supervisors entered into pursuant to the provisions of Sections 2226 and 2229 of the Welfare and Institutions Code as added thereto by Chapter 719 of the Statutes of 1939;

Aid to aged
Encum-
brances

Transfers

(b) All liens, mortgages, and other encumbrances heretofore taken by any county as security for aid granted under the aforesaid laws, or either of them, are hereby released, and shall hereafter be conclusively presumed to have been paid;

Release

(c) Every agreement not to transfer or encumber real property without the consent of the board of supervisors heretofore executed pursuant to the provisions of Sections 2226 and 2229 of the Welfare and Institutions Code as added thereto by Chapter 719 of the Statutes of 1939 is hereby rescinded, canceled and declared to be hereafter of no force and effect, subject to the consent thereto of the applicant or recipient of aid, his legal representative, or successor in interest in the property concerning which the agreement was made. The failure

Agreement

of the applicant or recipient, his legal representative, or successor in interest, to cause to be recorded in the office of the county recorder within 30 days after this section becomes effective an instrument expressly withholding consent to the rescission and cancellation of any such agreement shall constitute consent thereto, and every such agreement, to the rescission and cancellation of which consent has not been expressly withheld, shall, from a date 30 days after this section becomes effective, be conclusively presumed to have been rescinded, canceled, and of no effect;

Supervisors (d) The board of supervisors of each county shall immediately execute and record appropriate instruments of release or rescission and cancellation of all such liens, mortgages, encumbrances and agreements and shall take such other steps as may be necessary to relieve the recipients of aid heretofore granted to such persons under either or both of such statutes and the real property of the recipients from all obligation to repay either to the county or to the State any such aid lawfully granted to or received by any such person;

Legislative authority (e) Notwithstanding any other provision of this Constitution, the Legislature shall have power to release, rescind, cancel, or otherwise nullify in whole or in part any encumbrance on property, personal obligation, or other form of security heretofore or hereafter exacted or imposed by the Legislature to secure the repayment to, or reimbursement of, the State, and the counties or other agencies of the State Government, of aid lawfully granted to and received by aged persons;

Intent (f) Should an amendment to this Constitution by adding a new section to be numbered 12 to this article, as proposed by Assembly Constitutional Amendment No. 1 of the Fifty-third Session of the Legislature (Resolutions Chapter 58 of the Statutes of 1939), be enacted at the general election held on November 5, 1940, nothing in this section shall be construed to limit or restrict the operation of the provisions of said Section 12.

CHAPTER 21

Senate Joint Resolution No. 1—Relative to memorializing Congress to enact a plan for old age security wholly supported by Federal funds.

[Filed with Secretary of State February 23, 1940.]

Aid to aged WHEREAS, The subject of adequate pensions for aged persons is of serious concern to the people of this State and of the United States; and

WHEREAS, The present system of Federal grants-in-aid to the States is conducive to differences and inequalities in the treatment of the problem among the States; and

WHEREAS, The problem of aid to the aged is Nation-wide in scope and can best be solved by Federal legislation dealing equally and fairly with all people; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorialize the President and the Congress of the United States to provide an adequate, uniform and liberal system of old age assistance to be financed wholly from Federal funds; and be it further

Resolved, That the Governor of the State of California is hereby requested to present copies of this resolution to the President and Vice President of the United States, 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 are respectfully urged to support such a program

CHAPTER 22

Assembly Concurrent Resolution No. 11—Relative to the prospective retirement of Robert Alexander from the State service.

[Filed with Secretary of State February 23, 1940.]

WHEREAS, Prior to the next regular session of the Legislature Robert Alexander, Assistant State Printer, will reach the age of automatic retirement from the service of the State; and

Retirement
of Robert
Alexander

WHEREAS, Robert Alexander has established the extraordinary and unparalleled record of 53 consecutive years of State service in the same department; and

WHEREAS, Said Robert Alexander has been in the service of this State through more than half of the period of existence of this State, having entered the service on October 31, 1887, and having served under no less than 13 different governors; and

WHEREAS, Throughout his service, from his first position as a youthful messenger to his present position as a still youthful Assistant State Printer, Robert Alexander has faithfully performed his duties with a characteristic attitude of willing and helpful cooperation, and made of all with whom he came into contact friends not only for himself but for the State he served; and

WHEREAS, His prospective retirement by reason of having reached the statutory age for retirement implies no diminution of Robert Alexander's willingness to continue to serve his State and to add many years to his already magnificent record; and

WHEREAS, It is fitting that the Legislature of the State of California, at this extraordinary session thereof, take cognizance of the remarkable services of a well loved public servant; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring. That the Legislature of the State of California, on behalf of the members thereof and of the

people of the State, hereby commends Robert (Bob) Alexander for his long and faithful services to the State, and expresses a hope that he will enjoy to the utmost many years of happiness in his retirement; and be it further

Resolved, That the Chief Clerk of the Assembly cause a copy of this resolution to be suitably engrossed and illuminated and presented to said Robert Alexander as an expression of the good wishes of the members of the Legislature and of all branches of the government of the State.

CHAPTER 23

Assembly Concurrent Resolution No. 7—Relative to requesting cities of every class to enact a "stop-cane" law.

[Filed with Secretary of State February 24, 1940.]

"Stop-cane"
ordinances WHEREAS, The problem of safety in crossing the streets and highways of the State is of serious concern to all citizens; and

WHEREAS, Thousands of pedestrians lose their lives or suffer serious injuries in automobile accidents each year; and

WHEREAS, Many persons in this State are blind or otherwise physically disabled and are therefore at a great disadvantage in protecting themselves from these hazards; and

WHEREAS, There has been developed a cane, or walking stick mechanically equipped so that a sign bearing the word "stop", visible from a great distance, can at will be made to appear, and designed to give immediate notice to the drivers of vehicles that the person displaying the cane is blind or otherwise physically handicapped and that such vehicles should proceed with great caution; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby urges and requests all cities of every class to consider and act upon an ordinance recognizing the use of "stop-canes"; imposing upon motorists a legal duty to take especial regard for and give the right of way to persons carrying such canes; and restricting the use of such canes to blind or otherwise physically handicapped persons.

CHAPTER 24

Assembly Concurrent Resolution No. 8—Relative to the construction of a secondary highway between Clovis and Friant, California.

[Filed with Secretary of State February 24, 1940]

WHEREAS, The construction of Friant Dam is placing and will continue to place an increasing burden upon the roads adjoining Friant, California; and Clovis to Friant highway

WHEREAS, There is no rapid, direct route of travel over State highways from Clovis to Friant, California; and

WHEREAS, There now exists a county road known as the "Jenny Lind Road" which connects the cities of Clovis and Friant; and

WHEREAS, The route covered by the county road known as the "Jenny Lind Road" if adequately improved could solve the traffic problems now resulting from the increased traffic due to the construction of Friant Dam; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Highway Commission is requested to authorize preliminary surveys to determine the advisability of including in the State Highway System a direct route from Route 76 at Clovis, to Friant; and be it further

Resolved, That the California Highway Commission investigate and determine the advisability of making a secondary highway of that county road known as the "Jenny Lind Road," now existing between Clovis and Friant, California, and report its findings and recommendations to the Assembly and to the Senate, at the next regular (54th) session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the California Highway Commission, through its secretary.

CHAPTER 25

Assembly Joint Resolution No. 16—Relative to memorializing the President and Congress against the passage of legislation to prohibit the filing of separate income tax returns by spouses in reference to community income.

[Filed with Secretary of State February 24, 1940.]

WHEREAS, The community property system constitutes a vital part of the laws of California and of seven of her sister States; and Separate income tax returns

WHEREAS, The system existing in California originated long before California's admission into the Union on September 9, 1850, and during the time of the Spanish and Mexican occupation; and

WHEREAS, Transactions and business relationships in this State involving hundreds of millions of dollars have been or are in the course of being negotiated on the logical assumption that the principles of community property so historically a part of California will continue in existence and be accorded universal respect and recognition; and

WHEREAS, There is now pending before the Congress of the United States a bill (H. R. 7361) which will prohibit a wife from filing a separate income tax return on her share of community property income and taking the credits and deductions thereon to which she is now legally entitled; and

WHEREAS, The effect of such legislation would be to ignore completely the community property law of California and of her sister community property States, and would result in unprecedented chaos and confusion; and

WHEREAS, Such legislation would furthermore constitute an injurious denial of privileges to the female sex and a return to an era of history when women were in the same category as chattels; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the people of the State of California hereby register an emphatic protest against the passage of H. R. 7361 now pending before the Congress of the United States; and be it further

Resolved, That the Chief Clerk of the Assembly forward a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, and to each Senator and Member of the House of Representatives from California in the Congress of the United States.

CHAPTER 26

Assembly Joint Resolution No. 19—Relative to the making of payments by the Federal Government to counties to reimburse them for loss of tax receipts on account of the use of certain land by the United States.

[Filed with Secretary of State February 24, 1940]

Federal aid
to counties

WHEREAS, There are in the 11 Public Land States of the Northwest over 300,000,000 acres of tax-free lands owned by the Federal Government and held in National forests, National parks, National monuments, National wild life refuges, National grazing land acquisition projects, military and naval reservations, Indian reservations and Indian trust lands; and

WHEREAS, There are according to the California Tax Research Bureau in its 1933 report to the Legislature over 20,000,000 acres of National forests and National park lands in the mountain counties of California which was valued by

the bureau at the sum of over one hundred ninety million dollars (\$190,000,000), and which is at present tax-free; and

WHEREAS, The remaining acres of the mountain counties of California have to give the United States Government and the people who live within such National forests a full set of county officers to prosecute crimes alleged to have been committed within such National forests; and

WHEREAS, The privately-owned lands of the mountain counties of California have to furnish schools for the education of the children who live within such National forests, providing buildings, teachers, janitors, conveyances for the children of school age to and from school and paying all other expenses of operating such schools; and

WHEREAS, These mountain counties of California have to pay for medical attendance, food, clothing, shelter and finally the funeral expenses of all the indigents who reside or have resided within the confines of such National forests; and

WHEREAS, The members of this Legislature believe that the United States Government should pay its just portion of the costs of these county governments; and

WHEREAS, The government is constantly purchasing privately-owned lands, withdrawing the same from assessment and taxation for National forests, National parks and other purposes, thereby impoverishing the counties from which the land is withdrawn; and

WHEREAS, Many counties in California are overburdened with taxation on account of the withdrawal from sale, settlement and taxation of large tracts of land for National forests, National parks, National monuments, National grazing land acquisition projects, military and naval reserves, Indian reservations and Indian trust lands; and

WHEREAS, Many counties in the State of Oregon have received and are still receiving large sums of money annually in lieu of taxes on Federally-owned lands amounting to millions of dollars; and

WHEREAS, There are now pending in Congress two bills, H. R. 4506 and H. R. 4833, the first of which, if enacted, would bring to the treasuries of the counties of California approximately one hundred twenty million dollars (\$120,000,000) annually to reimburse them for loss of tax receipts on account of the use of land by the United States, and the latter of which, if enacted, would put into these county treasuries the approximate sum of two hundred million dollars (\$200,000,000) annually; and

WHEREAS, The members of this Legislature believe that the Congress of the United States should pass one of the bills or introduce and pass a similar bill which will provide for payments to counties of the State of California in annual installments to reimburse them for loss of tax receipts on account of use by the United States of lands within such counties; and

WHEREAS, Many of the forest supervisors and other executive officers of the National forest organization have time and

again privately expressed the hope that the Federal Government would make payments to States or local subdivisions in lieu of taxes on all government lands within such States or local subdivisions; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States be memorialized to enact legislation providing for the payment annually to counties in the 11 Public Land States of the Northwest of money to reimburse them for loss of tax receipts on land owned or used by the United States; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Secretary of Agriculture, to the Speaker of the House of Representatives of the Congress of the United States, and to each Senator or Member of the House of Representatives from California in the Congress of the United States, and that the Senators and the Representatives from California are hereby respectfully requested to urge such legislation.

CHAPTER 27

Senate Concurrent Resolution No. 9—Relative to the illness of newspaper correspondent William H. Jordan.

[Filed with Secretary of State February 24, 1940.]

Illness of
William H.
Jordan

WHEREAS, William H. Jordan, veteran newspaperman and valued member of the staff of the San Francisco Examiner, is seriously ill in the Merritt Hospital, in Oakland, California; and

WHEREAS, Mr. Jordan has reported the proceedings of this Legislature for many years and is the dean of legislative correspondents; and

WHEREAS, During his years of service he has engaged in many activities of a constructive nature for the welfare, advancement and development of the State of California; and

WHEREAS, He has earned the admiration and respect of the members of this and past sessions of the Legislature by his loyalty and unyielding devotion to duty, and by his ever willingness to assist his fellow men; and

WHEREAS, He has endeared himself to all who know him by his lovable and genial personality; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature and the people of the State of California sincerely miss the presence of William H. Jordan in these legislative halls, and extend to him their best wishes for a speedy and complete recovery; and be it further

Resolved, That the Secretary of the Senate prepare and transmit to Mr. Jordan a suitably engrossed copy of this resolution.

CHAPTER 28

Assembly Concurrent Resolution No. 18—Relative to a recess of the Senate and Assembly of the State of California.

[Filed with Secretary of State February 26, 1940.]

WHEREAS, The Legislature of the State of California is convened in extraordinary session, which commenced on the twenty-ninth day of January, 1940, pursuant to a proclamation of the Governor of the State of California, as provided by Section 9 of Article V of the Constitution of the State of California; and

Recess of
Senate and
Assembly

WHEREAS, The Senate and the Assembly of the State of California find it necessary and desirable to recess until not later than the thirteenth day of May, 1940; and

WHEREAS, It may be necessary in the interests of the State for such recess of the Senate and the Assembly to terminate prior to said thirteenth day of May, 1940; and

WHEREAS, The Constitution of the State of California provides that neither house shall, without the consent of the other, adjourn for more than three days; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Assembly hereby consents to the adjournment of the Senate for a period of more than three days, as more particularly herein set forth; and be it further

Resolved, That the Senate hereby consents to the adjournment of the Assembly for a period of more than three days, as more particularly herein set forth; and be it further

Resolved, That the Senate and the Assembly of the State of California shall adjourn at 12 o'clock noon on the twenty-fifth day of February, 1940, and the Legislature and each house thereof shall thereupon recess until the thirteenth day of May, 1940, and shall convene at 12 o'clock noon on said thirteenth day of May, 1940, unless sooner reconvened as hereinafter provided; and be it further

Resolved, That in the event it appears to the Speaker of the Assembly and to the President pro tempore of the Senate to be for the best interests of the State that the Legislature and the Senate and Assembly thereof reconvene on a day prior to said thirteenth day of May, 1940, they are expressly authorized and directed to call the Legislature and the Senate and Assembly thereof together to convene on a day and at an hour to be specified by them jointly in a notice of reconvening of the Legislature and the Senate and Assembly thereof. Duplicate copies of such notice shall be prepared and signed by the Speaker of the Assembly and the President pro tempore of the Senate. One copy shall be delivered to the Secretary of the Senate and the other copy shall be delivered to the Chief Clerk of the Assembly. Such delivery shall be made at least three days prior to the day set in the notice for such reconvening. Copies of the notice forthwith shall be mailed

by the Secretary of the Senate to each member of the Senate at the home address for such member as shown by the records of the Secretary and copies shall be mailed by the Chief Clerk of the Assembly to each member of the Assembly at the home address for such member as shown by the records of the Chief Clerk. Following the giving of such notice of reconvening and the mailing of copies thereof, as herein provided, the Legislature and the Senate and Assembly thereof shall thereupon reconvene on the day and at the hour specified in such notice. The affidavits of the Secretary of the Senate and of the Chief Clerk of the Assembly that copies of any such notice were severally received by them and mailed to the members as herein provided shall be conclusive evidence of the facts therein stated.

CHAPTER 29

Assembly Joint Resolution No. 21—Relative to memorializing the members of the Congress of the United States from California in connection with losses sustained by poultry feed suppliers in connection with rural rehabilitation programs.

[Filed with Secretary of State February 26, 1940.]

Poultry feed
supplies

WHEREAS, The United States Farm Security Administration in its activities connected with the rehabilitation and resettlement of poultry raisers in this State has permitted, and to some extent caused, great loss to a number of suppliers of poultry feed; and

WHEREAS, Many poultry raisers were, at the time rural rehabilitation programs were instituted, indebted to suppliers of feed in varying sums both secured and unsecured; and

WHEREAS, As a part of the plan to rehabilitate the poultry raisers the feed suppliers were prevailed upon to forego their legal rights and to sign nondisturbance agreements on the promise of Government agents in charge that the old obligations of the poultrymen would be liquidated and new purchases promptly paid for; and

WHEREAS, In many instances the flocks of poultrymen were replenished by poultry purchased and delivered to them by Government agents as part of the program, and feed was furnished for such poultry by feed suppliers upon the urgent request of, and the express promise of payment by, the Government agent in charge; and

WHEREAS, In many instances, when feed suppliers tried to collect their mounting accounts, they were persuaded to continue to supply feed for the poultry involved upon the promise of the Government agents in charge that the United States of America would save them harmless and upon the assurance that the credit of the United States was good; and

WHEREAS, The program of rehabilitating small farmers and poultry raisers through establishing or continuing them in the poultry raising business has proved, in great part, to have been a failure; and

WHEREAS, Certain of Government agents in charge of such rehabilitation programs have been discharged from the service and their promises and agreements repudiated; and

WHEREAS, The greatest item of the cost of raising poultry is in obtaining feed supplies, and in many instances poultry feed has been supplied in connection with such programs and has not been paid for; and

WHEREAS, The result has been and is that the suppliers of poultry feed are faced with a great loss, incurred through no fault of their own, and due to their willingness to cooperate with the Farm Security Administration and the agents thereof; and

WHEREAS, It appears proper that the foregoing conditions be called to the attention of the members of the Congress of the United States from California; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby memorializes the members of the Congress of the United States from California to investigate the matters referred to in this resolution and, after such investigation, to take such steps and proceedings, by legislation or otherwise, as shall appear appropriate to make restitution to the feed suppliers of this State who have sustained loss by reason of the matters set forth in this resolution; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to transmit copies of this resolution to each member in the Congress of the United States from the State of California.

CHAPTER 30

Senate Concurrent Resolution No. 10—Relative to a Fact-Finding Committee on Employment, and defining its powers and duties.

[Filed with Secretary of State February 28, 1940.]

