
STATUTES OF CALIFORNIA

FORTY-EIGHTH SESSION OF THE LEGISLATURE,

1929.

Began on Monday, January seventh, and adjourned on
Wednesday, May fifteenth, nineteen hundred twenty-nine.

STATUTES OF CALIFORNIA

PASSED AT THE

FORTY-EIGHTH SESSION OF THE LEGISLATURE

CHAPTER 1.

An act to ratify and approve the Colorado river compact, signed at Santa Fe, New Mexico, November 24, 1922, to repeal conflicting acts and resolutions and directing that notice be given by the governor of such ratification and approval.

[Approved by the Governor January 10, 1929. In effect immediately.]

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

SECTION 1. The Legislature of California hereby ratifies and approves that certain agreement or compact designated as the "Colorado river compact" signed at Santa Fe, New Mexico, on the twenty-fourth day of November, 1922, by W. F. McClure as the commissioner for California under authority of and in conformity with the provisions of an act of the Legislature of California, approved May 12, 1921, entitled "An act authorizing the governor of California to appoint a representative of the State of California to serve upon a joint commission composed of representatives of the states of Arizona, California, Colorado, Nevada, New Mexico, Utah, Wyoming and the United States of America, and constituted for the purpose of negotiating and entering into an agreement between the several states hereinabove mentioned and between said states and the United States of America, subject to the consent of congress, respecting further use and disposition of the waters of the Colorado river and streams tributary thereto, and fixing and determining the rights of each of said states and rights of the United States in and to the use, benefit and disposition of the waters of said stream and its tributaries," and signed by the commissioners for the states of Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming under legislative authority of said states and approved by Herbert Hoover, appointed by the president as the representative of the United States under authority and in conformity with the provisions of an act of the congress of the United States, approved August 19, 1921, (42 statutes at large, p. 171) entitled "An act to permit a compact or agreement between

Ratification
by California
of the "Colo-
rado River
Compact"
of 1922.

the states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, respecting the disposition and apportionment of the waters of the Colorado river, and for other purposes," which said compact is in words and figures as follows:

"COLORADO RIVER COMPACT

Preamble "The States of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming, having resolved to enter into a compact under the Act of the Congress of the United States of America approved August 19, 1921 (42 Statutes at Large, Page 171) and the Acts of the Legislatures of the said States, have through their Governors appointed as their Commissioners:

"W. S. Norviel for the State of Arizona
 "W. F. McClure for the State of California
 "Delph E. Carpenter for the State of Colorado
 "J. G. Scrugham for the State of Nevada
 "Stephen B. Davis, Jr. for the State of New Mexico
 "R. E. Caldwell for the State of Utah
 "Frank C. Emerson for the State of Wyoming

who, after negotiations participated in by Herbert Hoover appointed by The President as the representative of the United States of America, have agreed upon the following articles:

"ARTICLE I

Purposes of the compact "The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of the Colorado River System; to establish the relative importance of different beneficial uses of water; to promote interstate comity; to remove causes of present and future controversies; and to secure the expeditious agricultural and industrial development of the Colorado River Basin, the storage of its waters and the protection of life and property from floods. To these ends the Colorado River Basin is divided into two Basins, and an apportionment of the use of part of the water of the Colorado River System is made to each of them with the provision that further equitable apportionments may be made.

"ARTICLE II

"As used in this compact:—

Definitions. "(a) The term 'Colorado River System' means that portion of the Colorado River and its tributaries within the United States of America.

"(b) The term 'Colorado River Basin' means all of the drainage area of the Colorado River System and all other territory within the United States of America to which the waters of the Colorado River System shall be beneficially applied.

“(c) The term ‘States of the Upper Division’ means the States of Colorado, New Mexico, Utah and Wyoming.

“(d) The term ‘States of the Lower Division’ means the States of Arizona, California and Nevada.

“(e) The term ‘Lee Ferry’ means a point in the main stream of the Colorado River one mile below the mouth of the Paria River.

“(f) The term ‘Upper Basin’ means those parts of the States of Arizona, Colorado, New Mexico, Utah and Wyoming within and from which waters naturally drain into the Colorado River System above Lee Ferry and also all parts of said States located without the drainage area of the Colorado River System which are now or shall hereafter be beneficially served by waters diverted from the System above Lee Ferry.