WHEREAS, It is imperative that all pertinent facts bearing upon employment in California be found, assembled and analyzed, to the end that the Senate and Assembly and the members of each may be enabled to act advisedly in the formulation of a comprehensive and effective plan for the gainful employment of all able-bodied citizens of the State and in the consideration and enactment of legislation calculated to inaugurate such a plan and put it into immediate operation; and

Fact-Finding
Committee
on Employ-
ment

WHEREAS, The facts can best and most expeditiously be ascertained and analyzed and such a plan formulated by the

Legislature through a joint Fact-Finding Committee of the Senate and Assembly charged with the study of every phase of this subject during this session of the Legislature and any recesses thereof, reporting to the Legislature as soon as may be; and

WHEREAS, The Governor in his proclamation convening this Legislature in extraordinary session has specified among the subjects which have created or which bear upon this extraordinary occasion: the need for the appropriation and expenditure of moneys for unemployment relief (Item 1), a need for a State agency to undertake slum clearance and provide dwelling accommodations for persons of low income (Item 7), a need for extension of aid by public bodies to housing projects undertaken pursuant to the California State Housing Authority Law (Item 8), a need for soil conservation and the control of run-off and prevention of soil erosion (Item 12), a need for legislation fostering extension of the public use of tax-deeded lands and also the restoration of tax-deeded lands to private use, cultivation and production (Item 35), a need for legislation relating to advertising and sales promotion in connection with marketing orders for agricultural commodities in furtherance of increased sale and consumption of such commodities (Item 13), and a need for legislation providing revenues and means for the collection thereof for the State Government (Item 2), and His Excellency has elaborated thereon in his message delivered to the Legislature January 29, 1940; and it would appear that each of these asserted needs springs out of factors which point to fundamental underlying conditions affecting gainful enterprise and employment which demand intensive study and analysis if the Legislature is to discharge its responsibility of taking the best possible considered action upon and seeking the most nearly complete solution of the several problems embraced within these various subjects specified in the proclamation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring. That a committee on employment, designated "The Fact-Finding Committee," of 17 members, consisting of the Speaker of the Assembly and eight other members of the Assembly appointed by the Speaker and the President pro tempore of the Senate and seven other members of the Senate appointed by the Committee on Committees thereof, is hereby created, which committee is authorized and directed to gather, assemble, study and analyze all facts relating to any and every phase of employment, with a view to formulating such a plan and preparing and submitting such legislative measures as will enable the State to bring about and assure the gainful employment in private enterprise of all of its able-bodied citizens, to which end the committee shall have and exercise the duty and power:

Powers and
duties

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

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

(5) To hold public hearings at any place in California, at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in any wise bearing upon or relating to the encouragement of increase of employment in private enterprise, the finding of jobs and placement of workers therein, the furtherance of apprentice training, vocational training and education or re-education, the relief of hardship and destitution due to and caused by unemployment or otherwise, the affording of unemployment insurance, or the discovery and the fostering of the discovery and development of new frontiers in industry, commerce or agriculture and new uses for the resources and products of the State, and the method, adequacy and efficiency of the functioning of any and all governmental agencies, State or local, in any way charged or concerned with the administration or enforcement of any such laws or any part of any thereof, and the competency and efficiency of the personnel of any such agency;

(7) To meet at any and all times during this session of the Legislature, whether the Senate or Assembly be actually then sitting or not, and at any and all places within the State, in the performance of its duties and in carrying out the objects and purposes of this resolution;

(8) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony;

(9) To report its findings and recommendations to the Senate and Assembly and to the people from time to time and at any time; and

(10) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and all of the provisions of Article 8, Chapter 2, Title 1, Part 3, of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, apply to the committee hereby created; and be it further

Resolved, That the Sergeant-at-Arms of the Senate and of the Assembly and each of them or other officers designated by either of them, are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

Resolved, That every department, commission, board, agency, officer and employee of the State government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day; and be it further

Funds
available

Resolved, That the sum of thirty thousand dollars (\$30,000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid equally from the contingent funds of the Senate and of the Assembly and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 31

Senate Concurrent Resolution No. 11—Relative to encouraging and aiding the self-help cooperative movement.

[Filed with Secretary of State February 28, 1940.]

WHEREAS, The problem of administering aid for the relief of hardship and destitution without impairing the morale and work habits of the recipients of such aid is of much concern to the citizens of this State; and

Self-help
cooperative
movement

WHEREAS, Direct relief is admitted by all to offer no permanent solution of the problem; and

WHEREAS, Production projects for the unemployed which compete with private industry present certain dangers to employed citizens and taxpayers; and

WHEREAS, The self-help cooperative movement offers the possibility of a safe and workable method for aiding the unemployed to retain their skill and develop their abilities while they earn their subsistence; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That it is the intent and the desire of the Legislature of the State of California, and the Relief Commission and the Relief Administrator are respectfully urged and requested to comply therewith that the self-help cooperative movement should be encouraged and aided, subject to the limitation that self-help cooperative organizations and associations so aided may sell, exchange, or otherwise dispose of their products only to (i) the Relief Administrator and the Relief Commission (ii) persons receiving relief under the California Unemployment Relief Act of 1935, or other public assistance laws, and (iii) other self-help cooperative organizations and associations eligible for assistance under this act; and be it further

Resolved, That it is the intent and the desire of the Legislature of the State of California, and the Relief Commission and the Relief Administrator are respectfully urged and requested to comply therewith, that in administering such aid to self-help cooperative organizations and associations the administration of aid to non-grant self-help cooperative organizations and associations shall be separated from the administration of aid to grant and semi-grant self-help cooperative organizations and associations; and be it further

Resolved, That it is the intent and the desire of the Legislature of the State of California, and the Relief Commission and the Relief Administrator are respectfully urged and requested to comply therewith, that the sum of twenty-five thousand dollars (\$25,000) out of the moneys appropriated by

Chapter 12 of the Statutes of 1940, or so much thereof as may, in the opinion of the Relief Commission and the Relief Administrator, be necessary, shall be expended, or administered through a revolving fund, for aid to non-grant self-help cooperative organizations and associations; and be it further

Resolved, That the Secretary of the Senate is hereby directed to deliver copies of this resolution to the members of the Relief Commission and to the Relief Administrator.

CHAPTER 32

Senate Joint Resolution No. 6—Relative to memorializing the President and the Congress of the United States to enact S. 2212, relating to the development of marketing and marketing services for farm commodities.

[Filed with Secretary of State February 28, 1940]

Marketing
of farm
commodities

WHEREAS, The marketing of agricultural products is a matter of deep concern to the people of this State; and

WHEREAS, There is now pending before the Congress of the United States, a bill designated S. 2212, to provide for the development of marketing and marketing services for farm commodities; and

WHEREAS, Said bill proposes to appropriate five million dollars (\$5,000,000) to be apportioned to the several States for the purpose of organizing, fostering, promoting, and developing marketing and marketing services for farm commodities in order to provide a steady flow of standardized farm commodities to centers of distribution; and

WHEREAS, The purposes of said bill are in all respects desirable and the enactment of said bill would be highly beneficial to the agricultural industry of this State as well as other States; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California hereby respectfully urges and memorializes the President and the Congress of the United States to enact S. 2212 now pending in the Congress; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send copies of this resolution to the President and the Vice President of the United States, the Speaker of the House of Representatives, and to each member of the Senate and the House of Representatives in the Congress of the United States from California.

CHAPTER 33

Assembly Joint Resolution No. 20—Relative to memorializing the President and the Congress of the United States to expedite the Santa Fe Retarding Basin Project.

[Filed with Secretary of State February 28, 1940.]

WHEREAS, The Flood Control Act, approved June 22, 1936, and as amended by the act approved May 15, 1937, authorized the construction of reservoirs and principal flood channels in Los Angeles County drainage area in the State of California, at an estimated cost not to exceed seventy million dollars (\$70,000,000); and

Santa Fe
Retarding
Basin
Project

WHEREAS, The War Department has selected Santa Fe Retarding Basin (San Gabriel River) as one of the projects to be constructed under the above mentioned authorization; and

WHEREAS, It appears from the records of the office of the engineers of the Department of War in Los Angeles that their work has been completed sufficiently for construction bids, and that such engineering work and estimates have been forwarded to the office of Major General J. L. Schley, Chief of Engineers of the War Department in Washington, D. C.; and

WHEREAS, It appears that the War Department's District Engineering Office, in charge of Edwin C. Kelton, estimates that the Santa Fe Retarding Basin Project will not only prevent further vast property damages and probable loss of life, but will directly and indirectly employ between 10,000 and 12,000 persons, with probably 2,500 persons for four to five years on construction operations; and

WHEREAS, To expedite the construction of this important flood control project, and to alleviate the suffering of thousands of unemployed persons in the county of Los Angeles, as well as the burden of the taxpayers in providing relief therefor, rights of way and land acquisition costs should be included in the Federal appropriation, as well as the cost of the construction of the aforesaid project; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby memorializes the President and the Congress of the United States to expedite as an emergency act, if possible, the appropriation of funds to secure rights of way, and land and for construction costs necessary to start the construction of the Santa Fe Retarding Basin Project, so that further danger of loss of property and human life may be averted, and labor so abundantly idle in Los Angeles County, California, in which area said project is situated and so urgently in need of employment, may be put to work; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States from California.

CHAPTER 34

Assembly Joint Resolution No. 17—Relative to memorializing the President and the Congress of the United States in relation to legislation providing aid for disabled persons.

[Filed with Secretary of State February 28, 1940]

Disabled
persons

WHEREAS, There is a growing recognition of the duty on the part of government to provide for the welfare of individuals who are handicapped; and

WHEREAS, Under State or Federal laws aid is freely given to persons who are aged, to persons who are blind, to children, and to a more limited extent to persons who are deaf; and

WHEREAS, Vast expenditures of money have been and are being made for aid to healthy adults whose necessity for such aid arises solely because of unemployment; and

WHEREAS, There is in this country a great number of persons in need of financial aid and assistance by reason of physical infirmities and disabilities; and

WHEREAS, There exists no provision for Federal aid to disabled persons generally; and

WHEREAS, Persons who are unable to provide for themselves because of physical disabilities and handicaps are frequently faced with destitution and may be provided for only on the basis of absolute pauperism, and then only in public institutions; and

WHEREAS, Persons suffering from physical disabilities and infirmities rendering them incapable of self-support should be treated in the same manner and on the same favorable terms as other persons suffering from handicaps; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby respectfully urges, requests, and memorializes the President and the Congress of the United States to enact such legislation as will provide for financial and other aid to persons who are in need thereof because of physical disabilities and infirmities; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, 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.

CHAPTER 35

Assembly Concurrent Resolution No. 19—Relative to Works Projects Administration sewing projects.

[Filed with Secretary of State February 28, 1940.]

WHEREAS, The Works Projects Administration maintains and operates sewing projects employing persons eligible for unemployment relief under the California Unemployment Relief Act of 1935; and

WHEREAS, Such employment is rehabilitating and the expenditures therefor are economical and conserve the appropriations for unemployment relief made by the State of California; now, therefore, be it

Resolved, That the Relief Administration and the Relief Commission are hereby requested to expend from the appropriation for the relief of hardship and destitution due to and caused by unemployment so much of the money as is necessary and legally available for the maintenance and continuation of the Works Projects Administration sewing projects to the fullest extent necessary to employ all persons legally eligible for such projects.

CHAPTER 36

Assembly Concurrent Resolution No. 15—Relative to the winning of the Santa Anita Derby by Sweepida, a California-bred, California-owned, and California piloted symbol of the equine superiority of the Golden State.

[Filed with Secretary of State February 28, 1940.]

WHEREAS, The world has long been informed of the undoubted fact that the State of California excels in the production of everything that man may need or want; and

WHEREAS, On Washington's birthday, 1940, Sweepida, a California-bred horse won the Santa Anita Derby and thus demonstrated again that California can, when it gets around to it, produce running horses equal, if not superior, to all of the rest; and

WHEREAS, The scintillating triumph of Sweepida was truly an all-California victory as this nimble-footed son of Sweepster, out of Rapida, was piloted by Ralph Neves, San Francisco jockey, and is owned by that sterling Stockton sportsman, H. C. (Dutch) Hill; and

WHEREAS, Sweepida was foaled at Walnut Creek and raised near Stockton and is living proof of the boundless kindness of nature which blesses San Joaquin County, and adds to the

already abundant evidence that San Joaquin County is one of the garden spots of the State, and consequently of the world; and

WHEREAS, The State, the racing industry, the owner, the jockey, the handlers, and all persons connected in any way with Sweepida (including the holders of two-dollar (\$2) win tickets worth sixty-eight dollars and sixty cents (\$68.60)) should feel elated at the stellar performance of this stalwart son of this sunny State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby expresses its satisfaction and delight in the victory of Sweepida in the Santa Anita Derby, and congratulates his owner, H. C. (Dutch) Hill, and his trainer, Lawrence Staples of Stockton, California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to forward a copy of this resolution, suitably prepared, to said H. C. (Dutch) Hill.

CHAPTER 37

Assembly Concurrent Resolution No. 14—Calling upon the State Relief Administration to cooperate with the agricultural industry in obtaining employment for the unemployed.

[Filed with Secretary of State February 28, 1940.]

Agricultural
employment

WHEREAS, The agricultural industry in California can offer seasonal employment to a great number of persons; and

WHEREAS, Making such opportunities for employment available to persons receiving relief from the State Relief Administration will reduce the State expenditure for relief, provide healthful and invigorating work for relief clients, and promote their self-respect and moral responsibility; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Relief Administration cooperate with the agricultural industry, and in particular with the Sugar Beet Growers Association and any organized group of farm workers, for the purpose of encouraging and promoting the employment of relief recipients in agricultural pursuits; and be it further

Resolved, That all other State agencies having to do with the placement of agricultural labor cooperate with the State Relief Administration and the agricultural industry in placing relief recipients in all available agricultural employment.

CHAPTER 38

Senate Concurrent Resolution No. 12—Approving five certain amendments to the charter of the City of Redwood City, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the ninth day of April, 1940.

[Filed with Secretary of State May 16, 1940]

WHEREAS, The City of Redwood City in the County of San Mateo, State of California, contains a population of over 3,500 and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and has been ever since the year 1929, and now is, organized and acting under and by virtue of a freeholders charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a general municipal election held on the ninth day of April, 1929, and approved by the Legislature of the State of California on the eighteenth day of April, 1929 (Statutes of 1929, page 2176), all as set out in the certificate of the mayor and city clerk of said City of Redwood City hereinafter set forth; and

Redwood
City
Charter
amendment

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of said amendments to the Charter of the City of Redwood City as set out in the certificate of the mayor and city clerk of said City of Redwood City, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF REDWOOD CITY AT A GENERAL MUNICIPAL ELECTION HELD THEREIN ON THE NINTH DAY OF APRIL, ONE THOUSAND NINE HUNDRED AND FORTY, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF REDWOOD CITY, STATE OF CALIFORNIA.

State of California }
County of San Mateo } ss.
City of Redwood City }

We, Harold F. Anderson, Mayor of the City of Redwood City, and B. E. Myers, City Clerk of the City of Redwood City, do hereby certify as follows:

Certificate

That said City of Redwood City in the County of San Mateo, State of California, is now and was at all the times herein mentioned a city containing a population of more than thirty-five hundred and less than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Redwood City is now and was at all the times herein mentioned organized and existing under a freeholders charter adopted under the provisions of section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a general municipal election held therein on the ninth day of April, 1929, and approved by the Legislature of the State of California on the eighteenth day of April, 1929.

That the legislative body of said city, namely: the City Council of said city, did by motion duly adopted on the 29th day of January, 1940, on its own motion and pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California duly propose to the qualified electors of said City of Redwood City five amendments to the Charter of said city designated as proposed charter amendments 1, 2, 3, 4 and 5, and ordered that said proposed amendments be submitted to said qualified electors of said City of Redwood City at a general municipal election to be held in said city on the ninth day of April, 1940; and

That said five proposed charter amendments were, and each of them was, on the twenty-sixth day of February, 1940, duly published in the Redwood City Tribune, a daily newspaper of general circulation, published in said City of Redwood City, and the official newspaper of said city, and the newspaper designated by said Council for said purpose; and

That said five proposed amendments were printed in convenient pamphlet form and at and during the time and in the manner provided by law a notice was published in the Redwood City Tribune that such copies could be had upon application therefor at the office of the City Clerk of said city; and

That a general municipal election was held in said City of Redwood City on the ninth day of April, 1940, which day was not less than forty nor more than sixty days after the completion of the publication of said five proposed amendments in the Redwood City Tribune as aforesaid;

That at said general municipal election held as aforesaid a majority of the qualified voters of said City of Redwood City voting thereon voted in favor of said five proposed amendments to the Charter of the City of Redwood City, namely: proposed charter amendments 1, 2, 3, 4 and 5, and duly ratified the same;

That the City Council of said City of Redwood City did at the time and in the manner and form provided by law, to wit: on the fifteenth day of April, 1940, regularly canvass the returns of said general municipal election and did then and there duly find, determine and declare that a majority of the qualified voters of said City of Redwood City voting thereon had voted in favor of and ratified each of said five proposed amendments to the Charter of the City of Redwood City, to wit: amendments numbered and designated 1, 2, 3, 4 and 5;

That said proposed amendments to the Charter of the City of Redwood City ratified by the electors of said city as afore-said are in words and figures as follows, to wit:

Charter Amendment 1

That subdivision 18 of section 3 be amended to read as follows, to wit:

Section 3. POWERS:

18. To purchase, contract for the purchase of, and otherwise acquire, receive, hold, control, sell, convey, exchange, lease and otherwise deal with and dispose of real and personal property for the common benefit of the municipality, both within and without the corporate limits of said city.

No sale of real property shall be authorized by the City Council except by resolution passed by the affirmative vote of five-sevenths ($\frac{5}{7}$) of all of the members thereof, and no lease of property of the City of Redwood City shall be made, except by resolution passed as above, nor for a longer period than ten (10) years, excepting that a sewer farm of the municipality and all waters and sewage used or discharged thereon, and real property on the water front may be leased for a period not exceeding twenty-five (25) years, provided, however, that the Board of Port Commissioners acting under the provisions of this section, shall require a vote of four-fifths ($\frac{4}{5}$) of said Port Commission.

Before any lease may be made of any city property public notice stating generally the time and the conditions of such proposed lease shall be given at least once a week for two (2) weeks in a newspaper and such lease shall be made to the highest responsible bidder only at public auction or upon sealed bids to the City Council or Port Commission in case the Port Commission has authority to lease hereunder.

Before any sale of city property may be made under this Charter, an appraisal of said property by a competent appraiser to be appointed by the Council or Port Commission as the case may be, shall be made, and public notice thereof containing a legal description of such property shall be given at least once a week for two (2) weeks in a newspaper, and such sale shall be made to the highest bidder only at public auction or upon sealed bids to the Council or Port Commission, and for not less than ninety (90) per cent of such appraised value.

Charter Amendment 2

That section 45 of the charter of the City of Redwood City be amended to read as follows, to wit:

Section 45. PUBLIC SERVICE DEPARTMENT: There shall be a Public Service Department which shall have control of the construction, operation, and maintenance of all public utilities now or hereafter owned and operated by the City, and of the funds derived therefrom.

There shall be a Superintendent of this department appointed by the City Manager. He shall appoint all subordinates in his department, subject to the approval of the City Manager, and he may remove the same, make rules and regulations for the management of the department, and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this charter.

The Treasurer shall keep the funds of each utility separate. Any funds exceeding \$15,000.00 may be invested in United States, State, County, or Municipal bonds.

The books of each utility shall be kept in accordance with the State regulations governing the accounting of public utilities, and a report in detail shall be made to the Council monthly.

The Public Service Department shall control the generation, purchase, distribution and sale of electric energy, water, gas, and any other utility owned, operated or distributed by the City.

Charter Amendment 3

That section 47d of the Charter of the City of Redwood City be amended to read as follows, to-wit:

Board of
Port Com-
missioners
Ordinances
and reso-
lutions

Section 47d. ORDINANCES AND RESOLUTIONS: All actions taken by the Board of Port Commissioners shall be by motion spread upon its minutes, or by resolution except as hereinafter set forth.

Any member of the Board may require a record of the vote on any resolution to be made in its minutes. The Board shall keep a minute book wherein shall be recorded the proceedings taken at its meeting and it shall keep a record and index of all its resolutions and ordinances, which shall be open to public inspection when not in use.

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three (3) members of the Board.

No ordinance shall be placed upon its final passage until at least five (5) days have elapsed after its first reading. All ordinances shall be published at least once in the official newspaper of the City of Redwood City and no ordinance shall become effective until thirty (30) days after the date of its final passage.

The Board may, by vote of three (3) of its members, pass emergency measures to take effect at the time indicated therein. Emergency measures shall contain a section in which the emergency is particularly set forth and defined, and a separate roll call on the question of emergency shall be taken.

The enacting clause on ordinances passed by the Board shall be substantially in these words:

Be it ordained by the Board of Port Commissioners of the City of Redwood City as follows:

All ordinances shall be signed by the President, or Vice-President of the Board, and attested by the Secretary.

A certified copy of each ordinance adopted by the Board shall be forthwith filed with the City Clerk, and the City Clerk shall keep a record and index thereof which shall at all times be open to public inspection.

Charter Amendment 4

That section 47e of the Charter of the City of Redwood City be amended to read as follows, to-wit:

Section 47e. ORDINANCES AND RESOLUTIONS: All proceedings for the acquisition of real property by purchase, condemnation or otherwise, or the granting of any lease longer than one (1) year, the fixing, regulating and altering schedules of rates, dockage, wharfage, tolls and charges for all public owned docks, piers, wharves, slips and other facilities, and for services rendered by the Port Department, and the adoption of all general rules and regulations of the Port Commission excepting administrative regulations of a temporary nature, shall be done by ordinance or resolution as determined by the Port Commission.

Charter Amendment 5

That Section 48 of the Charter of the City of Redwood City be amended to read as follows, to-wit:

Section 48. HARBOR LANDS: All tidelands and submerged lands within the port area, whether filled or unfilled, now owned or hereafter acquired by the City of Redwood City are hereby declared to be required for use for purposes in connection with or for the promotion and accommodation of commerce, navigation or fishery, and shall, except as herein provided continue to be withheld for such purposes. It shall be unlawful to grant, sell, convey, alienate, transfer or otherwise dispose of, except as herein provided, any part of, or any interest in waterfront, tidelands, submerged lands, or appurtenances thereto belonging, owned, controlled, possessed or held by the City of Redwood City in the Port Area; provided that grants of such land may be made to the State of California or to the United States of America for public purposes when authorized by a majority vote of the qualified voters of the city voting upon the question of authorizing any such grant at an election, or upon a vote of five-sevenths (5/7) of the Council of said City, or four-fifths (4/5) of the Port Commission of said city in case said Port Commission has jurisdiction thereof; and provided, further, that any lands owned or controlled by the Port Commission of the City of Redwood City and lying easterly of Harbor Boulevard may be sold as provided by the Charter of the City of Redwood City for the selling of property within said city by said Council or by said Port Commission.

The foregoing is a full, true and correct copy of said proposed amendments to the charter of the City of Redwood City

ratified by the electors of said city as aforesaid and on file in the office of the City Clerk of said City of Redwood City.

IN WITNESS WHEREOF, Harold F. Anderson, Mayor as aforesaid, and B. E. Myers, City Clerk as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Redwood City to be hereto duly affixed on this 10th day of May, 1940.

HAROLD F. ANDERSON

Mayor of the City of Redwood City.

B. E. MYERS

City Clerk of the City of Redwood City.

[SEAL]

WHEREAS, The said proposed amendments have been and are now submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it *Resolved by the Senate of the State of California, the Assembly concurring*, a majority of all the members elected to each house voting therefor and concurring therein, that said five amendments to the charter of the City of Redwood City, as proposed to, adopted, and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as parts of the charter of the City of Redwood City.

CHAPTER 39

Senate Concurrent Resolution No. 14—In honor of Clarence H. Smith, Deputy Controller.

[Filed with Secretary of State May 21, 1940.]

WHEREAS, Today, May 16th, is the birthday of the Honorable Clarence H. Smith, Deputy Controller of the State of California; and

WHEREAS, Clarence Smith has spent over half of his life in the service of the State of California; and

WHEREAS, He has become known as the "watchdog of the treasury" acquiring the reputation of being able to think of more reasons for not paying out money than there are grains of sand in the seashore; and

WHEREAS, During these long years of service, he has endeared himself to members of the Legislature, State officers, his co-workers and the public in general by his strict attention to duty, his high degree of patriotism and his kindly and friendly attitude toward his fellow man; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature congratulates the Honorable Clarence H. Smith upon his record of distinguished service and his high attainments as a public official and extends its best wishes to him for many more happy and productive years; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to present a suitably prepared copy of this resolution to the Honorable Clarence H. Smith.

CHAPTER 40

Assembly Joint Resolution No. 22—Relative to defense of the California Coast.

[Filed with Secretary of State May 23, 1940.]

WHEREAS, The present deplorable condition of world affairs requires the Government of the United States to take proper measures designed to provide adequate means to defend the Nation; and

Defense of
California
Coast

WHEREAS, The defense of the California Coast is of the utmost importance, especially in view of the fact that nearly 75 per cent of the Nation's aircraft production, the most essential weapon in modern warfare, is located on the Pacific Coast and may be subject to attack; and

WHEREAS, The Legislature in April, 1939, memorialized Congress to provide adequate defense for the Pacific Coast; and

WHEREAS, No action has been taken although world events since that time have increased the need for adequate defense ten-fold; and

WHEREAS, The immediate construction of military roads, aircraft and antiaircraft stations, and coast defense supply bases of the California Coast is immediately necessary to provide adequate means for the defense of this area; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President and Congress of the United States be memorialized to allocate two hundred fifty million dollars (\$250,000,000) of the moneys available for National defense, for the purpose of immediately constructing military roads, aircraft and antiaircraft stations, and coast defense supply bases on the California Coast; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby requested to transmit a copy of this resolution to the President and Vice President of the United States and to the Speaker of the House of Representatives of the Congress of the United States, and to each Senator and Representative from California in the Congress of the United States, and that the Senators and Representatives from California are hereby respectfully requested to urge such action.

CHAPTER 41

Assembly Joint Resolution No. 23—Protesting the proposed attack upon the title of the State of California to its tide, submerged and overflowed lands.

[Filed with Secretary of State May 23, 1940.]

Tide, sub-
merged and
overflowed
lands

WHEREAS, More than 90 years ago the State of California as one of the United States, by virtue of its sovereignty and the act of its admission to the Union, became the owner, in perpetual trust for its people, of all lands within its boundaries submerged by the waters along its shore, of all lands covered by the ebb and flow of its tides, and of all the lands beneath its navigable streams and lakes; and

WHEREAS, For over 90 years the sovereign State of California has maintained uninterrupted jurisdiction over said lands; and, during said years has expended vast sums of moneys of its citizens in building structures thereon, and in dredging and improving its ports and harbors and in building bulkheads and breakwaters therein and thereon, and in doing all and every of the things that a free people find essential to be done to make its sovereign lands available for the beneficial uses of its citizens in commerce, education and recreation; and in aid of the United States in the exercise of its functions in fishing and navigation, as specified in the Constitution; and

WHEREAS, Minerals have been found beneath certain of said lands, and the State of California, in the interest of conservation thereof and for the benefit of its people, has caused said minerals to be produced, thereby obtaining for the State and its people an income exceeding nine hundred thousand dollars (\$900,000) per annum, thus lightening the enormous tax burden now resting upon the citizens of California; and

WHEREAS, The title of the sovereign State of California to these lands and privileges over which it has for so long maintained unquestioned jurisdiction and expended so much of the treasure of its citizens, has been sustained by numerous decisions of the Supreme Court of the State of California and by the Supreme Court of the United States, in cases in which the principles involved were clearly at issue; and

WHEREAS, Certain officials of the Government of the United States have for two years or more endeavored, and are now endeavoring to obtain the sanction of the President of the United States and of the Congress of the United States for the filing of court proceedings on behalf of the United States against the State of California and those holding under and subservient to the State of California, with the object of wresting from the State of California, and those holdings under said State, said sovereign rights so long maintained and exercised; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California protests the said proposal to attack the title of the sovereign State of California in and to said lands, and asserts as a free State within the Union, subject to and under the protection of the Constitution, that it condemns said attempt, and will oppose the same by all lawful means; be it further

Resolved, That the Secretary of State of the State of California shall certify to the passage of this joint resolution, and shall forward a certified copy thereof to the President of the United States, to the Vice President of the United States, to the President of the Senate and Speaker of the House of Representatives, to the Secretary of State, to the Secretary of the Navy, and to each of the members of the United States Senate and House of Representatives representing the State of California or any district thereof in the said Congress.

CHAPTER 42

Assembly Concurrent Resolution No. 22—Relating to the dismissal of certain State employees.

[Filed with Secretary of State May 23, 1940]

WHEREAS, It is the duty and obligation of every employee of the State of California to aid and assist the Legislature and its committees as well as the executive officers of the State Government in discovering and disclosing all matters and things relating to the public interest; and

Relief Administration
employees

WHEREAS, The Assembly of the State of California by appropriate resolution created the Assembly Relief Investigating Committee and defined its powers and duties; and

WHEREAS, In carrying out the duties imposed upon it, the said committee held public hearings in various cities of the State and subpoenaed persons to attend and testify and produce certain books, records, and documents pertinent to its investigation before it; and

WHEREAS, Such persons were duly advised that they would be immune from criminal prosecution and from forfeiture of office by reason of any fact or act concerning which they were compelled to testify; and

WHEREAS, Certain of the employees of the State Relief Administration pursuant to such subpoenas did attend before the committee and thereafter wilfully failed and refused to testify and to produce the books, records, and documents requested, without any lawful excuse whatever; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That such illegal and arrogant

defiance of the legislative power of the people is intolerable and indefensible in employees of the State Government and reveals a lack of loyalty and devotion to the processes of democratic government and demonstrates on the part of such employees a lack of proper sense of duty and obligation to their work and an incompetence to serve the people of the State of California; and be it further

Resolved, That the Relief Administrator is hereby urged immediately to dismiss those employees who have acted in contempt of this legislative committee and of the people of the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to send copies of this resolution to the Governor of the State of California, the Relief Administrator, and the members of the Relief Commission.

CHAPTER 43

Assembly Concurrent Resolution No. 23—Relating to adjourning out of respect to the memory of Hon. Fred Reaves.

[Filed with Secretary of State May 23, 1940.]

Death of
Fred Reaves

WHEREAS, Fred Reaves, respected and beloved member of the Assembly from the Sixty-eighth Assembly District, of the Fifty-first, Fifty-second, and present Legislature, has passed into the realm where all men receive the equality for which he unceasingly fought during his mortal years; and

WHEREAS, The life of Fred Reaves was a credit to himself, to his family, and to the State which he so faithfully served; and

WHEREAS, The members of both houses of this Legislature feel deeply the loss sustained by them in the passing of Fred Reaves; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this resolution be spread upon the minutes of both the Assembly and the Senate, to record for all posterity the deep feelings of the members of both houses at this time and their sympathy for the bereaved family of their late colleague; and be it further

Resolved, That each house when it adjourns this day do so out of respect to the memory of the late Fred Reaves; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the family of the late Fred Reaves.

CHAPTER 44

Senate Concurrent Resolution No. 15—Relative to the operation, maintenance, and extension of the State Park System.

[Filed with Secretary of State May 28, 1940.]

WHEREAS, A legislative measure entitled “An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State Park System, to repeal an act entitled ‘An act relating to parks and making an appropriation from the State Park Maintenance and Acquisition Fund for the operation, maintenance and extension of the State Park System,’ approved February 28, 1940, and providing that this act shall take effect immediately” is now being considered by the Legislature; and

State Park System

WHEREAS, The Legislature is advised that the money is urgently needed by the various State parks for repair of storm damage and decay and the addition of sanitary and other facilities to the park premises; and

WHEREAS, The facts submitted to the Legislature indicate that the proposed program for State parks will require expenditures for such repairs and additions in the sums listed below opposite the names of the State parks:

Seacliff Beach State Park_____	\$6,500.00
Alamitos Beach State Park_____	1,500.00
Doheny Beach State Park_____	2,500.00
San Clemente State Park_____	1,500.00
San Jacinto Mountain State Park_____	1,500.00
Mill Creek Redwoods State Park_____	2,500.00
Borego Desert State Park_____	1,000 00
Cuyamaca Rancho State Park_____	2,500.00
Mission Bay State Park_____	3,500.00
California Redwood Park_____	2,500.00
Calaveras Big Trees Park_____	2,500.00
Castle Crags State Park_____	1,000.00
McArthur-Burney Falls Park_____	500.00
Mount Diablo State Park_____	1,000.00
Fort Ross Historic Monument_____	1,000.00
Armstrong Grove State Park_____	1,500.00
Van Damme State Park_____	2,000.00
Carpinteria Beach State Park_____	1,200.00
Point Lobos State Park_____	1,000.00
Pfeiffer Redwood State Park_____	2,500.00
Williams Grove State Park_____	1,500.00
Bliss-Rubicon-Tahoe Park_____	1,000.00
Custom House-Monterey_____	1,000 00

now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature recommend to the State Park Commission and the Division of Parks that the amount appropriated in such measure, if enacted into law, be so allocated and expended as set forth in this resolution.

CHAPTER 45

Senate Concurrent Resolution No. 20—Relative to the organization of citizens' guard rifle clubs to aid in the National defense.

[Filed with Secretary of State May 28, 1940]

Citizens'
Guard
rifle clubs

WHEREAS, A movement has recently been instituted for the organization of citizens' guard rifle clubs to offer their services for the National defense; and

WHEREAS, Such groups will undoubtedly be applying for licenses as military companies pursuant to the provisions of the Military and Veterans Code; and

WHEREAS, It is proposed that these citizens' guard rifle clubs shall be composed of men 35 years of age and older with a nucleus of World War veterans; and

WHEREAS, Such units will undoubtedly be of great benefit in coping with fifth column activities in the United States and the protection of airports, water works and communication lines should the United States be attacked by a foreign power; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the Legislature hereby commends the organization of such citizens' guard rifle clubs and respectfully directs the attention of all persons interested in the National defense to such organizations; and be it further

Resolved, That should application be made to the Governor for the licensing of such organizations as licensed military companies in accordance with the provisions of the Military and Veterans Code, the Governor is hereby respectfully requested to grant such licenses.

CHAPTER 46

Senate Concurrent Resolution No. 21—Relative to the appointment of a joint committee to investigate the appointment and commissioning of officers of the California National Guard.

[Filed with Secretary of State May 28, 1940.]

WHEREAS, The appointment and commissioning of officers in the California National Guard is required to be based upon the fitness of the person commissioned; and

Officers of
California
National
Guard

WHEREAS, It is reported that persons are being commissioned as officers in the California National Guard who do not possess the training and fitness requisite to the position; and

WHEREAS, The fitness and ability of the commissioned personnel of the California National Guard is a matter vitally related to the welfare of the people of the State; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That there is hereby created a joint legislative committee to investigate appointments and commissions in the California National Guard, to consist of five members, two of which are to be appointed by the President pro tempore of the Senate and three by the Speaker of the Assembly; and be it further

Resolved, That said committee is hereby empowered to make a complete study, survey and investigation of every phase of the subject of this resolution; and be it further

Resolved, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and all of the provisions of Article 8, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, apply to the committee hereby created; and be it further

Resolved, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee, upon request, any and all such assistance, and information, records and documents as the committee deems proper for the accomplishment of the purposes for which the committee is created.

CHAPTER 47

Assembly Joint Resolution No. 26—Requesting the United States Secretary of Agriculture not to abandon the Bard Experimental Station.

[Filed with Secretary of State May 28, 1940.]

Bard Ex-
perimental
Station

WHEREAS, The United States Department of Agriculture has announced that the Bard Experimental Station maintained in the Imperial Valley of California under the direction of the Bureau of Plant Industry is to be abandoned upon the thirtieth day of June, 1940; and

WHEREAS, At this experimental station research of the utmost moment to the arid regions of California and of the western United States is carried on, including investigation of soil improvement, crop rotation, cotton breeding and culture, alfalfa feed production, plant fertilization, date palms, and manure systems; and

WHEREAS, It is imperative that, if the arid regions of the western portion of the United States are to reach their fullest commercial and agricultural development, new and improved methods of growing, planting, rotating and fertilizing crops, manuring and improving the soil, and improving the various types of crops be discovered; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Honorable Henry A. Wallace, Secretary of Agriculture of the United States, is hereby respectfully requested not to abandon the Bard Experimental Station but to continue it in all of its activities; and be it further

Resolved, That the Chief Clerk of the Assembly of the State of California is hereby instructed to transmit copies of this resolution to the President of the United States, the Chairman of the Committee on Agriculture and Forestry of the Senate of the United States, the Chairman of the Committee on Agriculture of the House of Representatives of the United States and the Secretary of Agriculture of the United States.

CHAPTER 48

Assembly Concurrent Resolution No. 6—Relative to reports of the 1939 annual convention of the Military Order of the Purple Heart.

[Filed with Secretary of State May 28, 1940]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That there shall be printed as a public document 300 copies of the report of the proceedings of the 1939 annual convention of the Military Order of the Purple Heart, together with illustration copies of all general orders enacted at such convention and of the official roll, 150 copies for the use of the Assembly and 150 copies for the use of the Senate; the cost of the same to be payable out of the legislative printing appropriation.

Order of
Purple
Heart

CHAPTER 49

Assembly Concurrent Resolution No. 26—Relative to the fact-finding committee created by Senate Concurrent Resolution No. 10, and further defining its powers and duties in relation to home defense and the bearing thereof upon the solution of the problem of relief and unemployment.

[Filed with Secretary of State May 28, 1940.]

WHEREAS, The President has launched a National Defense Program to meet any possible National emergency, in which he is accorded the full cooperation and sympathy of the people; and

Fact-finding
Committee
on Home
Defense

WHEREAS, In the light of disclosures of military tactics and methods employed in the great war in Europe it has been demonstrated that home defense on the part of civilians is imperative when the organized military forces are in the field actively engaging the enemy on far-flung fronts; and

WHEREAS, Home defense, in view of the intensive mechanization of modern military units, comprehends the planning, coordination and expansion of all phases of the industrial, manufacturing and transportation processes and facilities, State and Nation, including also intensive training of personnel in all the arts and skills involved, all of which has a definite and crucial bearing upon the problems of relief, employment, unemployment, necessary governmental expenditures, needed State revenues and means of collection thereof, and other problems committed to the Legislature for consideration and action by the gubernatorial proclamation of January 26,

1940, convening the Legislature in extraordinary session, and especially within the scope of the subjects committed to the fact-finding committee of the Senate and Assembly (by Senate Concurrent Resolution No. 10 this session adopted) for study and report; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Senate Concurrent Resolution No. 10 of the First Extraordinary Session of 1940 is hereby supplemented, and the Fact-Finding Committee by that resolution created is charged with the duty of studying and reporting to the Legislature as to needed legislation upon subjects of this Assembly concurrent resolution, and matters related thereto, including the need for industrial plant expansion and the fostering of new industries and the reduction of unemployment thereby, which the committee shall undertake as a part of the studies committed to it by said Senate Concurrent Resolution No. 10, to which end:

(1) Said committee, in carrying out the provisions of this resolution, shall have and exercise all of the powers, duties, jurisdiction and authority vested in it by said Senate Concurrent Resolution No. 10, as fully as if all of the provisions of said resolution were herein set forth at length;

Advisory
committee

(2) An advisory committee to the Fact-Finding Committee is hereby created, to consist of 15 nonlegislator members, appointed by the Fact-Finding Committee, the appointees to include industrial, military, naval, aeronautical, transportation, employment, vocational training and scientific experts, and representatives of labor, to advise, aid and counsel the Fact-Finding Committee in the studies conducted by the latter in carrying out the purposes of this resolution;

(3) The advisory committee shall have and exercise such powers and duties as shall be defined from time to time by the Fact-Finding Committee, within the scope of the powers and duties committed to the latter by this resolution; and

(4) The actual and necessary expenses of the advisory committee, and of its members, shall be paid out of moneys allotted to the Fact-Finding Committee, disbursed and paid from the same funds, in the same manner and upon like certification as the expenses of the Fact-Finding Committee and its members are disbursed and paid.

CHAPTER 50

Assembly Concurrent Resolution No. 27—Relative to the establishment of a legislative budget bureau.

[Filed with Secretary of State May 28, 1940]

WHEREAS, It appears necessary and desirable that the Legislature provide for the establishment of a legislative budget bureau or like agency, the duties of which shall be to study the State Budget while it is in course of preparation and to report thereon to the Legislature at the time it is submitted and to compile and submit to the Legislature impartial and accurate information as to the fiscal needs of the State; and

Legislative
budget
bureau

WHEREAS, It is necessary that careful consideration be given to the preparation of legislation designed to accomplish this purpose; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislative Counsel of California is hereby requested and directed to consider and prepare a draft, or alternative drafts, of a measure designed effectually to accomplish the foregoing purposes and to transmit such draft or drafts together with such recommendations as he may desire to make to the Chairman of the Assembly Committee on Ways and Means and the Chairman of the Senate Committee on Finance upon the convening of the Legislature in regular session in 1941.

CHAPTER 51

Assembly Concurrent Resolution No. 28—Relative to preparation of the budget bill to be submitted to the Legislature in 1941.

[Filed with Secretary of State May 28, 1940.]