“(g) The term ‘Lower Basin’ means those parts of the States of Arizona, California, Nevada, New Mexico and Utah within and from which waters naturally drain into the Colorado River System below Lee Ferry, and also all parts of said States located without the drainage area of the Colorado River System which are now or shall hereafter be beneficially served by waters diverted from the System below Lee Ferry.

“(h) The term ‘domestic use’ shall include the use of water for household, stock, municipal, mining, milling, industrial and other like purposes, but shall exclude the generation of electrical power.

“ARTICLE III

“(a) There is hereby apportioned from the Colorado River System in perpetuity to the Upper Basin and to the Lower Basin respectively the exclusive beneficial consumptive use of 7,500,000 acre feet of water per annum, which shall include all water necessary for the supply of any rights which may now exist.

Appropriation of water to each basin

“(b) In addition to the apportionment in paragraph (a), the Lower Basin is hereby given the right to increase its beneficial consumptive use of such waters by one million acre feet per annum.

Additional appropriation to lower basin

“(c) If, as a matter of international comity, the United States of America shall hereafter recognize in the United States of Mexico any right to the use of any waters of the Colorado River System, such waters shall be supplied first from the waters which are surplus over and above the aggregate of the quantities specified in paragraphs (a) and (b); and if such surplus shall prove insufficient for this purpose, then, the burden of such deficiency shall be equally borne by the Upper Basin and the Lower Basin, and whenever necessary the States of the Upper Division shall deliver at Lee Ferry water to supply one-half of the deficiency so recognized in addition to that provided in paragraph (d).

Water for Mexico.

“(d) The States of the Upper Division will not cause the flow of the river at Lee Ferry to be depleted below an aggregate of 75,000,000 acre feet for any period of ten consecutive

Minimum aggregate flow at Lee Ferry

years reckoned in continuing progressive series beginning with the first day of October next succeeding the ratification of this compact.

Use of water “(e) The States of the Upper Division shall not withhold water, and the States of the Lower Division shall not require the delivery of water, which can not reasonably be applied to domestic and agricultural uses.

Further apportionments after 1963 “(f) Further equitable apportionment of the beneficial uses of the waters of the Colorado River System unapportioned by paragraphs (a), (b) and (c) may be made in the manner provided in paragraph (g) at any time after October first, 1963, if and when either Basin shall have reached its total beneficial consumptive use as set out in paragraphs (a) and (b).

Negotiations for further apportionments “(g) In the event of a desire for a further apportionment as provided in paragraph (f) any two signatory States, acting through their Governors, may give joint notice of such desire to the Governors of other signatory States and to The President of the United States of America, and it shall be the duty of the Governors of the signatory States and of The President of the United States of America forthwith to appoint representatives, whose duty it shall be to divide and apportion equitably between the Upper Basin and the Lower Basin the beneficial use of the unapportioned water of the Colorado River System as mentioned in paragraph (f), subject to the legislative ratification of the signatory States and the Congress of the United States of America.

“ARTICLE IV

Use for navigation subservient to other uses “(a) Inasmuch as the Colorado River has ceased to be navigable for commerce and the reservation of its waters for navigation would seriously limit the development of its Basin, the use of its waters for purposes of navigation shall be subservient to the uses of such waters for domestic, agricultural and power purposes. If the Congress shall not consent to this paragraph, the other provisions of this compact shall nevertheless remain binding.

Use for power subservient to agricultural and domestic uses “(b) Subject to the provisions of this compact, water of the Colorado River System may be impounded and used for the generation of electrical power, but such impounding and use shall be subservient to the use and consumption of such water for agricultural and domestic purposes and shall not interfere with or prevent use for such dominant purposes.

Exception “(c) The provisions of this article shall not apply to or interfere with the regulation and control by any State within its boundaries of the appropriation, use and distribution of water.

“ARTICLE V

Cooperation of state and federal officials “The chief official of each signatory State charged with the administration of water rights, together with the Director of the United States Reclamation Service and the Director of the United States Geological Survey shall cooperate, ex-officio:

“(a) To promote the systematic determination and co-ordination of the facts as to flow, appropriation, consumption and use of water in the Colorado River Basin, and the interchange of available information in such matters.