WHEREAS, It is the desire of the Legislature to exercise a greater degree of control over appropriations made by budget bills for the support of the several State departments, agencies, and officers; and

Preparation
of budget
bill

WHEREAS, It has been the practice in the past to provide for the support of such departments, agencies, and officers through blanket appropriation items in the bill, without regard to the purposes for which the money is specifically to be used; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor of the State of California and the Director of Finance are hereby requested, in the preparation of the budget bill to be submitted to the Legislature in 1941, to follow the recommendations made by

the subcommittee on budgetary control of the Assembly Interim Committee on Revenue and Taxation, as set forth in the report of the subcommittee appearing at page 559 of the Assembly Journal for May 21, 1940; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor of the State of California and to the Director of Finance.

CHAPTER 52

Assembly Concurrent Resolution No. 29—Relative to the intention of the Legislature in using the term "Mackinaw cutthroat trout" in Section 619.5 of the Fish and Game Code, as added by Chapter 778, Statutes of 1939.

[Filed with Secretary of State May 28, 1940.]

Mackinaw
cutthroat
trout WHEREAS, Some confusion has arisen from the use of the term "Mackinaw cutthroat trout" in Section 619.5 of the Fish and Game Code as added by Chapter 778, Statutes of 1939, and certain enforcing officers are reported to have declared an intention to disregard the provisions of said Section 619.5 which establish a bag limit of five such trout per day regardless of size and to enforce the general bag limit for trout which is 25 trout but not more than 10 pounds and one trout; and

WHEREAS, The fish designated as the Mackinaw cutthroat trout is a large fish which frequently attains a weight of 20 or more pounds and under the general bag limit for trout the limit would ordinarily be two fish; and

WHEREAS, The Legislature intended to increase the bag limit as to the fish designated by it as the Mackinaw cutthroat trout to five fish per day; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in using the term "Mackinaw cutthroat trout" in Section 619.5 of the Fish and Game Code, as added by Chapter 778, Statutes of 1939, the Legislature intended to designate the fish commonly designated by fishermen fishing in the waters of Lake Tahoe and vicinity as the Mackinaw.

CHAPTER 53

Senate Concurrent Resolution No. 16—Relative to a recess of the Senate and Assembly of the State of California.

[Filed with Secretary of State June 5, 1940]

WHEREAS, The Legislature of the State of California is convened in extraordinary session, which commenced on the twenty-ninth day of January, 1940, pursuant to a proclamation of the Governor of the State of California, as provided by Section 9 of Article V of the Constitution of the State of California; and

Recess of
Senate and
Assembly

WHEREAS, The Senate and the Assembly of the State of California find it necessary and desirable to recess until not later than the second day of December, 1940; and

WHEREAS, It may be necessary in the interests of the State for such recess of the Senate and the Assembly to terminate prior to said second day of December, 1940; and

WHEREAS, The Constitution of the State of California provides that neither house shall, without the consent of the other, adjourn for more than three days; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Senate hereby consents to the adjournment of the Assembly for a period of more than three days, as more particularly herein set forth; and be it further

Resolved, That the Assembly hereby consents to the adjournment of the Senate for a period of more than three days, as more particularly herein set forth; and be it further

Resolved, That the Senate and the Assembly of the State of California shall adjourn at 4 o'clock p.m. on the twenty-fourth day of May, 1940, and the Legislature and each house thereof shall thereupon recess until the second day of December, 1940, and shall convene at 12 o'clock noon on said second day of December, 1940, unless sooner reconvened as herein-after provided; and be it further

Resolved, That in the event it appears to the President pro tempore of the Senate and to the Speaker of the Assembly to be for the best interests of the State that the Legislature and the Senate and Assembly thereof reconvene on a day prior to said second day of December, 1940, they are expressly authorized and directed to call the Legislature and the Senate and Assembly thereof together to convene on a day and at an hour to be specified by them jointly in a notice of reconvening of the Legislature and the Senate and Assembly thereof. Duplicate copies of such notice shall be prepared and signed by the President pro tempore of the Senate and by the Speaker of the Assembly. One copy shall be delivered to the Secretary of the Senate and the other copy shall be delivered to the Chief Clerk of the Assembly. Such delivery shall be

made at least three days prior to the day set in the notice for such reconvening. Copies of the notice forthwith shall be mailed by the Secretary of the Senate to each member of the Senate at the home address for such member as shown by the records of the Secretary and copies shall be mailed by the Chief Clerk of the Assembly to each member of the Assembly at the home address for such member as shown by the records of the Chief Clerk. Following the giving of such notice of reconvening and the mailing of copies thereof, as herein provided, the Legislature and the Senate and Assembly thereof shall thereupon reconvene on the day and at the hour specified in such notice. The affidavits of the Secretary of the Senate and of the Chief Clerk of the Assembly that copies of any such notice were severally received by them and mailed to the members as herein provided shall be conclusive evidence of the facts therein stated.

CHAPTER 54

Senate Concurrent Resolution No. 17—Relative to legislative printing.

[Filed with Secretary of State June 5, 1940.]

Legislative printing WHEREAS, The cost of legislative printing is an important part of the expense of the Legislature; and

WHEREAS, The adoption of a uniform style of printing and uniform forms for legislative publications will result in a material saving in legislative printing; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Joseph A. Beek, Secretary of the Senate, Jack Carl Greenburg, Chief Clerk of the Assembly, and Paul Mason, Secretary of the Assembly Committee on Legislative Procedure, be directed to prepare, in cooperation with the State Printer, a Legislative Style Book, covering the style to be used in legislative printing and to propose uniform procedure and forms to be used in the histories, journals and other legislative publications and to submit the same to the Legislature not later than the convening of the Fifty-fourth Session.

CHAPTER 55

Senate Concurrent Resolution No. 18—Relative to Legislative Bill Room equipment.

[Filed with Secretary of State June 5, 1940.]

WHEREAS, Certain additional equipment is required for the Legislative Bill Room; and

Legislative
Bill Room
equipment

WHEREAS, Such equipment should properly be paid for out the Contingent Fund of the Assembly for the purpose of acquiring for the Legislative Bill Room such additional equipment; and be it further

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of one thousand eight hundred sixteen dollars and eighty cents (\$1,816.80) be and the same is hereby appropriated, one-half to be payable from the Contingent Fund of the Senate and one-half from the Contingent Fund of the Assembly for the purpose of acquiring for the Legislative Bill Room such additional equipment; and be it further

Resolved, That the Controller be and he is hereby directed to draw his warrants in favor of such firms or individuals supplying the equipment above provided for as are certified to him by the Secretary of the Senate and the Chief Clerk of the Assembly and the Treasurer is directed to pay the same, but in no event shall the total amount expended exceed the sum of one thousand eight hundred sixteen dollars and eighty cents (\$1,816.80).

CHAPTER 56

Senate Concurrent Resolution No. 19—Relative to leave of absence of the Secretary of State.

[Filed with Secretary of State June 5, 1940.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That leave of absence from the State for a longer period than 60 days during his term of office is hereby granted to the Honorable Paul Peek, Secretary of State.

Leave of
absence
Paul Peek

CHAPTER 57

Senate Concurrent Resolution No. 22—Relative to an additional appropriation to the Joint Fact-Finding Committee on Employment and its advisory committee.

[Filed with Secretary of State September 25, 1940.]

Funds
available
to
Joint Fact-
Finding Com-
mittee on
Employment

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to other moneys heretofore made available the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and of the Assembly for the expenses of the Joint Fact-Finding Committee on Employment and its advisory committee incurred under Resolutions Chapters 30 and 49 of this session of the Legislature, to be paid equally from the Contingent Funds of the Senate and of the Assembly, and disbursed, after certification by the Chairman of the Joint Fact-Finding Committee on Employment, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 58

Senate Concurrent Resolution No. 23—Relative to securing a survey of the potential industrial development of the West.

[Filed with Secretary of State September 25, 1940.]

Survey of
potential
industrial
development

WHEREAS, The Legislature has heretofore created a Joint Fact-Finding Committee on Employment, to gather, assemble, study and analyze all facts relating to any and every phase of employment, with a view to formulating such a plan and preparing and submitting such legislative measures as will enable the State to bring about and assure the gainful employment in private enterprise of all its able-bodied citizens; and

WHEREAS, The Legislature is advised that a survey of the basic factual data and information upon which a constructive industrial development in the 11 Western States can be based, has been made by the Industrial West, Inc.; and

WHEREAS, The cost of the survey to the Industrial West, Inc., has been in excess of one hundred fifty thousand dollars (\$150,000); and

WHEREAS, The material showing the result of this survey will be of great value to this Legislature and its Joint Fact-Finding Committee on Employment; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That an Industrial Committee of three members is hereby created, to consist of Paul Smith, General Manager of the San Francisco Chronicle, H. C. Maginn, of the Calaveras Cement Co., and George W. Malone,

Consulting Engineer-Manager of the Industrial West, Inc., which shall review and collate the material referred to in this resolution, if made available by the Industrial West, Inc., and recommend to the Joint Fact-Finding Committee on Employment the advisability of securing the material for the use of such Joint Fact-Finding Committee.

CHAPTER 59

Senate Concurrent Resolution No. 24—Relative to Legislative Bill Room equipment.

[Filed with Secretary of State September 25, 1940.]

WHEREAS, Certain additional equipment is required for the Legislative Bill Room; and

Legislative
Bill Room
equipment

WHEREAS, Such equipment should properly be paid for out of the Contingent Fund of the two houses of the Legislature rather than from the Legislative Printing Fund; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of two thousand dollars (\$2,000) be and the same is hereby appropriated, one-half to be payable from the Contingent Fund of the Senate and one-half from the Contingent Fund of the Assembly for the purpose of acquiring for the Legislative Bill Room such additional equipment; and be it further

Resolved, That the Controller be and he is hereby directed to draw his warrants in favor of such firms or individuals supplying the equipment above provided for as are certified to him by the Secretary of the Senate and the Chief Clerk of the Assembly and the Treasurer is directed to pay the same, but in no event shall the total amount expended exceed the sum of two thousand dollars (\$2,000).

CHAPTER 60

Senate Concurrent Resolution No. 25—Relative to a recess of the Senate and Assembly of the State of California.

[Filed with Secretary of State September 25, 1940.]

WHEREAS, The Legislature of the State of California is convened in extraordinary session, which commenced on the twenty-ninth day of January, 1940, pursuant to a proclamation of the Governor of the State of California, as provided by Section 9 of Article V of the Constitution of the State of California; and

Recess of
Senate and
Assembly

WHEREAS, The Senate and the Assembly of the State of California find it necessary and desirable to recess until not later than the second day of December, 1940; and

WHEREAS, It may be necessary in the interests of the State for such recess of the Senate and the Assembly to terminate prior to said second day of December, 1940; and

WHEREAS, The Constitution of the State of California provides that neither house shall, without the consent of the other, adjourn for more than three days; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Senate hereby consents to the adjournment of the Assembly for a period of more than three days, as more particularly herein set forth; and be it further

Resolved, That the Assembly hereby consents to the adjournment of the Senate for a period of more than three days, as more particularly herein set forth; and be it further

Resolved, That the Senate and the Assembly of the State of California shall adjourn at 9.30 o'clock p.m. on the twenty-second day of September, 1940, and the Legislature and each house thereof shall thereupon recess until the second day of December, 1940, and shall convene at 12 o'clock noon on said second day of December, 1940, unless sooner reconvened as hereinafter provided; and be it further

Resolved, That in the event it appears to the President pro tempore of the Senate and to the Speaker of the Assembly to be for the best interests of the State that the Legislature and the Senate and Assembly thereof reconvene on a day prior to said second day of December, 1940, they are expressly authorized and directed to call the Legislature and the Senate and Assembly thereof together to convene on a day and at an hour to be specified by them jointly in a notice of reconvening of the Legislature and the Senate and Assembly thereof. Duplicate copies of such notice shall be prepared and signed by the President pro tempore of the Senate and by the Speaker of the Assembly. One copy shall be delivered to the Secretary of the Senate and the other copy shall be delivered to the Chief Clerk of the Assembly. Such delivery shall be made at least three days prior to the day set in the notice for such reconvening. Copies of the notice forthwith shall be mailed by the Secretary of the Senate to each member of the Senate at the home address for such member as shown by the records of the Secretary and copies shall be mailed by the Chief Clerk of the Assembly to each member of the Assembly at the home address for such member as shown by the records of the Chief Clerk. Following the giving of such notice of reconvening and the mailing of copies thereof, as herein provided, the Legislature and the Senate and Assembly thereof shall thereupon reconvene on the day and at the hour specified in such notice. The affidavits of the Secretary of the Senate and of the Chief Clerk of the Assembly that copies of any such notice were severally received by them and mailed to the members as herein provided shall be conclusive evidence of the facts therein stated.

CHAPTER 61

Assembly Concurrent Resolution No. 32—Relative to the investigation of work relief projects for the State Relief Administration at Chino, California.

[Filed with Secretary of State October 3, 1940]

WHEREAS, The Governor of the State of California in his proclamation convening this First Extraordinary Session of the Fifty-third Legislature has specified for the consideration of the Legislature an additional appropriation for the relief of hardship and destitution due to and caused by unemployment; and

Work relief
projects at
Chino

WHEREAS, The State of California in its endeavor to secure for all persons a reasonable subsistence compatible with decency and health, has expended more than one hundred seventy-nine million dollars (\$179,000,000) for unemployment relief since 1933 until this session convened; and

WHEREAS, Under these appropriations the Relief Commission and the Relief Administrator have carried on work relief projects in an endeavor to sustain the habits and morale of those adversely affected by our economic system; and

WHEREAS, Relief labor has been used throughout the State on numerous public maintenance projects, under the sponsorship of State and local governmental agencies and subdivisions; and

WHEREAS, The Legislature has heretofore appropriated two million four hundred thousand dollars (\$2,400,000) for the construction of the Southern California Prison at Chino, California; and

WHEREAS, There appears to be a potential field for the utilization of relief labor in the construction of this prison; and

WHEREAS, The value of such work to the participants and to the public has been questioned due to rumors of inefficiency and lack of coordination among the workers and of negligent disregard of the public's interest by public officials of agencies sponsoring these projects; and

WHEREAS, It is imperative that all pertinent facts bearing upon these problems be found, assembled and analyzed, to the end that the Senate and Assembly and the members of each may be enabled to act advisedly in the formulation of a comprehensive and effective plan for the utilization of relief labor and in the consideration and enactment of legislation calculated to inaugurate such a plan and put it into immediate operation; and

WHEREAS, The facts can best and most expeditiously be ascertained and analyzed and such a plan formulated by the Legislature through a Joint Fact-Finding Committee of the Senate and Assembly charged with the study of every phase of this subject during this session of the Legislature and any recesses thereof, reporting to the Legislature as soon as may be; now, therefore, be it

Joint
Fact-Finding
Committee

Resolved by the Assembly of the State of California, the Senate thereof concurring, That a Joint Fact-Finding Committee of nine members, to consist of five members of the Assembly to be appointed by the Speaker of the Assembly, and four members of the Senate to be appointed by the President pro tempore of the Senate, is hereby created, which committee is authorized and directed to gather, assemble, study and analyze all facts relating to any phase of present and potential employment of relief labor in the construction of the Southern California Prison at Chino, California, and the maintenance of public property in and about Chino, California, with a view to formulating a plan for the employment of relief labor at the Southern California Prison and preparing and submitting such legislative measures, as will enable the State to proceed with the construction of that prison with maximum efficiency, and to administer unemployment relief at a minimum cost, to which end the committee shall have and exercise the duty and power:

Powers and
duties

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

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

(5) To hold public hearings at and in the vicinity of Chino and at Los Angeles, at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including the capabilities of the management and administration of the Southern California Prison at Chino, California, to employ relief labor under conditions beneficial to relief workers and not injurious to the public welfare, and the operation and efficiency of laws and regulations relating to the employment of labor on the project;

(7) To meet at any and all times during this session of the Legislature, whether the Senate or Assembly be actually then

sitting or not, and at any and all places within the State, in the performance of its duties and in carrying out the objects and purposes of this resolution;

(8) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony;

(9) To report its findings and recommendations to the Senate and Assembly and to the people from time to time and at any time; and

(10) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and all of the provisions of Article 8, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, apply to the committee hereby created; and be it further

Resolved, That the Sergeant-at-Arms of the Senate and of the Assembly and each of them or other officers designated by either of them, are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

Resolved, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day; and be it further

Resolved, That the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid equally from the contingent funds

Funds
available

of the Senate and of the Assembly and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That neither the adoption of this resolution nor anything herein contained is in derogation of Senate Concurrent Resolution No. 10, Assembly Concurrent Resolution No. 26, or Assembly House Resolutions No. 9 or 29, of this session, which resolutions continue effective and operative with the same full force and effect they would have, had not this resolution been adopted.

CHAPTER 62

Senate Concurrent Resolution No. 26—Approving certain amendments to the charter of the County of Alameda, State of California.

[Filed with Secretary of State December 4, 1940]

County of
Alameda
Charter
amendment

WHEREAS, The County of Alameda, State of California, has at all times herein mentioned been and now is a body politic and corporate and is now and has been since the eighteenth day of January, 1927, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the second day of November, 1926, and approved by the Legislature of the State of California on the eighteenth day of January, 1927; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to said charter set out in the certificate of the chairman of the board of supervisors and the county clerk and ex officio clerk of the board of supervisors of the County of Alameda, to wit:

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY OF ALAMEDA, SUBMITTED TO THE QUALIFIED ELECTORS OF THE SAID COUNTY OF ALAMEDA ON THE FIFTH DAY OF NOVEMBER, 1940.

PREAMBLE.