“(b) To secure the ascertainment and publication of the annual flow of the Colorado River at Lee Ferry.

“(c) To perform such other duties as may be assigned by mutual consent of the signatories from time to time.

“ARTICLE VI

“Should any claim or controversy arise between any two or more of the signatory States: (a) with respect to the waters of the Colorado River System not covered by the terms of this compact; (b) over the meaning or performance of any of the terms of this compact; (c) as to the allocation of the burdens incident to the performance of any article of this compact or the delivery of waters as herein provided; (d) as to the construction or operation of works within the Colorado River Basin to be situated in two or more States, or to be constructed in one State for the benefit of another State; or (e) as to the diversion of water in one State for the benefit of another State; the Governors of the States affected, upon the request of one of them, shall forthwith appoint Commissioners with power to consider and adjust such claim or controversy, subject to ratification by the Legislatures of the States so affected.

Negotiations
for settle-
ment of con-
troversies

“Nothing herein contained shall prevent the adjustment of any such claim or controversy by any present method or by direct future legislative action of the interested States

Exception

“ARTICLE VII

“Nothing in this compact shall be construed as affecting the obligations of the United States of America to Indian tribes.

Indian tribes.

“ARTICLE VIII

“Present perfected rights to the beneficial use of waters of the Colorado River System are unimpaired by this compact. Whenever storage capacity of 5,000,000 acre feet shall have been provided on the main Colorado River within or for the benefit of the Lower Basin, then claims of such rights, if any, by appropriators or users of water in the Lower Basin against appropriators or users of water in the Upper Basin shall attach to and be satisfied from water that may be stored not in conflict with Article III.

Perfected
rights unim-
paired.

Satisfaction
of such
rights

“All other rights to beneficial use of waters of the Colorado River System shall be satisfied solely from the water apportioned to that Basin in which they are situate.

“ARTICLE IX

“Nothing in this compact shall be construed to limit or prevent any State from instituting or maintaining any action or

Enforcement
of compact

proceeding, legal or equitable, for the protection of any right under this compact or the enforcement of any of its provisions.

“ARTICLE X

Termination
of compact

“This compact may be terminated at any time by the unanimous agreement of the signatory States. In the event of such termination all rights established under it shall continue unimpaired.

“ARTICLE XI

When
effective

“This compact shall become binding and obligatory when it shall have been approved by the Legislatures of each of the signatory States and by the Congress of the United States. Notice of approval by the Legislatures shall be given by the Governor of each signatory State to the Governors of the other signatory States and to the President of the United States, and The President of the United States is requested to give notice to the Governors of the signatory States of approval by the Congress of the United States.

“IN WITNESS WHEREOF, the Commissioners have signed this compact in a single original, which shall be deposited in the archives of the Department of State of the United States of America and of which a duly certified copy shall be forwarded to the Governor of each of the signatory States.

“DONE at the city of Santa Fe, New Mexico, this twenty-fourth day of November, A. D. One Thousand Nine Hundred and Twenty-two.

“(Signed) W. S. NORVIEL

“(Signed) W. F. McCLURE

“(Signed) DELPH E. CARPENTER

“(Signed) J. G. SCRUGHAM

“(Signed) STEPHEN B. DAVIS, JR.

“(Signed) R. E. CALDWELL

“(Signed) FRANK C. EMERSON

“APPROVED:

“(Signed) HERBERT HOOVER”

California's
ratification
contingent

SEC. 2. That said compact shall not be binding or obligatory upon the State of California, unless and until the same shall have been approved by the legislature of each of the said signatory states and by the congress of the United States.

SEC. 3. All acts or parts of acts, and resolutions or parts of resolutions in conflict with this act are hereby repealed.

Notice to
other states
and United
States

SEC. 4. The governor of the State of California shall give notice of this approval to the governor of each of the remaining signatory states and to the President of the United States in conformity with article eleven of said compact.

Urgency
measure

SEC. 5. Inasmuch as the Colorado river, during flood periods, constitutes a menace to life and property, and inasmuch as the act of congress, entitled “An act to provide for the construction of works for the protection and development of the

Colorado river basin, for the approval of the Colorado river compact, and for other purposes," approved December 21, 1928, provides, among other things, for controlling the floods of the Colorado river and thereby eliminating such hazard, and also expressly provides that said act shall not take effect unless and until the said Colorado river compact shall have been ratified by each of the seven states signatory thereto, and the President by public proclamation shall have so declared, or, in the event the seven states signatory thereto shall have failed to ratify the said compact within six months from the date of the passage of said act, then until six of said states, including the State of California, shall have ratified said compact and shall consent to waive the provisions of the first paragraph of article eleven of said compact, which makes the same binding and obligatory only when approved by each of the seven states signatory thereto, and shall have approved said compact without conditions, save that of such six-state approval, and the President by public proclamation shall have so declared, it is hereby declared that this act is an urgency measure, necessary for the immediate preservation of the public health, peace and safety and that under the provisions of section 1 of article four of the constitution of the State of California an urgency exists and this act shall take effect immediately.

CHAPTER 2.

An act making an appropriation to pay the expense of printing and furnishing pamphlets containing declarations of candidate and lists of sponsors of candidates.

[Approved by the Governor January 15, 1929. In effect immediately.]

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

SECTION 1. The sum of twenty-three thousand five hundred dollars is hereby appropriated to be expended in accordance with law by the secretary of state in paying the expense of printing and furnishing the pamphlets containing declarations of candidates and lists of sponsors of candidates, during the seventy-ninth and eightieth fiscal years, under and pursuant to the provisions of the direct primary law.

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

Appropriation:
printing

Urgency
measure

CHAPTER 3.

An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., for the seventy-ninth and eightieth fiscal years.

[Approved by the Governor January 15, 1929 In effect immediately.]

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

Appropriation
deficiency
legislative
printing

SECTION 1. The sum of forty-nine thousand six hundred fifty-three dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to meet the deficiency in the appropriation for legislative printing, binding, etc., for the seventy-ninth and eightieth fiscal years.

Urgency
measure.

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

CHAPTER 4.

An act to repeal section 37 of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24, 1911, as amended.

[Approved by the Governor January 16, 1929 In effect immediately.]

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

Sec 37,
Stats 1925,
p 618,
repealed

SECTION 1. Section 37 of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board

and defining its powers," approved December 24, 1911, as amended, is hereby repealed.

SEC. 2. The Legislature hereby declares that it deems it necessary for the immediate preservation of the public health and safety that this act shall go into immediate effect, by reason of the following facts: that unless the section hereby repealed is immediately repealed certain funds can not be made available for the maintenance of flood control works necessary to the preservation of large areas of land in the State of California. And it is hereby declared that this act constitutes an emergency measure which under the provision of section 1 of article four of the constitution of the State of California, shall go into immediate effect.

This act shall take effect immediately.

CHAPTER 5.

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

[Approved by the Governor January 17, 1929 In effect immediately.]

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

SECTION 1. The sum of eight hundred seven dollars forty cents, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the per diem and mileage of electors of President and Vice President of the United States of America for the year 1929.

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

CHAPTER 6.

An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same.

[Approved by the Governor January 17, 1929. In effect immediately.]

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

SECTION 1. Where in any school district, high school district, or junior college district, of any kind or class, proceedings have been taken for the purpose of voting, issuing and

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

Payment of principal and interest upon bonds.

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

Conditions precedent.

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

Urgency measure.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency: Many school districts within the State of California are without sufficient money with which to purchase school lots, for building or purchasing one or more school buildings or making alterations or additions to same or restoring or rebuilding school buildings damaged, injured or destroyed by fire or other public calamity, for insuring school buildings, for supplying school buildings with furniture or necessary apparatus, for improving school grounds, for liquidating any indebtedness already incurred for said purposes or refunding any valid outstand-

ing indebtedness of such district evidenced by bonds or warrants thereof. Many school districts have within the last two years voted bonds for raising money for such purposes and the proceedings in many of such bond elections were irregular but complying with all the provisions of this act, and by reason of such minor irregularities and defects in such proceedings, not jurisdictional, such bonds can not now be sold. The population of many of these districts has increased so rapidly that the present school facilities of such districts are unable to meet the needs of the great increase of pupils in such districts and it is necessary and urgent that such bonds and the proceedings thereunder be validated at an early date in order that said school buildings, lots, equipment and facilities may be purchased or built before the opening of the next school year which in many instances would be impossible if this act did not go into effect immediately but were required to wait until ninety days after adjournment of this Legislature.