Be it known that:

Certificate

WHEREAS, the County of Alameda, State of California, has, at all times mentioned herein, been and now is a body

politic of the State of California, and is now and has been since the 18th day of January, 1927, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of the said county at an election held for that purpose on the 2nd day of November, 1926, and approved by the Legislature of the State of California on the 18th day of January, 1927; and

WHEREAS, on the 19th day of September, 1940, the board of supervisors of said County of Alameda, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said state duly proposed to the qualified electors of the said county by submission of proposals for such amendments to said electors at the general election held on November 5th, 1940, and at the same time said board of supervisors duly ordered said proposals to be submitted to the qualified electors of said county for ratification or rejection at said general election, and further duly ordered that said proposals should be forthwith published for ten times in "The Oakland Post-Enquirer", a newspaper of general circulation printed, published and circulated in said county, and in said proposals said proposed amendments and each of them, were set forth in full and at length and were and are in the words and figures hereinafter set forth; and

WHEREAS, thereafter, the said proposals, and each of them were duly published in full and at length in said newspaper for ten times and on the following dates, to-wit: September 21, 23, 24, 25, 26, 27, 28, 30 and October 1 and 2, 1940, and as often during said time as said newspaper was regularly published; and said general election at which said proposals were submitted to the vote of the qualified electors of said county was not less than thirty days nor more than sixty days after publication of said proposals as aforesaid; and

WHEREAS, immediately subsequent to said publication, the said board of supervisors duly prescribed the form and titles to be printed on the general election ballot to be used at said general election for the submission of said proposals which said form and titles are hereinafter set forth, and in which said form and under which said titles said proposals appeared on said ballot; and

WHEREAS, subsequent to said publication and at least twenty-five days prior to November 5th, 1940, the county clerk of said county duly filed in his office a notice of election in which, among other things and in addition to all other matters required by law, it was stated that said proposals and each of them, would be submitted to the qualified electors of said county at said general election on November 5, 1940, and said clerk caused a copy of said notice to be posted in a prominent place in his office; and

WHEREAS, not more than forty days, nor less than fifteen days prior to said November 5, 1940, the county clerk of said county caused to be mailed to each qualified elector within said County of Alameda, inclosed in an envelope with a sample ballot, a pamphlet containing a complete copy of said proposed amendments, and each of them, and said pamphlet was in the form required by law and contained all matters and things required by law to be contained therein, and said pamphlet in all respects duly complied with law; and three copies of said pamphlet were kept at every polling place within the said County of Alameda while said election was in progress, so that they might be freely consulted by the voters; and

WHEREAS, at said general election said proposals, and each of them, were duly submitted to the vote of the qualified electors of said county and appeared on the general ballot at said election in the following form, to-wit:

COUNTY

AMENDMENTS TO THE CHARTER OF THE COUNTY OF ALAMEDA

1	Shall Section 14½ be added to the Charter of the County of Alameda to provide that any elective officer of the County of Alameda or of any township located in the County of Alameda, may elect to become a member of and be entitled to participate in any retirement system heretofore or hereafter established pursuant to the provisions of Section 14 of said Charter and shall be entitled to credit for prior service and for current service upon the payment of a contribution to the retirement system in an amount equal to the contributions he would have made, during the time subsequent to December 31, 1934 that he was in the service of the County, had he been a member of such retirement system?	YES	
		NO	
2	Shall Section 35 of the Charter of the County of Alameda, which now provides that all persons employed by the Board of Supervisors are included in the classified civil service, be amended to provide that the unclassified civil service shall include not to exceed two persons employed by the Board of Supervisors?	YES	
		NO	

3	Shall Section 36 of the Charter of the County of Alameda, which now provides various duties of the Civil Service Commission, be amended to provide that it shall be the additional duty of the Civil Service Commission to examine the payrolls of all employees in the classified civil service of the County, and that the County Auditor shall not pay or approve any payment of salaries to such persons except upon certification by the Commission?	YES	
		NO	

4	Shall Section 37 of the Charter of the County of Alameda, which now provides for a regular appointment to a position in the classified civil service and which does not now provide a procedure for interdepartmental transfers of persons in the classified civil service to like positions without appointment from an eligible list, be amended to provide that appointments to positions in the classified civil service shall be either regular or temporary; to provide procedures for such appointments; and to provide a procedure for interdepartmental transfers of persons in the classified civil service to like positions without appointment from an eligible list?	YES	
		NO	

and,

WHEREAS, said ballot contained all matters and things required by law to be stated and contained thereon, and said ballot in all respects duly complied with law; and said proposals and each of them, were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, the returns of said general election held in the County of Alameda on the 5th day of November, 1940, at which election said proposals, and each of them, were duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the board of supervisors of the County of Alameda, and it appeared therefrom and was so declared by the said board of supervisors that fifty thousand three hundred forty-nine votes were cast in favor of said proposed Amendment No. 1 and that one hundred nine thousand three hundred ninety-seven votes were cast against said proposed Amendment No. 1; that seventy-six thousand one hundred eleven votes were cast in favor of said proposed

Amendment No. 2, and that seventy-eight thousand seven hundred twenty-two votes were cast against said proposed Amendment No. 2; that one hundred one thousand eight hundred twenty-three votes were cast in favor of said proposed Amendment No. 3, and that fifty-two thousand six hundred thirty-five votes were cast against said proposed Amendment No. 3; and that eighty thousand seven hundred twenty-one votes were cast in favor of said proposed Amendment No. 4, and that seventy-one thousand five hundred seventy-six votes were cast against said proposed Amendment No. 4; and it appeared therefrom and was so declared by said board of supervisors that a majority of the qualified electors of said County of Alameda voting thereon at said general election voted in favor of each of said proposed amendments numbered 3 and 4 above set forth and said board of supervisors thereupon ordered and declared that said proposed amendments numbered 3 and 4 and each of them were ratified; and it appeared therefrom and was so declared by said board of supervisors that a majority of the qualified electors of said County of Alameda voting thereon at said general election voted not in favor of each of said proposed amendments numbered 1 and 2 above set forth, and said board of supervisors thereupon ordered and declared that said proposed amendments numbered 1 and 2 and each of them were rejected; and

WHEREAS said amendments so ratified by the electors of said County of Alameda at said general election held on November 5th, 1940, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California;

NOW THEREFORE, the undersigned, Geo. A. Janssen, Chairman of the Board of Supervisors of the County of Alameda, State of California, and G. E. Wade, County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California, authenticating their signatures with the official seal of said Board of Supervisors of the County of Alameda, do hereby certify that said amendments to said charter of said County, and each of them, so ratified by the majority of the electors voting thereon at said general election held on the 5th day of November, 1940, as submitted to said electors, are in words and figures as follows, and are and shall, if so approved by said legislature be in the words and figures following, to-wit:

ALAMEDA COUNTY CHARTER AMENDMENT NO. 3

Section 36 of the Charter of the County of Alameda is hereby amended to read as follows:

“Sec. 36: It shall be the duty of the Civil Service Commission;

Civil Service
Commission
Duties

(a) To provide for the standardization and classification of all positions in the classified civil service. This classification into groups and subdivisions shall be based upon, and graded according to the duties and responsibilities of such positions, and shall be so arranged as to permit the filling of the higher grades through promotion. All salaries shall be uniform for like service in each grade of the classified civil service as the same shall be classified and standardized by the Commission. No such standardization or classification of salaries shall become final until approved by the Board of Supervisors in the annual appropriation ordinance, and no such salaries shall be paid except in accordance with such standardization and classification. The Board of Supervisors shall not approve of any such standardization or classification of salaries until at least thirty days after it shall have been submitted to the Board of Supervisors by the Commission. For the purpose of making the initial standardization and classification, the Board of Supervisors, upon request of the Commission, shall furnish to the Commission such assistance as may be necessary.

(b) To prepare and hold open competitive examinations in order to test the relative fitness of all applicants for appointment to the classified civil service. At least ten days' notice shall be given of such examinations.

(c) To provide a period of probation not to exceed six months, before appointment or promotion is made complete, during which period a probationer may be discharged or reduced.

(d) To examine the payrolls of all employees in the classified civil service and the County Auditor shall not pay or approve any payment of salaries to such persons unless there appears on the payroll therefor, a certification by the Commission that the persons named thereon have been appointed to their respective positions in accordance with the provisions of this Charter."

ALAMEDA COUNTY CHARTER AMENDMENT NO. 4

Section 37 of the Charter of the County of Alameda is hereby amended to read as follows:

"Sec. 37: Appointments to positions in the classified civil service shall be either regular or temporary.

Civil service:
Appoint-
ments

"Whenever a position in the competitive classified civil service is to be filled by a regular appointment, the appointing authority shall notify the Commission of that fact, and the Commission shall certify the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which such position belongs, and the appointing authority shall appoint to such position one of the three persons certified to him.

“If a candidate refuses three offers of a regular appointment from the same eligible list, his name shall be moved to the last place on said list, provided however that a candidate may file a written request with the Commission that his name be withheld from certification, in which event he shall not be certified until he files a written request with the Commission that his name be restored on said list if said list is then in existence.

“Whenever a position in the competitive classified civil service is to be filled by a temporary appointment the appointing authority shall notify the Commission of that fact, stating the length of employment, which shall not exceed a period of five months except when employed for the duration of a leave of absence, and the Commission shall certify the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which such position belongs, who have filed with the Commission a written request for temporary appointments, and the appointing authority shall appoint to such position one of the three persons certified to him.

“Temporary appointments cannot exceed a total period of five months for any one person in any one county department in any one fiscal year except when employed for the duration of one leave of absence.

“During the time a person is occupying a position under a temporary appointment, such person shall be eligible to certification for a regular appointment in the same manner as though such person had not received a temporary appointment.

“Employment under a temporary appointment, or under a temporary appointment for the duration of a leave of absence, shall give no right or preference to a regular appointment, and shall serve as no part of a period of probation.

“A person in any position in the classified civil service may be appointed to a position having an identical title in another county department with the written consents of himself, and the appointing authority of the said first mentioned position, being first filed with the County Auditor and duplicate copies thereof being filed with the Civil Service Commission.”

We further hereby certify that the facts set forth in the preamble of this certificate preceding said amendments to said Charter are and each of them is true; and for and on behalf of said County of Alameda we being duly authorized, do hereby request the legislature of the State of California to approve said amendments to said Charter, and each of them, as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF we have hereunto set our hands and affixed the official seal of said Board of Supervisors of the County of Alameda, State of California, this 28th day of November, 1940.

[SEAL]

GEO. A. JANSSEN

Chairman of the Board of Supervisors
of the County of Alameda, State of
California.

G. E. WADE

County Clerk and Ex-officio Clerk of
the Board of Supervisors of the
County of Alameda, State of Cali-
fornia.

Attest:

G. E. WADE

County Clerk and Ex-Officio Clerk
of the Board of Supervisors of
the County of Alameda, State of
California.

WHEREAS, Said proposed amendments to the charter of the County of Alameda, so ratified by the majority of the electors voting thereon at said general election held on the fifth day of November, 1940, and each of them, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Approval
Assembly concurring, A majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, that said amendments to the charter of the County of Alameda, and each of them, as proposed, adopted and ratified by the electors of the said County of Alameda and as hereinbefore set forth, be and the same are hereby approved as a whole, without amendment or alteration, and as amendments to and as a part of the charter of the County of Alameda.

CHAPTER 63

Senate Concurrent Resolution No. 28—Approving certain amendments to the charter of the City of San Leandro, a municipal corporation of the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fifth day of November, 1940.

[Filed with Secretary of State December 5, 1940.]

City of San
Leandro.
Charter
amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth, to the charter of the City of San Leandro, a municipal corporation of the County of Alameda, State of California, as set out in certificate of the mayor and city clerk of the City of San Leandro, as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF ALAMEDA
CITY OF SAN LEANDRO

} SS

Certificate We, the undersigned, Mark N. Du Tiel, Mayor of the City of San Leandro, State of California, and E. F. Hutchings, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Leandro, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants but less than fifty thousand population and has been ever since the twentieth day of July, 1933, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said city at an Election duly held for that purpose on the twelfth day of July, 1933, and approved by the Legislature of the State of California, by Concurrent Resolution filed with the Secretary of State on the Twentieth day of July, 1933. (Statutes of 1933, p. 3196).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of San Leandro, being the legislative body thereof, by its Resolution No. 341 C. M. S., entitled, "A resolution calling a special election in the city of San Leandro on Tuesday, November 5, 1940, consolidating said election with the general state election to be held on said day, and proposing and submitting four amendments to the Charter of the city of San Leandro under the provisions of Section 8, of Article XI, of the Constitution of the State of California", duly and regularly submitted to the qualified electors of said city three certain proposals to amend

the charter of said city and to be voted on by qualified electors at a special municipal election called and held for that purpose in said city after consolidation as hereinafter set forth on the 5th day of November, 1940

That said three certain proposals were designated and entitled as follows:

“PROPOSITION NO. 1

Shall Section 3 of Article V of the Charter of the City of San Leandro be amended to provide that a general municipal election shall be held in the City of San Leandro on the second Tuesday in April in each even-numbered year?”

“PROPOSITION NO. 3

Shall Section 3 of Article XV of the Charter of the City of San Leandro be amended to provide that the terms of office for members of the School Board shall begin from and after the Monday next succeeding the date of their election?”

“PROPOSITION NO. 4

Shall Section 1 of Article XX of the Charter of the City of San Leandro be amended to provide that all offices, positions or employments to which is attached a monthly remuneration of \$50.00, or less, be excepted from the provisions of the Article?”

That said proposals were so submitted to the qualified electors at a special election on November 5, 1940, which election was consolidated with the general state election held on said day by proceedings duly and regularly taken in the manner provided by law by the Council of the City of San Leandro, being the governing body of said city.

That in the order and resolution calling and consolidating such election said City Council of the City of San Leandro authorized the Board of Supervisors of Alameda County, being the county in which such City of San Leandro is situated, to canvass the returns of such election.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of San Leandro, on the 20th day of September, 1940, in “The San Leandro Reporter”, a weekly newspaper of general circulation published in the City of San Leandro and the official newspaper of said City of San Leandro, and in each edition thereof, during the day of publication.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, said proposed amendments were submitted to the voters at said special consolidated election on the fifth day of November, 1940, which day was not less than forty (40) nor more than sixty (60) days after

the completion of the publication and advertisement of the aforementioned proposed amendments in "The San Leandro Reporter", the official newspaper of said city.

That thereafter on the nineteenth day of November, 1940, the Board of Supervisors of the County of Alameda in the manner provided by law, did regularly canvass the returns of said election, and did on said day duly certify the result of the canvass of the said returns of said municipal election by Resolution No. 36171 adopted on the said nineteenth day of November, 1940, and declared the result of said municipal election as determined from the canvass of the returns thereof; and by said Resolution did find, determine and declare that said proposed amendments to the Charter of the City of San Leandro were ratified by a majority of electors of said city voting thereon.

That this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said amendments to the Charter of the City of San Leandro so ratified by the electors of said city are in words and figures as follows, to-wit:

That Article V of the City Charter be amended by amending Section 3 thereof to read as follows:

"Section 3. Elections, The members of the council, the clerk, and the treasurer shall be elected by the qualified electors of said City of San Leandro at a general municipal election.

Such a general municipal election shall be held in said City of San Leandro on the second Tuesday in April in each even-numbered year.

All elections in said City of San Leandro shall be held in accordance with the general election laws of the state, applicable to cities of the sixth class."

That Article XV of the City Charter be amended by amending Section 3 thereof to read as follows:

"Section 3. Board of Education. The government of the city of San Leandro School District shall be vested in a Board of Education composed of five persons, who shall be elected from the district at large by the electorate of the San Leandro School District, at the same time and in the same manner as the municipal officers of said City, and each of said persons shall have been for at least two years immediately next preceding the election, a resident of the district or territory entitled to participate in said election. They shall serve for a term of four years, from and after the Monday next succeeding the day of said election, and until their successors are elected and qualified; provided that their terms shall alternate so that two members or three members, as the case may be, shall be elected every two years; provided further, that the first election for members of the Board of Education shall be held on the second Monday of April,

1934, at which election five members of the Board of Education shall be elected; that the three candidates receiving the highest vote at said first election shall serve for four years, and the next two highest for two years. Thereafter members of the Board of Education shall be elected for four years, unless elected to fill vacancies, in which case they shall be elected for the balance of the unexpired term. In the event that two or more persons shall be elected by the same number of votes, their terms shall be fixed by lot. Any vacancy in the Board shall be filled by the vote of a majority of the Board until the next general election for municipal officers, when a member shall be elected to fill the unexpired term. In the event that three or more vacancies exist in said Board at one time, then the County Superintendent of Schools shall, by appointment, fill all vacancies therein necessary to give said Board three members qualified to act. Such appointees shall hold office for the same length of time as appointees of the Board."

That Article XX of the City Charter be amended by amending Section 1 thereof to read as follows:

"SECTION 1. EFFECT AND APPLICATION OF THIS ARTICLE: This Article shall have the effect of placing under its provisions and the rules and regulations adopted in compliance herewith all offices, employments and positions now existing or hereafter created within the municipal service of the City of San Leandro, except positions on appointive boards, commissions, City Manager, City Attorney, City Judge, heads of departments, all those offices, positions or employments to which is attached a monthly remuneration of \$50.00, or less, and those filled by election by a vote of the people; offices, employments and positions coming within the jurisdiction of this Article shall be known as the Civil Service of the City of San Leandro. Officers and employees responsible, without intermediary supervision, to the City Council and the City Manager shall be subject to removal by the respective appointing authorities without right of appeal or hearing by the Civil Service Board or other body. No person other than a person promoted from a civil service position to the head of a department shall be appointed to such position until such person shall have first passed a test prescribed by the City Council; provided, however, that any person promoted to the position of a head of a department from the civil service may be removed therefrom at the discretion of the appointing authority, but shall be reinstated to the position from which he was promoted unless the action for removal has been for cause other than personal prejudice, religious or political reasons other than political activities on the part of such person removed."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of

the City of San Leandro with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Seal of the City of San Leandro to be affixed hereto, this thirtieth day of November, 1940.

MARK N. DU TIEL,
Mayor of the City of San Leandro

(SEAL)

E. F. HUTCHINGS,
City Clerk of the City of San Leandro

WHEREAS, Said proposed amendments so ratified as hereinabove set forth have been, and are now duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval *Resolved by the Senate of the State of California, the Assembly thereof concurring, A majority of all members elected to each house voting therefor, and concurring therein, that the amendments to the charter of the City of San Leandro, as proposed to, and adopted and ratified by the qualified electors of the City of San Leandro, be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments, to and as parts of, the charter of the City of San Leandro.*

CHAPTER 64

Senate Concurrent Resolution No. 29—Relative to a Fact-Finding Committee on Employment.

[Filed with Secretary of State December 5, 1940]

Fact-Finding Committee on Employment WHEREAS, The Fact-Finding Committee on Employment created by resolutions Chapter No. 30 of this session has heretofore exercised the functions conferred upon it, and has made report to the Legislature on the result of its investigations; and

WHEREAS, It appears from those investigations and reports that the best interests of the people of this State will be served by permitting that committee to function after final adjournment of this session; and

WHEREAS, The people on November 5, 1940, adopted an amendment to the Constitution of this State authorizing the Legislature or either house thereof to provide for the appointment of committees to act after final adjournment of the session creating them; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That a committee on employment, designated "The Fact-Finding Committee," is hereby created, which committee consists of those persons who on December 1, 1940, were members of the Fact-Finding Committee created by S. C. R. No. 10 adopted this session, and shall have and exercise all of the powers, duties and functions conferred upon said former committee by said S. C. R. No. 10 and by A. C. R. No. 26 adopted this session, and all of the provisions of said Resolutions No. 10 and No. 26 are incorporated herein by reference and made applicable to the committee hereby created except as herein otherwise provided; and be it further

Resolved, That the Fact-Finding Committee created by this resolution is hereby authorized to act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the commencement of the regular session of the Fifty-fourth Legislature, and may file a report at said regular session as well as at this session; and be it further

Resolved, That the persons who on December 1, 1940, constituted the advisory committee to said former Fact-Finding Committee shall constitute an advisory committee to the Fact-Finding Committee hereby created, to advise, aid and counsel the latter in the studies conducted by it in carrying out the purposes of this resolution; the advisory committee to have and exercise such powers and duties as shall be defined from time to time by the Fact-Finding Committee within the scope of the powers and duties of the latter described in said A. C. R. No. 26; the actual and necessary expenses of the advisory committee and its members to be paid out of the moneys allotted to the Fact-Finding Committee disbursed and paid from the same funds, in the same manner and upon like certification as expenses of the Fact-Finding Committee and its members are paid; and be it further

Resolved, That the unexpended balance of any moneys heretofore appropriated or made available to the committee created by said S. C. R. No. 10 is hereby appropriated and made available from the contingent funds of the Senate and of the Assembly for the expenses of the Fact-Finding Committee hereby created, and its members, and for any charges, expenses or claims it may incur under this resolution, to be paid equally from said contingent funds and disbursed, after certification by the chairman of the Fact-Finding Committee, upon warrants drawn by the State Controller upon the State Treasurer.

Funds
available

CHAPTER 65

Senate Concurrent Resolution No. 30—Approving certain amendments to the charter of the County of San Mateo, State of California, submitted to, voted for, and ratified by, the electors of said county at a special election held in said county for that purpose on the fifth day of November, 1940.

[Filed with Secretary of State December 5, 1940]

County of
San Mateo
Charter
amendment

WHEREAS, The County of San Mateo, State of California, has been at all times herein mentioned, and now is, a body politic and corporate, and a political subdivision of the State of California, and is now and has been, since the twenty-eighth day of January, 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the eighth day of November, 1932, and approved by the Legislature of the State of California in the Fiftieth Session thereof, and filed in the office of the Secretary of State on the twenty-eighth day of January, 1933; and

WHEREAS, The board of supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by resolution adopted September 23, 1940, duly propose to the qualified electors of said county of San Mateo four amendments to the charter of said county, designated as proposed county charter amendments Nos 1, 2, 3 and 4, and ordered that said amendments be submitted to said qualified electors of said county at a special county election to be held in said county on the fifth day of November, 1940, which date was fixed in said resolution as the day for holding said special county election; and

WHEREAS, Said proposed charter amendments Nos. 1, 2, 3 and 4 were, and each of them was, published for 10 times in the Redwood City Tribune, a daily newspaper of general circulation, printed, published and circulated in said county, to wit, on September 24, 25, 26, 27, 28, 30, October 1, 2, 3 and 4, 1940; and

WHEREAS, Pursuant to said resolution, the said board of supervisors did pass an ordinance on the first day of October, 1940, calling a special election to be held on the fifth day of November, 1940, for the submission of certain proposed amendments to the charter contained in the said resolution, and said ordinance did set out the purpose and time of the said special county election, and did establish the election precincts and designated the polling places and the names of the election officers of each precinct; that the said ordinance was published in the said Redwood City Tribune on the 15, 16, 17, 18 and 19 days of October, 1940; and

WHEREAS, Said special election, at which said proposed amendments were submitted to the qualified electors of said county, was not less than 30 nor more than 60 days after publication of said proposed amendments, as aforesaid; and

WHEREAS, Said special county election was held in said county of San Mateo on said fifth day of November, 1940, which said day was not less than 30 days and not more than 60 days after said four proposed amendments to said charter had been published for 10 times in said Redwood City Tribune; and

WHEREAS, Thereafter the board of supervisors of said county of San Mateo did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the nineteenth day of November, 1940, did duly declare the result of said special county election as determined from the canvass of the returns thereof; and

WHEREAS, At said special county election held on said fifth day of November, 1940, one of said proposed amendments was ratified by a majority of the electors of said county voting thereon, to wit: charter amendment No. 4, and that all other such proposed amendments received less than a majority of the votes of such qualified electors voting thereon and were not ratified; and

WHEREAS, Said charter amendment so ratified by the electors of said county of San Mateo is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and is in words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to wit:

NO. IV.

“A new subdivision is added to Section 2 of Article III of said charter, reading as follows:

(r) Civil Service. The Board of Supervisors may, by Civil Service ordinance, adopt limited civil service systems for any or all county officers and employees, except elective officers.”

STATE OF CALIFORNIA. }
COUNTY OF SAN MATEO. } SS.

We, the undersigned, H. H. SMITH, Chairman of the Certificate Board of Supervisors of the County of San Mateo, State of California, and W. H. AUGUSTUS, County Clerk and

ex-officio Clerk of the Board of Supervisors of said County of San Mateo, do hereby certify:

That the foregoing proposed and ratified amendment to the charter of said County of San Mateo, submitted to the electors of said County at a special county election held in said county on said 5th day of November, 1940, has been compared by us, and each of us, with the proposed amendment set forth in the resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is, true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of San Mateo this 3rd day of December, 1940.

H. H. SMITH

Chairman, Board of Supervisors
of the County of San Mateo,
State of California.

(SEAL)

W. H. AUGUSTUS

County Clerk and ex-officio Clerk
of the Board of Supervisors of
the County of San Mateo, State
of California.

WHEREAS, Said proposed amendment to the charter of said County of San Mateo, so ratified by the electors thereof, has been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval Resolved by the Senate of the State of California, the Assembly concurring, A majority of all the members elected to each house voting for adoption of this resolution, and concurring therein, that said amendment to the charter of the County of San Mateo as proposed, adopted and ratified by the electors of said County of San Mateo, and as hereinbefore set forth, be and the same is hereby approved as a whole, without amendment or alteration, and as an amendment to, and as a part of, the charter of the County of San Mateo, State of California.

CHAPTER 66

Assembly Concurrent Resolution No. 33—Approving certain amendments to the charter of the County of Sacramento, State of California, submitted to, voted for, and ratified by the electors of said county at the general election held on the fifth day of November, 1940.

[Filed with Secretary of State December 5, 1940.]

WHEREAS, The County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the first day of July, 1933, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the eighteenth day of February, 1933, and subsequently approved by the Legislature of the State of California and filed with the Secretary of State of the State of California, during the month of May, 1933; and

County of
Sacramento
Charter
amendment

WHEREAS, The board of supervisors of said county, pursuant to the provisions of Section 7½ of Article XI of said Constitution, did, by resolution adopted the sixteenth day of September, 1940, duly propose to the qualified electors of said County of Sacramento two amendments to the charter of said county, designated as proposed amendments Nos. 1 and 2, and ordered that said proposed amendments be submitted to said qualified electors of said county at the general election to be held on the fifth day of November, 1940; and

WHEREAS, Said proposed amendments Nos. 1 and 2 were, and each of them was, published for 11 times in The Sacramento Union, a daily newspaper of general circulation, printed, published, and circulated in said County of Sacramento, on, to wit, the following dates, September 25, 26, 27, 28, 29, 30, October 1, 2, 3, 4 and 5, all in the year 1940; and

WHEREAS, Said general election was held in said County of Sacramento on the fifth day of November, 1940, which said day was not less than 30 days nor more than 60 days after said two proposed amendments to said county charter had been published for 11 times in The Sacramento Union; and

WHEREAS, Thereafter, the board of supervisors of said County of Sacramento did, in the manner provided by law, duly and regularly canvass the return of said election, and, on the twenty-ninth day of November, 1940, did duly declare the result of said general election, as determined from the canvass of the returns thereof; and

WHEREAS, At said general election held on the fifth day of November, 1940, said proposed amendments Nos. 1 and 2 were ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said two charter amendments, so ratified by the electors of said Sacramento County, are now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and are in words and figures as follows:

PROPOSAL NO. 1

To amend Section 10 of the Charter of the County of Sacramento to read as follows:

Salaries
Supervisors

Section 10: The compensation of a Supervisor shall be ten dollars (\$10.00) per meeting, provided that no compensation shall be paid any one Supervisor for more than twelve meetings in any one calendar month, plus mileage to and from the place of meeting, payable monthly from the County Treasury.

PROPOSAL NO. 2

To amend Section 34 of the Charter of the County of Sacramento to read as follows:

Section 34: Salaries of Elective Officers.

Elective
officers

The annual compensation of the elective officers of the County of Sacramento shall be fixed by Ordinance of the Board of Supervisors.

STATE OF CALIFORNIA, }
County of Sacramento. } ss.

Certificate

We, the undersigned, CHARLES S. ALVORD, Chairman of the Board of Supervisors of the County of Sacramento, State of California, and T. F. PATTERSON, County Clerk and ex-officio Clerk of the Board of Supervisors of said County of Sacramento, do hereby certify:

That the foregoing proposed and ratified amendments to the charter of said County of Sacramento, submitted to the electors of said county at the general election held on said 5th day of November, 1940, have been compared by us, and each of us, with the proposed amendments set forth in the resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of

said Board of Supervisors of the County of Sacramento this 29th day of November, 1940.

[SEAL]

Charles S. Alvord
Chairman of the Board of Supervisors
of the County of Sacramento.

T. F. Patterson
County Clerk and Ex-officio Clerk of
the Board of Supervisors of the
County of Sacramento, State of
California.

and;

WHEREAS, Said proposed amendments to the charter of said County of Sacramento, so ratified by the electors thereof, have been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting for adoption of this resolution, and concurring therein, that said amendments to the charter of the County of Sacramento, as proposed, adopted and ratified by the electors of said County of Sacramento, and as hereinbefore set forth, be, and the same are hereby, approved as a whole, without amendment or alteration, and as amendments to, and as a part of, the charter of the County of Sacramento, State of California. Approval

CHAPTER 67

Senate Concurrent Resolution No. 31—Relative to adjournment sine die of the First Extraordinary Session of the Fifty-third Legislature of the State of California.

[Filed with Secretary of State December 6, 1940.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the First Extraordinary Session of the Fifty-third Legislature of the State of California, which convened at 10 o'clock a.m., on the twenty-ninth day of January, 1940, pursuant to a proclamation issued by the Governor of the State of California under date of January 26, 1940, shall adjourn sine die at 3.30 o'clock p.m., December 5, 1940. Adjournment
sine die

CHAPTER 68

Assembly Concurrent Resolution No. 35—Relative to legislative printing.

[Filed with Secretary of State December 12, 1940]

Legislative printing WHEREAS, The Legislature by Senate Concurrent Resolution No. 17 of this First Extraordinary Session of the Fifty-third Session directed the preparation of a legislative style book and uniform forms and procedure for journals, histories and other legislative publications in order to reduce the expense of legislative printing and to secure greater uniformity in legislative publications; and

WHEREAS, Such style book and forms have been prepared pursuant to said resolution; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the legislative style book and forms prepared and submitted pursuant to Senate Concurrent Resolution No. 17 of the First Extraordinary Session of the Fifty-third Session be hereby approved and established as the forms for such legislative printing and publications.

CHAPTER 69

Assembly Concurrent Resolution No. 37—Relative to the creation of a Welfare Personnel Policies Investigating Committee.

[Filed with Secretary of State December 12, 1940]

Welfare Personnel Policies Investigating Committee WHEREAS, The Legislature has been convened in extraordinary session by proclamation of the Governor; and

WHEREAS, Among the subjects specified for consideration in the proclamation is an appropriation for the support of the Department of Social Welfare; and

WHEREAS, That department is at present engaged in surveying personnel procedures in the county welfare agencies and setting up required standards therefor; and

WHEREAS, These activities are permitted by expenditures from the support appropriation of the department; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That there is hereby created a "Welfare Personnel Policies Investigating Committee" which consists of four members of the Assembly appointed by the Speaker of the Assembly and three members of the Senate appointed by the President pro tempore of the Senate and which is authorized and directed to gather, assemble, study and analyze all facts and acts relating to the establishment, interpretation, and enforcement of personnel policies in

county welfare departments by the Department of Social Welfare, with a view toward preparing and submitting such legislative measures as will insure well considered, economic and equitable policies and requirements by the department, to which end the committee shall have and exercise the duty and power:

Powers and
duties

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

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

(5) To hold public hearings at any place in California, at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in any wise bearing upon or relating to personnel policies, standards and requirements of the Department of Social Welfare for county welfare departments;

(7) To meet at any and all places within the State;

(8) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony;

(9) To act during this session of the Legislature, including any recess thereof, and after final adjournment hereof;

(10) To report its findings and recommendations to the Senate and Assembly and to the people from time to time and at any time; and

(11) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths; and all of the provisions of Article 8, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof, apply to the committee hereby created; and be it further

Resolved, That the Sergeant-at-Arms of the Senate and of the Assembly and each of them or other officers designated by either of them, are hereby directed to serve any and all subpoenas, orders and other process issued by the committee when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

Resolved, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents ($\$0.05\frac{1}{2}$) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars ($\$8$) per day; and be it further

Funds
available

Resolved, That the sum of five hundred dollars ($\$500$) or so much thereof as may be necessary is hereby made available from the contingent funds of the Senate and of the Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid equally from the contingent funds of the Senate and of the Assembly and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 70

Senate Concurrent Resolution No. 27—Relative to Joint Rules of the Senate and Assembly.

[Filed with Secretary of State January 9, 1941]

Resolved by the Senate of the State of California, the Assembly concurring, That the following be, and the same are, hereby adopted as the Joint Rules of the Senate and Assembly of the State of California for the Fifty-third (First Extraordinary) Session:

JOINT RULES OF THE SENATE AND ASSEMBLY
COMMITTEES AND COMMITTEE MEETINGS

Standing Committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number of members and the manner of selection to be determined by the rules of each house.

Joint Committees

2. The Rules Committees of each house shall constitute the joint standing committee on joint rules of the Senate and the Assembly.

Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

BILLS AND RESOLUTIONS

Definition of Word Bill

4. Whenever the word "bill" is used in these rules, it shall include constitutional amendments, concurrent and joint resolutions.

Concurrent and Joint Resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions are those which relate to matters connected with the Federal Government.

Resolutions Treated as Bills

6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they

shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of Section 2 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

PREPARATION AND INTRODUCTION OF BILLS

Title of Bill

Titles 7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

Division of Bill into Sections

Sections 8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

Restrictions as to Amendments

Amendments 9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment or resolution under consideration.

Changes in Existing Law to Be Marked by Author

Strike-out and italic type: Bills 10. In a bill amending a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

Amendments In any amendment to a bill which sets out for the first time a section being amended, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended were a part of the original bill and was being printed for the first time.

Printing of Amendments

Printing of amendments 11. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be

omitted shall be printed in ~~strikeout~~ type. When a bill is amended in either house, the first or previous markings shall be omitted.

Printing and Distribution of Bills—Manner of Printing Bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions: Printing of bills

(a) The body of such bills shall be printed in solid unspaced form in 10-point Roman type so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

Distribution of Legislative Publications

13. All requests for mailing or distribution of bills and legislative publications shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Each member of the Senate and Assembly shall be permitted to submit a list of 10 libraries, chambers of commerce or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of bills and legislative publications to supply this list together with such number as may be necessary for legislative requirements. Legislative publications

Except as hereinabove provided, no complete list of bills shall be delivered except upon payment therefor of the sum of forty-five dollars (\$45), nor shall more than five copies of bills or other legislative publications be distributed free except to members of the Legislature, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's office; Secretary of State's office; Controller's office; Governor's office; the clerk of the Supreme Court; the clerk of the district court of appeal for each district; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, and such moneys as may be received by him, shall after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500.

OTHER LEGISLATIVE PRINTING

Printing of the Daily Journal

Journal 14. The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the Journal of each day's proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the Journal of the respective houses of the Legislature.

What Shall Be Printed in the Journal

Contents 15. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a committee of the whole.

Printing of the Daily File

Daily files 16. A daily File of bills ready for consideration shall be printed each legislative day for each house.

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

Printing of History

Histories 17. Each house shall cause to be printed once each week, during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History.

Immediately following the adjournment for the constitutional recess, the History shall be compiled and printed to date of recess by the Secretary of the Senate and the Chief Clerk of the Assembly.

Authority for Printing Orders

18 The Superintendent of State Printing shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order. Printing orders

The Secretary of the Senate and the Chief Clerk of the Assembly are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

RECORD OF BILLS

Secretary and Chief Clerk to Keep Records

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill. Register of bills

Secretary and Chief Clerk Shall Indorse Bills

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall indorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill. Indorsement

ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER

After a Bill Has Been Passed by the Senate or Assembly

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house. Bills from other house

The procedure of referring bills to committees shall be determined by the respective houses.

Messages to Be in Writing Under Proper Signatures

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered. Messages

PASSAGE AND ENROLLING OF BILL

Passage of Bills Preceding Final Adjournment

Passage
before final
adjournment

23. No Senate bill shall be passed by the Senate, and no Assembly bill shall be passed by the Assembly within the time specified in the resolution prior to the adjournment sine die of the two houses of the Legislature at a regular session, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill).

Enrollment of Bill After Passage

Enrollment

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the engrossing and enrolling clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the presiding officers of both houses and the Secretary of the Senate and Chief Clerk of the Assembly and presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the Journal.

AMENDMENTS AND CONFERENCES

Amendments to Amended Bills Must Be Attached

Amendments

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

To Concur or Refuse to Concur in Amendments

Concurrence
in amend-
ments

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill),

or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

Concurring in Amendments Adding Urgency Section

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency measure, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows: Same
Urgency
section

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

When Senate or Assembly Refuse to Concur

28. If the Senate or the Assembly refuse to concur in the amendments, the Committee on Rules (if it be a Senate bill) or the Speaker of the Assembly (if it be an Assembly bill) shall appoint a committee of three (3) on conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the conference committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly and the chairmen thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The committee on conference shall report to both the Senate and Assembly. Conference
committees

Report of Committee on Conference

29. The report of the committee on conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed; provided, however, that no more than three Same.
Report

different conference committees shall be appointed on any one bill.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a committee on conference shall be appointed a member of another committee on conference on the same bill.

When Conference Committee Report Is in Order

- Same 30. The presentation of the report of a committee on conference shall always be in order, except when a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

MISCELLANEOUS PROVISIONS

Authority When Rules Do Not Govern

- Mason's Manual 31. All relations between the houses which are not covered by these rules shall be governed by Mason's Manual.

Press Rules

- Press rules 32. (a) Desks may be assigned to the representatives of the press in the Senate and Assembly in such manner as shall be directed by the house or by the rules thereof.
- (b) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which room shall be known as the press room. The press room shall be under the control of the Superintendent of the Capitol Building and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

Adjournment

- Adjournment 33. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution.

Dispensing With Joint Rules

- Dispensing with Rules 34. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dispensed with only in the manner provided for in said joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in conference committee.
- Violations

INVESTIGATING COMMITTEES

35. In order to expedite the work of the Legislature either house, or both houses jointly may by resolution provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

Investigating
committees

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject with which it is to act and may authorize it to act either during sessions of the Legislature or after final adjournment.

Purpose

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt such rules as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. It may employ such clerical, legal and technical assistants as may appear necessary when money has been made available therefor.

Secretary,
etc

Each such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Attendance
of witnesses

The members of such committees are, and each of them is, authorized and empowered to administer oaths, and all of the provisions of Article 8, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

Oaths

The Sergeant-at-Arms of the Senate or Assembly, or other person designated by such Sergeant-at-Arms or by the committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so upon a vote of the majority of the membership of the committee.

Service of
process

All officers of the State, including the Legislative Counsel and the heads of each department, agency and subdivision thereof, and all employees of such departments, agencies and subdivisions, and all other persons whether connected with the State Government or not, shall give and furnish to these committees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Cooperation
of State
officers, etc

Each such committee may either during the session or during the constitutional recess, meet at the State Capitol or at any other place in the State of California and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it and may expend such money as may be made available to it for such purpose; but no committee shall incur any indebtedness unless money shall have been first made available therefor. Members

Powers

shall not be entitled to any salary because of membership on any such committee but shall be entitled to actual necessary expenses, not to exceed eight dollars (\$8) per day and actual travel expenses which shall be deemed to be five and one-half cents (\$0.05½) per mile. The chairman of each committee shall audit and approve the expense claims of the members of the committee and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

CHAPTER 71

Senate Concurrent Resolution No. 32—Relative to approving amendments to the charter of the County of Butte, State of California, voted for and ratified by the electors of such county at a general election held therein on November 5, 1940.

[Filed with Secretary of State December 12, 1940]

County of
Butte
Charter
amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments, hereinafter set forth, to the charter of the County of Butte, State of California, as hereinafter set forth in the certificate of the county clerk and chairman of the board of supervisors of said county, as follows, to wit:

CERTIFICATE.

STATE OF CALIFORNIA }
County of Butte } ss.

Certificate

Certificate of County Clerk of the County of Butte, State of California, and Chairman of the Board of Supervisors of the County of Butte, State of California, as to the adoption and ratification of certain amendments to the Charter of said County of Butte submitted to the qualified electors of said county on the 5th day of November, 1940.

PREAMBLE

Be it known that:

WHEREAS, the County of Butte, State of California, has at all times mentioned herein been and now is a body politic of the State of California and is now and has been since the 27th day of January, 1917, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said county at an election held for that purpose on the 7th day of November, 1916, and approved by the Legislature of the State of California on the 27th day of January, 1917, (Statutes 1917, page 1791, et seq.); and

WHEREAS, on the 20th day of September, 1940, the Board of Supervisors of said County of Butte, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said state, duly proposed to the qualified electors of said county certain amendments to the Charter of said county by the submission of proposals for such amendments to said electors at the General Election held November 5, 1940, and at the time said Board duly ordered that said proposals be submitted to the qualified electors of said county, for ratification or rejection at said General Election, and further duly ordered that said proposals should be forthwith published ten times in the Chico Enterprise, a daily newspaper of general circulation, printed, published and circulated in said county; and in said proposals said proposed amendments herein set forth in full and at length were and are in the words and figures herein set forth; and

WHEREAS, thereafter, said proposals were duly published in full and at length in said newspaper for ten times and on the following dates, to wit: September 24, 25, 26, 27, 28, 30, October 1, 2, 3, and 4, and as often during said time as said newspaper was regularly published; and said General Election at which said proposals were submitted to the vote of the qualified electors of said county was not less than thirty days nor more than sixty days after publication of said proposals as aforesaid; and

WHEREAS, at the time of proposal said Board of Supervisors duly prescribed the form and titles to be printed on the General Election ballot to be used at said General Election for the submission of said proposals, which said form and titles are hereinafter set forth and in which said form and under which said titles said proposals appeared on said ballot; and

WHEREAS, subsequent to said publication and at least twenty-five days prior to November 5, 1940, the County Clerk duly filed in his office a notice of election, in which, among other things, and in addition to all other matters required by law, it was stated that said proposals would be submitted to the qualified electors of said county at said General Election November 5, 1940; and said Clerk caused a copy of said notice to be posted in a prominent place in his office, and on said notice said proposals appeared in form and by the titles prescribed by the Board of Supervisors and in the form and by the titles said proposals appeared on said ballot; and

WHEREAS, at said General Election said proposals were duly submitted to the vote of the qualified electors of said county and appeared on the ballot at said election in the following form, to wit:

BUTTE COUNTY CHARTER AMENDMENT NO 1

Repealing Section 2 of Article X of Charter of County of Butte and substituting a new Section 2 providing for the

appointment of a Road Engineer after newly elected members of the Board of Supervisors have taken office

BUTTE COUNTY CHARTER AMENDMENT NO. 2

Amending Section 8 of Article X of Charter of County of Butte to provide that the term of office of the Road Engineer shall be two years.

And opposite each proposal to be voted upon and to the right thereof and on separate lines were printed the words "yes" and "no" with voting squares thereof and in addition thereto said ballot contained all other matters and things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposals were duly and regularly submitted to said qualified electors in strict compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, the County Clerk of said Butte County mailed a sample ballot or printed copy containing the form and titles of said amendments as above set forth together with arguments for and against said proposals to each qualified electors within the said County of Butte at least ten days prior to the said 5th day of November, 1940; and

WHEREAS, the returns of said General Election held in the County of Butte on the said 5th day of November, 1940, at which election said proposals were submitted to the vote of the qualified electors of said county, were made to and canvassed by the County Clerk in accordance with the resolution adopted and entered in the minutes of the Board of Supervisors, and it appearing therefrom and was so declared by the Board of Supervisors that 9177 votes were cast in favor of said proposed amendment No. 1 and that 4095 votes were cast against said proposed amendment No. 1; that 9164 votes were cast in favor of proposed amendment No. 2 and that 4110 votes were cast against said proposed amendment No. 2; and it appearing therefrom that a majority of the qualified electors of Butte County voting thereon at said General Election voted in favor of proposed amendment No. 1 and that a majority of the qualified electors of Butte County voting thereon at said General Election voted in favor of proposed amendment No. 2; and

WHEREAS, the said amendments so ratified by the electors of said Butte County at said General Election held on November 5, 1940, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with provisions of Section 7½ of Article XI of the Constitution of the State of California;

NOW, THEREFORE, the undersigned S. C. BENNETT, Chairman of the Board of Supervisors of the County of Butte, State of California, and W. F. MATTHEWS, County Clerk and ex-officio Clerk of the Board of Supervisors of the County

of Butte, State of California, authenticating their signatures with the official seal of said Board of Supervisors, do hereby certify that said amendments to said Charter of said county, so ratified, and by the majority of the electors voting thereon at said General Election held on the 5th day of November, 1940, as submitted to said electors are in the words and figures as follows, and are and shall, if so approved by said Legislature, be in the words and figures following, to wit:

BUTTE COUNTY CHARTER AMENDMENT NO. 1

That Section 2 of Article X of the Charter of the County of Butte be repealed and that there be substituted therefor a new Section 2 to read as follows:

“Section 2. That the Board of Supervisors shall, at their first regular meeting held after the first Monday after the first day of January succeeding a supervisorial election, appoint a Road Engineer. The Road Engineer shall be a civil engineer and shall have had prior to his appointment, at least three years’ practical experience in road construction. He need not be an elector of the county, but must reside therein during his term of office. He shall, under the general direction and supervision of the Board of Supervisors, have complete direction and control over all work of construction, improvements, maintenance and repair of county roads, highways and bridges.”

Road
engineer
Appointment

Powers

BUTTE COUNTY CHARTER AMENDMENT NO. 2

That Section 8 of Article X of the Charter of the County of Butte be amended and as amended to read:

“Section 8. The Road Engineer shall hold office for a period of two years from the date of his appointment, provided, however, that he may be removed at any time by the Board of Supervisors for inefficiency, neglect of duty, or misconduct in office, or other good cause shown.”

Same
Term

We further hereby certify that the facts set forth in the Preamble of this Certificate preceding said amendments to said Charter are and each of them is true.

And, for and on behalf of said County of Butte, we, being hereinbefore duly authorized, do hereby require the Legislature of the State of California to approve said amendments to said Charter as ratified by the electors of the County of Butte as a whole and to take such other and further steps and proceedings as may be necessary to perfect such approval

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of the said Board of Supervisors of Butte County, State of California, this 2d day of December, 1940.

[SEAL] S. C. BENNETT,
S. C. BENNETT, Chairman of the Board
of Supervisors of Butte County, State of
California.

ATTEST:

W. F. MATTHEWS,
W. F. MATTHEWS, County Clerk and ex-
officio Clerk of the Board of Supervisors
of Butte County, State of California.

CHAPTER 72

Senate Concurrent Resolution No. 33—Approving two certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the electors of such city at a special election held therein on the fifth day of November, 1940.

[Filed with Secretary of State December 12, 1940.]

City of
Los Angeles.
Charter
amendment WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of two amendments hereinafter set forth, to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in certificate of the president of the council of the City of Los Angeles and the city clerk of said city as follows, to wit:

State of California }
County of Los Angeles } ss.
City of Los Angeles }

Certificate We, the undersigned, Robert L. Burns, President of the Council of the City of Los Angeles, State of California, and Walter C. Peterson, City Clerk of said City, do hereby certify as follows:

That the City of Los Angeles, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has ever since the first day of July, 1925, and is now, organized and acting under a freeholders charter adopted under and by virtue of section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of such city at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Stats. 1925, p. 1024).

That in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Los Angeles, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City of Los Angeles certain proposals for amendment of the Charter of said city to be voted upon by said qualified electors at a certain special election consolidated with the General State Election called and held for that purpose in said City on the fifth day of November, 1940, which proposals were designated as proposed Charter amendments Nos. 1-A and 2-A.

That said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, in the Los Angeles Daily Journal, a daily newspaper of general circulation, published in said city, and the official paper of said city. That copies of said proposed amendments were printed in convenient pamphlet form and in type of ten-point and until the date fixed for the election hereinafter described, and as required by law, a notice was advertised and published in said Los Angeles Daily Journal that such copies could be had upon application therefor at the office of the City Clerk of the City of Los Angeles.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the date fixed for the election hereinafter described. That a copy thereof was mailed to each of the qualified electors of said city as required by law.

That in accordance with the provisions of the Charter of the City of Los Angeles and Ordinance Number 83,379 adopted by the Council of said city, approved by the Mayor and published in said Los Angeles Daily Journal for five days prior to the holding of said election, a special municipal election consolidated with the General State Election was held in said city on the fifth day of November, 1940, which day was not less than forty nor more than sixty days after the completion of the publication and advertising of the proposed amendments aforesaid in the Los Angeles Daily Journal; and said Council of said city did by said Ordinance Number 83,379, order said special municipal election consolidated with the General State Election to be held in said city on the fifth day of November, 1940.

That pursuant to the law in such cases made and provided, the said proposed amendments were submitted to the qualified electors of said city for their ratification at said election, and that at said election a majority of the qualified electors voting thereon, voted in favor of the ratification of and did ratify the proposed amendments to the Charter of said city.

That thereafter the Board of Supervisors of said County of Los Angeles did in the manner provided by law duly and regularly canvass the returns of said election and did on the

third day of December, 1940, duly certify to the Council of said City of Los Angeles the result of the canvass of said returns of said special municipal election; and the Council of said City did, by resolution adopted on December 4, 1940, duly declare the result of said special municipal election as determined from the canvass of the returns thereof.

The said amendments to the Charter so ratified by the electors of the City of Los Angeles are in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT No. 1-A.

That the Charter of The City of Los Angeles be amended, by adding thereto a new section to be numbered and designated 219.1 and to read as follows:

Electric
power

Sec. 219.1. The Board of Water and Power Commissioners shall have power and authority, anything elsewhere in this charter to the contrary notwithstanding, to make and enter into a contract or contracts with the United States by which the existing contract for lease of power privilege, made and entered into by the United States with The City of Los Angeles and its Department of Water and Power, and with Southern California Edison Company Ltd., under date of April 26, 1930, as amended and modified by subsequent contracts, shall be terminated as contemplated by the Act of Congress, approved July 19, 1940, designated as the "Boulder Canyon Project Adjustment Act"; provided, that in lieu thereof a contract or contracts shall be made and entered into between the United States and The City of Los Angeles and its Department of Water and Power, pursuant to said Boulder Canyon Project Adjustment Act, to provide for the operation, maintenance and the making of replacements, either of that part of the Boulder Dam Power Plant which the city and its Department of Water and Power is empowered or required to operate under the present terms of said contract dated April 26, 1930, as so amended and modified, or any greater portion or the whole of said power plant, by the city and its Department of Water and Power (said department acting therein in the name of the city, but in its own behalf as well as in behalf of the city), as agent for the United States; to provide for the delivery to the city and its Department of Water and Power of electric energy generated through such agency in amounts equivalent to and in lieu of that which, under the terms of said contract of April 26, 1930, as so amended and modified, the city and its Department of Water and Power are entitled to generate with falling water to be delivered to said city and department, pursuant to said contract of April 26, 1930, as so amended and modified; to provide for delivery to other allottees of electric energy generated through such agency in such amounts as said allottees are or may be entitled to under existing or future contracts with the United States; and to provide for

the continuance of such agency throughout the unexpired portion of the fifty-year term specified in said contract dated April 26, 1930, such provision for the delivery of electric energy to be subject to renewal.

PROPOSED CHARTER AMENDMENT No. 2-A.

That the Charter of The City of Los Angeles be amended, by amending Section 219 thereof to read as follows:

Sec. 219. The city shall not sell, lease or otherwise dispose of its rights in the waters of said Los Angeles River, in whole or in part. No other water or water right, nor any of the following property, now or hereafter owned or controlled by the city, to-wit: electric energy, or the right to develop electric or other power by means of any water or water right now or hereafter owned or controlled by the city, shall ever be sold, leased or disposed of, in whole or in part, without the assent of two-thirds of the qualified voters of the city voting on the proposition at a general or special election, at which such proposition shall be lawfully submitted, and no water shall ever be sold, supplied or distributed to any person or corporation, other than municipal, for resale, rental or disposal to consumers or other persons. Neither shall any electric power ever be sold, supplied or distributed to any person or corporation other than municipal for resale, rental or disposal to consumers or other persons without the assent of two-thirds of the qualified voters of said city given, as aforesaid; provided, that nothing in this section contained shall be construed to prevent the ordinary sale and distribution by the city of water and electric energy to its inhabitants for their own use, or to prevent the supplying or distribution by the city of surplus water or surplus electric energy to consumers or municipal corporations outside of the city, as elsewhere in this charter provided.

Prohibition
of disposal
of water
rights

Nothing in this charter shall prohibit the making from time to time by the Board of Water and Power Commissioners of arrangements in the interest of economy for the interchange and/or sale of electric energy or standby or emergency service in connection with the transmission and utilization of power from the Colorado River.

That we have compared the foregoing amendments with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendments to said Charter are true.

Certificate

That as to said amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof we have hereunto set our hands and caused the corporate seal of the said City of Los Angeles to be affixed hereto this fourth (4th) day of December 1940.

[SEAL]

ROBERT L. BURNS
Robert L. Burns, President of
the Council of the City of
Los Angeles

WALTER C. PETERSON
Walter C. Peterson, City Clerk
of the City of Los Angeles

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval *Resolved by the Senate of the State of California, the Assembly concurring* (a majority of all the members elected to each house voting therefor and concurring therein), That said amendments to the charter of the City of Los Angeles as proposed to, and adopted and ratified by the electors of the said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said the City of Los Angeles.

CHAPTER 73

Assembly Concurrent Resolution No. 34—Relative to the investigation of work relief projects for the State Relief Administration at Chino, California.

[Filed with Secretary of State December 12, 1940]

Investigation
of work relief
projects at
Chino

WHEREAS, The Joint Fact-Finding Committee created by Assembly Concurrent Resolution No. 32 adopted this session is authorized and directed to gather, assemble, study and analyze all facts relating to any phase of present and potential employment of relief labor in the construction of the Southern California Prison at Chino, California, and the maintenance of public property in and about Chino, California, with a view to formulating a plan for the employment of relief labor at the Southern California Prison and preparing and submitting such legislative measures, as will enable the State to proceed with the construction of that prison with maximum efficiency, and to administer unemployment relief at a minimum cost; and

WHEREAS, It appears that the best interests of the people of this State will be served by permitting that committee to function after final adjournment of this session; and

WHEREAS, The people on November 5, 1940, adopted an amendment to the Constitution of this State authorizing the Legislature or either house thereof to provide for the appointment of committees to act after final adjournment of the session creating them; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring. That a committee designated "The Joint Fact-Finding Committee," is hereby created, which committee consists of those persons who on December 1, 1940, were members of the Joint Fact-Finding Committee created by Assembly Concurrent Resolution No. 32 adopted this session, and shall have and exercise all of the powers, duties and functions conferred upon said former committee by said Assembly Concurrent Resolution No. 32, and all of the provisions of said Assembly Concurrent Resolution No. 32 are incorporated herein by reference and made applicable to the committee hereby created, except as herein otherwise provided; and be it further

Resolved, That the Joint Fact-Finding Committee created by this resolution is hereby authorized to act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the commencement of the regular session of the Fifty-fourth Legislature, and may file a report at said regular session as well as at this session; and be it further

Resolved, That the unexpended balance of any moneys heretofore appropriated or made available to the committee created by Assembly Concurrent Resolution No. 32 is hereby appropriated and made available from the contingent funds of the Senate and of the Assembly for the expenses of the Joint Fact-Finding Committee hereby created, and its members, and for any charges, expenses or claims it may incur under this resolution, to be paid equally from said contingent funds and disbursed, after certification by the chairman of the Joint Fact-Finding Committee, upon warrants drawn by the State Controller upon the State Treasurer.

Funds
available

CHAPTER 74

Assembly Concurrent Resolution No. 36—Relative to approving certain amendments to the charter of the City of Sacramento, a municipal corporation of the State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fifth day of November, 1940.

[Filed with Secretary of State December 12, 1940]

City of Sacramento Charter amendment WHEREAS, Proceedings have been had and taken for the proposal, adoption, and ratification of certain amendments hereinafter set forth to the charter of the City of Sacramento, a municipal corporation, as set out in the certificate of the mayor and city clerk of the City of Sacramento, as follows, to wit:

CERTIFICATE OF RATIFICATION OF ELECTORS OF
THE CITY OF SACRAMENTO OF CERTAIN
CHARTER AMENDMENTS

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO
CITY OF SACRAMENTO } ss.

Certificate We, the undersigned, TOM B. MONK, Mayor of the City of Sacramento, State of California, and H. G. DENTON, City Clerk of said city, hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and at all times herein mentioned, was a city containing a population of more than 50,000 inhabitants and has been ever since the year 1921 and now is organized, existing and acting under a freeholders' charter, adopted under and by virtue of Section Eight of Article Eleven of the Constitution of the State of California, which charter was duly ratified by the majority of the qualified electors of said city at a special election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on the 24th day of January 1921 (Statutes of 1921, page 1919).

That, in accordance with the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the City Council of said City of Sacramento, being the legislative body thereof, on its own motion, by Resolution Number 456, adopted on the 13th day of September 1940, duly proposed to the qualified electors of the City of Sacramento certain amendments to the Charter of said city to be submitted to said qualified electors at a special municipal election to be held in said city on the 5th day of November 1940, which said amendments were and are, and each of them was and is in the words and figures as follows:

PROPOSAL NO. 1.

To amend Section 239 of the Charter of the City of Sacramento to read as follows:

ARTICLE XXIII

Initiative and Referendum

How Invoked

Sec. 239. The submission to the vote of the people of any proposed ordinance, or of any ordinance enacted by the City Council and which has not yet gone into effect, may be accomplished by the presentation of a petition therefor to the City Council in the manner hereinafter provided.

Any twenty-five qualified electors of the City of Sacramento may originate a petition putting in operation the Initiative or the Referendum, by signing such petition at the office of the City Clerk.

Whenever requested by twenty-five such electors, the City Clerk shall prepare the proper petition with a copy of the ordinance to be submitted attached thereto and upon its being signed by said electors, the City Clerk shall file the petition and shall, during office hours for thirty days thereafter, keep the same open for signature by qualified electors of the city, and no such petition shall be signed or presented for signature at any place other than the Clerk's office.

At the expiration of said thirty days, the City Clerk shall declare the petition closed and shall, at the first regular meeting of the City Council thereafter, present to that body the petition with verification of the number of valid signatures thereto attached.

If the number of valid signatures to said petition shall be equal in number to five per cent of all the votes cast at the last preceding regular municipal election, the City Council shall immediately take the necessary steps to submit to the voters of the city the question proposed in said petition; provided that in the case of the referendum the entire repeal of the ordinance sought to be referred, and in the case of the initiative, the passage by the City Council of the desired ordinance, shall put an end to all proceedings under said petition.

PROPOSAL NO. 2

To amend Sections 173 and 175 of the Charter of the City of Sacramento to read as follows:

PRESENT EMPLOYEES

Sec. 173. Persons who shall be in the employ of the City on the effective date hereof shall become members of the Retirement System on that date, subject only to the following

Retirement
System
Present
employees

provisions in addition to the provisions contained in Sections 167 to 172, both inclusive, of this Charter.

Same
Retirement
for service

(a) Members of the Retirement System shall be retired upon reaching the age of seventy years. The Retirement Board may retire and relieve from service any member of the Police or Fire department who has passed the age of fifty-five years, or any other employee who has passed the age of sixty years, who may be ascertained by the Board to be unfit for the performance of his duty. Said Retirement Board shall, at the request of any member of the Police and Fire Department who has arrived at the age of fifty-seven with twenty-five years of continuous service, or the age of sixty with twenty years of continuous service, or who has thirty years of such service, irrespective of age, or any other employee who has passed the age of sixty-two with thirty years of continuous service, or the age of sixty-five with twenty years of continuous service, or who has thirty-five years of such service, irrespective of age, retire and relieve such member or employee making such application. Such

Allowance

retired member shall receive a retirement allowance equal to one-half the average monthly salary paid him one year prior to his retirement. No retirement allowance shall be paid under the provisions of this paragraph unless the member has rendered at least twenty years of continuous service to the City preceding his retirement, and, except as hereinafter provided, said pension shall cease at his death. Dismissal of a member from service for any cause whatever, after he has qualified as to age and/or service for service retirement, shall not deprive him of the right to retire and receive the retirement allowance under this paragraph.

Same
Disability

(b) Any member of the Retirement System, who shall become disabled by reason of any bodily injury received in the performance of his duty may be retired upon a retirement allowance equal to seventy-five per centum of the average monthly salary paid him one year prior to his retirement, said allowance to cease at his death, except as hereinafter provided. In case his disability shall cease, his allowance shall cease, and he shall be restored to the service in the rank occupied at the time of his retirement.

Same

(c) Any member of the Retirement System who shall become disabled from any cause not included in Paragraph (b) immediately preceding, and who has completed at least twenty years of continuous service to the City, may be retired upon an allowance equal to one-half of the average monthly salary paid him one year prior to his retirement, such allowance to cease at his death, except as hereinafter provided. In case his disability shall cease, his allowance shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

Death
benefits

(d) Upon the death of any person who has been retired or who, at the time of death was eligible for service retirement under the provisions of this section, leaving a widow,

provided she was the wife of such member at the time of his retirement, she shall receive an allowance equal to two-thirds of the allowance received by such person or to which he was eligible at the time of his death, or if he had rendered at least 25 years of service to the city, she shall receive an allowance equal to one-third the average monthly salary paid him one year prior to his death; or if such widow dies, or if he leaves no widow, and either he or his widow leave a child or children, under the age of eighteen years, said amount shall be paid to such child, or children, in equal shares, while under the age of eighteen years; provided, however, that if such widow, or child or children, shall marry, then such person so marrying shall thereafter receive no further allowance; and provided further that if such deceased person leave neither widow, nor child nor children, under the age of eighteen years, but leaves a parent or parents dependent solely or partially upon him for support, an allowance shall be paid to the parent or parents during such time and in such amount as the Retirement Board may determine its necessity, but not to exceed two-thirds of the allowance received by such person or to which he was eligible at the time of his death.

(e) The Retirement Board shall provide as follows for the family of any member of the Retirement System who may die as the result of injuries received in the performance of duty: Family allowance

(1) Should the decedent leave a widow, she shall, as long as she remains unmarried, be paid an allowance equal to one-half of the monthly salary paid the decedent at the time of his death.

(2) Should the decedent leave no widow, but leave any child or children under the age of eighteen years, or should he leave a widow who shall die and leave his children under the age of eighteen years, such child or children collectively shall receive an allowance equal to one-half the monthly salary paid to the father at the time of his death, until the youngest child attains the age of eighteen years; provided, that no child shall receive any such allowance after attaining the age of eighteen years.

(3) Should the decedent leave no widow or orphan child, or children, but leave a parent or parents, dependent solely or partially upon him for support, such parents so dependent shall, collectively, receive an allowance during such time and in such an amount as the Retirement Board may determine, but not to exceed one-half of the monthly salary paid to the decedent at the time of his death.

(f) When a member of the Police or Fire Department shall die while in the employ of the City, and before retirement, and if no allowance is payable to his widow and/or children, from causes other than those specified in preceding subdivision (e) and after ten years of continuous service in such department, then his widow, and if there be no widow, then Police and the department.

his children, and if there be no widow or children, then his parent or parents, if dependent upon him for support, shall be entitled to the sum of one thousand dollars (\$1,000). When any member of the Retirement System shall die before retirement, and if no allowance is payable to his widow and/or children, from causes other than those specified in the immediately preceding subdivision (e), the contributions standing to his credit under the Retirement System shall be paid, with interest, to such beneficiary as he shall have nominated by written designation duly executed and filed with the Retirement Board.

Contribu-
tions (g) Each person who becomes a member of the Retirement System under the provisions of this section shall contribute each month to the Retirement System, commencing on the effective date hereof, four per cent if he be a member of the Police or Fire Department, otherwise three and one-half per cent, of his gross salary before deduction for any reason other than absence from duty, to be applied on the cost of the benefits at death or retirement provided for him under this section. Should any person who is a member under the provisions of this section be separated from City service through any cause other than death or retirement, then all of his contributions, with interest, shall be refunded to him.

Same (h) The contributions made under this section shall be credited to the individual account of the member from whose compensation they were deducted, and no amendment to this Charter or repeal thereof, shall prevent the payment to the member or his beneficiary, of such contributions made prior to the effective date of such amendment or repeal, with interest, upon death or other separation from City service as provided in this section.

Options (i) Persons who are members under this section, shall have the option, to be exercised in writing, of becoming members of the retirement system under the provisions of Section 175, which applies to persons who become employees of the City after the 31st day of March, 1935. If such persons shall affirmatively exercise such option, then on and after the first day of the month next following such affirmative action, referred to hereinafter in this subdivision (i) as "effective date", they shall not receive any benefit or make any contribution under this section, but on and after said effective date shall be members of the retirement system and shall receive benefits on account of service rendered as members of the retirement system and shall make contributions on the same basis as persons who become employees after the 31st day of March, 1935. In addition to said benefits, a monthly pension shall be payable upon retirement for service, to each person affirmatively exercising such option, said pension to be provided by contributions of the city, and to be the same percentage, regardless of the age of retirement, of his monthly final compensation, for each year of service rendered by said person to the City prior to the first day of April, 1935, as the

contributions of the member and the city are calculated to provide upon retirement at age sixty in the case of members of the Fire and Police Departments and age sixty-five in the case of other members of the system, for each year of service rendered as a member of the retirement system. The normal contribution required of each person affirmatively exercising such option, shall be based on said person's nearest age at April 1, 1935, and within one year after said effective date, said person shall pay to the retirement system an amount sufficient to make the accumulated contributions credited under the retirement system to said person, equal to the amount which would have been credited had said person been a member under the provisions of Section 175, from and after the first day of April, 1935, said payments to be made in a manner and at times, within said limit of one year, approved by the Retirement Board.

(j) That portion of any allowance payable because of the death or retirement of any such employee which is provided by contributions of the City shall be reduced, in the manner fixed by the City Council, by the amount of any benefits payable to or on account of such person, under the Workmen's Compensation, Insurance and Safety Law of the State of California.

Payments
under
Workmen's
Compensa-
tion, Insur-
ance and
Safety Law

It is the express intent that payments under said Workmen's Compensation, Insurance and Safety Law shall be a deductible credit against any allowance under the Retirement System which is provided by contributions of the City payable to or on account of the death of any such person; that double payments, in whole or in part, at the expense of the taxpayers, shall not be permitted.

FUTURE EMPLOYEES

Sec. 175. Persons who shall enter the employ of the City after the effective date hereof shall become members of the Retirement System on the date of such entry subject only to the following provisions, in addition to the provisions contained in Sections 167 to 172, both inclusive, of this Charter:

Future
employees

(a) Members of the Fire and Police Departments may retire for service at their option upon attaining an age of at least sixty years, and other members of the System upon attaining an age of at least sixty-five years, but only after rendering at least fifteen years of continuous service to the City; provided that any member may retire for service regardless of age after rendering at least thirty years of continuous service to the City. Dismissal of a member from service from any cause, after he has qualified as to age and service for service retirement, shall not deprive him of the right to retire under the sentence immediately preceding.

Retirement

Any member of the System may be retired for disability, regardless of age and amount of service, if incapacitated for the performance of duty as the result of any injury received in the performance of his duty. Any member incapacitated

for the performance of duty by reason of a cause not included under the immediately preceding sentence may be retired regardless of age but only after ten years of continuous service to the City. Retirement shall be compulsory at the age of seventy years.

Allowance (b) Upon retirement for service, a member shall receive a retirement allowance equal in value, when computed upon the basis of tables and rates recommended by the actuary and approved by the Retirement Board, as provided in Section 169 of this Charter, to twice the normal contributions, plus accumulated interest thereon, made by him and standing to his credit under the Retirement System, at the date of his retirement.

Upon retirement for disability resulting from injury received in performance of duty, a member shall receive a retirement allowance of seventy-five per centum of his final compensation.

Upon retirement for disability resulting from any cause not included in the immediately preceding paragraph, a member shall receive a retirement allowance of (1) one and one-half per centum of his final compensation multiplied by the number of years of service credited to him, if such allowance exceeds one-fourth of his final compensation; otherwise, (2) one and one-half per centum multiplied by the number of years which would be creditable to him were his service to continue until his attainment of the age of sixty-five years, but such allowance shall not exceed one-fourth of his final compensation.

If the disability for which a member was retired shall cease, his allowance shall cease, and he shall be reinstated to the rank or position of the same grade as that he occupied at the time of his retirement.

To the allowances provided in this section, shall be added the allowance which the additional contributions of the retiring member will provide when applied in the same manner as his normal contributions.

Death benefits (c) Upon the death before retirement of a member, the Retirement System shall be liable for a death benefit, which, if an amount be due under paragraph (3) next following, and if there be a surviving wife or surviving children, shall be paid in monthly installments and to the surviving wife and children as prescribed therein, otherwise such death benefit shall be paid to his estate, or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the Retirement Board, and such death benefit shall consist of:

- (1) His accumulated contributions, and in addition thereto,
- (2) An amount equal to his average monthly compensation earnable during the six months immediately preceding his death, multiplied by his completed years of service as a member of the System, not to exceed six, and if in the opinion of the Retirement Board, death be the result of bodily injury

sustained while in the performance of duty, in addition thereto,

(3) An amount sufficient, when added to the amounts provided in the next preceding paragraphs (1) and (2), to provide when applied according to mortality tables adopted by the Board, a monthly death benefit allowance, equal to one-half of the compensation earnable by such member during the ten years immediately preceding his death, to be paid to the surviving wife to whom said member was married at the time of sustaining the said injury, to continue as long as she shall live or until her remarriage; or if there be no widow, or if the widow die before any child of such deceased member shall have attained the age of eighteen years, then to his child or children under said age collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after attaining the age of eighteen years. If payment of the allowance be stopped because of remarriage of the widow or attainment of the age of eighteen years by a child, before the sum of the monthly payment made shall equal the sum of the amounts provided in the next preceding paragraphs (1) and (2), then an amount equal to the difference between said sums shall be paid in one amount to the remarried widow, or if there be no widow, to the surviving children of the deceased member, share and share alike, or if in the opinion of the Retirement Board, death be not the result of bodily injury sustained while in the performance of duty, but if said member has rendered at least 20 years of service to the City, in addition thereto,

(4) An amount sufficient, when added to the amounts provided in the next preceding paragraphs (1) and (2), to provide, when applied according to mortality tables adopted by the Board, a monthly death benefit allowance, equal to one-third of the compensation earnable by such member during the ten years immediately preceding his death, to be paid to the surviving wife, to continue as long as she shall live or until her remarriage; or if there be no widow, or if the widow die before any child of such deceased member shall have attained the age of eighteen years, then to his child or children under said age collectively, to continue until every such child dies or attains said age, provided that no child shall receive an allowance after attaining the age of eighteen years. If payment of the allowance be stopped because of remarriage of the widow or attainment of the age of eighteen years by a child, before the sum of the monthly payment made shall equal the sum of the amounts provided in the next preceding paragraphs (1) and (2), then an amount equal to the difference between said sums shall be paid in one amount to the remarried widow, or if there be no widow, to the surviving children of the deceased member, share and share alike.

(d) The normal contributions required of each member shall be such as will provide on the average for such member,

Contribu-
tions

when accumulated with interest, added to the equal accumulated contributions of the City and applied according to the tables and rates recommended by the actuary and approved by the Retirement Board as hereinbefore provided, a retirement allowance upon retirement at the age of sixty years if the member be a member of the Fire or Police Department, and sixty-five years in the case of any other member, equal to one and one-half per centum of his final monthly compensation, for each year of service rendered by him to the City as a member of the Retirement System. Members may contribute at rates in addition to the normal rates provided for in the immediately preceding sentence, to provide additional benefits, but the City shall not contribute any amount because of such members' additional contributions. Such additional contributions shall be administered in the same manner as the normal contributions.

Refund (e) Should any person who is a member under the provisions of this section be separated from City Service through any cause other than death or retirement, then all of his contributions, with interest, shall be refunded to him.

Crediting contributions (f) The contributions made under this section shall be credited to the individual account of the member from whose compensation they were deducted, and no amendment to this Charter or repeal thereof shall prevent the payment to the member or his beneficiary, of such contributions made prior to the effective date of such amendments, with interest, upon death or other separation from City service as provided in this section.

Reduction (g) That portion of any allowance payable because of the death or retirement of any such employee which is provided by contributions of the City shall be reduced, in the manner fixed by the City Council, by the amount of any benefits payable to or on account of such person, under the Workmen's Compensation, Insurance and Safety Law of the State of California.

It is the express intent that payments under said Workmen's Compensation, Insurance and Safety Law shall be a deductible credit against any allowance under the Retirement System which is provided by contributions of the City payable to or on account of the death of any such person; that double payments, in whole or in part, at the expense of the taxpayers, shall not be permitted.

PROPOSAL NO. 3

To amend Sections 254 and 256 of the Charter of the City of Sacramento to read as follows:

PROGRESSIVE PAYMENTS

Progressive payment contracts Sec. 254. Any contract may provide for progressive payments if, in the ordinance or resolution authorizing or ordering the work, permission is given for such payments, but no

progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time ninety per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for, or authorize or permit the payment of more than ninety per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the City Manager; the balance of ten per cent shall be due and payable thirty-five (35) days after said completion and acceptance.

FORM OF BIDS, AFFIDAVIT AND DEPOSIT

Sec. 256. All proposals shall be made upon printed forms ^{Bids} to be prepared by the City Clerk and furnished gratuitously upon application, with the form of the affidavit herein provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine and not sham or collusive, or made in the interest or behalf of any person not named therein, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid or any person, firm, or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself any advantage over any other bidder. Any bid made without such affidavit or in violation thereof, and also any contract let thereunder, shall be absolutely void. All bids shall be clearly and distinctly written without erasure or interlineation and no bid containing any erasure and interlineation shall be received or considered by the Council. Every bid offered shall be accompanied by a check certified by a responsible bank or a cashier's check of a responsible bank, payable to the order of the City Controller, or a bid bond executed by a responsible person running to the City of Sacramento, or by cash or currency for an amount not less than five per cent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such deposit.

PROPOSAL NO. 4

To amend Sections 17 and 70 of the Charter of the City of Sacramento to read as follows:

SUPPLEMENTARY POWERS

Sec. 17. To prescribe fines, forfeitures, and penalties for ^{Powers} the violation of any of the provisions of this charter or of any ordinance and to do and perform any and all other acts and things which may be necessary and proper to carry out and exercise the powers vested in the City, except as herein otherwise provided, or which are or may be considered as necessary to or promotive of the welfare, progress, or advantage of said City of Sacramento, or to its inhabitants,

and to exercise, within constitutional and statutory limits, all municipal and police powers necessary to the complete and efficient administration of the municipal government, although such powers may not be herein expressly enumerated.

PAYMENT OF CLAIMS

Claims Sec. 70. Payment by the City, excepting redemption of bonds and interest coupons, shall be made only upon vouchers certified by the head of the appropriate department and approved by the City Manager, and by means of warrants on the City treasury issued by the Controller.

The Controller shall examine all payrolls, bills, and other claims and demands against the City, and shall issue no warrant for payment unless he finds the claim is in proper form, correctly computed and duly certified; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted or that the payment has been otherwise legally authorized; and that there is money in the City treasury to make payment. He may require any claimant to make oath to the validity of the claim. He may investigate any claim, and for such purpose may examine witnesses under oath; and if he finds it fraudulent, erroneous, or otherwise invalid, he shall not issue a warrant therefor.

No suit shall be brought on any claim for money against the City or any officer, board, or commission of the City until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole.

Except in those cases where a shorter period of time is otherwise provided by law, all claims for damages against the City must be presented within six (6) months after the occurrence from which damages arose; and all other claims and demands shall be presented within six (6) months after the last item of the account or claim accrued.

Nor shall suit be brought against the City by any officer board, or commission thereof upon any claim or demand which has been approved and audited; provided, that nothing herein shall be construed so as to deprive the holder of any demand of his right to resort to writ of mandamus or other proceedings against the City Council or any officer, board, or commission to compel him or it to act upon such claim or demand, or to pay the same when audited.

PROPOSAL NO. 5

RELATING TO MUNICIPAL ELECTIONS

To add a new section to be numbered Section 184 and to amend Sections 188, 189, 191, 193, 194 and 197, respectively, of the Charter of the City of Sacramento to read as follows:

CITY COUNCIL ELECTION

Sec. 184. The City Council shall be elected on a general ticket from the City at large. The nine (9) candidates who receive a plurality of the votes cast for such office are elected to the membership of said body for the full term. The ballot shall conform substantially to the general law.

Election

DECLARATION OF CANDIDACY

Sec. 188. Prior to the circulation of the nomination petition of any candidate and not more than seventy days before the regular municipal election, the candidate shall take the following oath of affirmation and the same shall remain as a matter of record in the office of the City Clerk:

Declaration of candidacy

State of California, }
County of Sacramento. } ss.

I _____ residing at premises No. _____ Street, Sacramento, California, being first duly sworn, hereby declare myself a candidate for the office of City Councilman for the City of Sacramento to be voted for at the Regular Municipal Election to be held in said city on the ____ day of ____ 19__, having been an elector and resident of the City of Sacramento for a period not less than five (5) years previously hereto.

Subscribed and sworn to before me this _____ day of _____ 19__.

City Clerk.

NOMINATION PETITIONS

Sec. 189. Individual nomination certificates shall not be required, but nomination petitions shall be presented in substantially the following form:

Nomination Form of petition

We, the undersigned, do solemnly affirm that we are qualified electors of the City of Sacramento, residing each at the place mentioned opposite his name, that we hereby severally nominate _____ who resides at premises No. _____ Street in said city, as a candidate for the office of City Councilman to be voted on at the regular municipal election to be held on the _____ day of November, 19__, and that we have not signed the nomination petitions of more than nine (9) candidates of this election.

Name	Residence Address
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FILING OF PETITION

State Filing Sec. 191. Every such petition must be filed with the City Clerk not later than forty (40) days before the election. Within seven days after the receipt of such petition, the City Clerk shall ascertain whether or not it satisfies all the prescribed conditions, and if it is found defective shall immediately notify the verification deputy who filed it and allow him three days in which to satisfy the requisite conditions.

PRECINCT ELECTION BOARD

Election officers Sec. 193. The City Council shall appoint not less than three election officers in each precinct as provided by State Law. Any elector of the city may administer the oath of office to one of the members of the Precinct Board and said member shall swear in all of the remaining officers.

CITY BOARD OF CANVASSERS

Vote canvass Sec. 194. The Council shall constitute a City Board of Canvassers and they shall meet at the City Hall on the seventh day after any city election, at eight o'clock in the evening of that day, and shall canvass the result of the election. The Council shall thereupon enter this result upon the official records of the city.

ELECTION PROCLAMATIONS

Election proclamation Sec. 197. **NOMINATION:** The City Clerk shall give notice of the period during which qualified electors may declare their candidacy for the office of City Councilman, and the date upon which the election will be held, by publication thereof in two (2) issues of the official newspaper of said city, one of which shall be published within ten (10) days preceding the first day and one within five (5) days preceding the closing date of such period.

CANDIDACY: After ascertaining the nominees who have qualified as candidates for the office of the City Councilman, the City Clerk shall give notice thereof by publication in two (2) issues of the official newspaper within fifteen (15) days after the last day upon which an elector may declare his candidacy, such notice to announce the candidates and the order in which they will appear on the ballot; the date upon which election will be held, and the time of opening and closing polls.

PROPOSITIONS: Notice and publication of propositions to be submitted to the electorate shall be published as provided by this charter or the General Law. In a special election, the notice shall set forth the purpose and object of such special election as fully as is required in the resolution or petition calling the same.

PRECINCTS: Not later than fifteen (15) days prior to date of election, the City Clerk shall give notice of the appointment by the City Council of the boards of election, polling place locations and precinct boundaries, by the publication thereof in one issue of the official newspaper of the City of Sacramento; reference to general election precincts, as established by the Sacramento County Board of Supervisors may constitute boundaries for the purpose of this notice.

NOTICE: At least five days prior to date of election, the City Clerk shall post notice of election in his office and at or near the entry of all polling places, which notice shall set forth the day and date of the election, time of opening and closing of polls and names of the candidates and propositions to be voted upon.

That each said proposed amendment was, on the 27th day of September 1940, published and advertised in accordance with the provisions of Section Eight, Article Eleven of the Constitution of the State of California in the "Sacramento Union", a daily newspaper of general circulation published in the said City of Sacramento and the official newspaper of said City of Sacramento. Certificate

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten point and copies thereof were mailed to each of the qualified electors of said City of Sacramento; that, until the date fixed for the election hereinafter described, an advertisement was published in said "Sacramento Union" that such copies could be had upon application therefor at the office of the City Clerk of said City of Sacramento.

That such copies could be had upon application therefor at the office of the said City Clerk until the date fixed for the election hereinafter described.

That, in accordance with the provisions of the Charter of said City of Sacramento and a resolution of the legislative body thereof, there was duly held in the said City of Sacramento, on the 5th day of November 1940, a special municipal election and that the said proposed charter amendments, and each of them, were duly and regularly submitted to the qualified electors of said City for their ratification at said election and that at the said election the majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each of the said proposed amendments to the Charter of said City hereinabove set out.

That the results of said election were duly and regularly canvassed and certified to and it was duly found and determined and declared by the proper officers of said City that a majority of the qualified electors of said City voting thereon had voted for and ratified each of said proposed amendments.

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Sacramento to be affixed hereto this 4th day of December, 1940.

[SEAL]

TOM B. MONK
Mayor of the City of Sacramento

H. G. DENTON
Clerk of the City of Sacramento.

Subscribed and sworn to before me this 4th day of December, 1940.

[SEAL]

HUGH B. BRADFORD
Notary Public in and for the County
of Sacramento, State of California.

WHEREAS, The said proposed amendments so ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration, in accordance with Section 8, Article XI of the Constitution of the State of California; now, therefore, be it

Approval *Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Sacramento, as proposed to and adopted and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved, as a whole, without amendment or alteration for and as amendments to and as a part of the charter of the City of Sacramento.*