CHAPTER 7.

An act to amend sections 4 and 8 of an act entitled "An act to reserve all minerals in state lands; to provide for examination, classification, and report on the mineral and other character of state lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the returns and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations, and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administrating this act," approved May 25, 1921, as amended, relating to the suspension, withholding or denial of the right or privilege of applying or bidding for, receiving, obtaining or being granted permits or leases to prospect for or take oil, gas or other minerals in, upon or from tide, overflowed or submerged lands of the state.

[Approved by the Governor January 17, 1929 In effect immediately.]

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

SECTION 1. Section 4 of an act entitled "An act to reserve all minerals in state lands; to provide for examination, classification and report on the mineral and other character of state lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and

Stats 1921
D. 405,
amended

repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, is hereby amended to read as follows:

Prospecting
permits for
oil and gas

Sec. 4. The surveyor general is hereby authorized, upon the payment to him of fifty cents per acre, for each acre in area embraced within the boundaries of the lands proposed to be prospected and under such rules and regulations as he may prescribe, to grant to any person or association of persons, who are residents of the State of California and citizens of the United States or who have declared their intention of becoming such, or corporations ninety per cent of whose stockholders are citizens of the United States a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas, upon not exceeding six hundred forty acres of land wherein such deposits of oil or gas belong to the state and are not within any known geological structure of a producing oil or gas field, upon condition that the permittee shall begin drilling operations within six months from the date of the permit, and shall within one year from and after the date of the permit, drill one or more wells for oil or gas to a depth of not less than one thousand feet each, unless valuable deposits of oil or gas shall be sooner discovered, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than two thousand feet unless valuable deposits of oil or gas shall be sooner discovered. The surveyor general may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time, not exceeding two years, and upon such conditions as he shall prescribe. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such land in a reasonably compact form and according to the legal subdivisions of the public land surveys if the land be surveyed; and in an approximately square or rectangular tract, if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width; the land to be surveyed by the surveyor general at the expense of the applicant for the permit in such form as the surveyor general shall deem to be to the best interest of the state; *provided, however*, that in case of prospecting permits and leases to river beds, lake beds, overflowed, tide and submerged lands, the width or length of the prospecting permit or lease along the shore line, measured on an east and west or north and south line, shall not exceed one-quarter mile. If the applicant shall cause to be erected upon the land for which a permit is sought a monument not less than four feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within thirty days after the date of posting said notice, giving the name of

Exception

Preference
rights estab-
lished by
erection of
monuments
and posting
of notices

the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monument as will reasonably identify the land, stating the amount thereof in acres, he shall during the period of thirty days following such marking and posting, be entitled to a preference right over others to a permit for the land so identified; *provided*, Recording notices *however*, that applicant shall, as a part of his application for a permit, show that within two days after the posting of the said notice, he recorded a copy of the same in the county recorder's office of the county in which the said land is situated. Marking boundaries The applicant shall, within ninety days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby; *provided, however*, Exception that where the boundaries of the land sought to be prospected or developed under lease are wholly or partially in river or lake beds, overflowed, tide and submerged lands, the notice shall be conspicuously posted on a monument as close to a corner of the land as possible and shall specifically describe the area to be developed by courses and distances so that the limits of the area can be easily determined; *provided, further, however*, Permits covering tidelands, etc. that in no case shall permits or leases be granted covering tide, overflowed or submerged lands fronting on an incorporated city, or for a distance of one mile on either side thereof; *provided, further, however*, that in case of an application for a permit or a lease covering tide, overflowed or submerged land by anyone other than the littoral or riparian proprietor, said littoral or riparian proprietor shall have six months within which to file an application for a permit or lease, but if said littoral or riparian proprietor fails to comply with the requirements of this act and its rules and regulations made in pursuance hereof, his preferential rights shall thereupon cease and forever be terminated, and the original applicant shall be permitted to proceed with his application; *provided, further*, Exception. that after the approval of this act and prior to the first day of September, 1929, no monument shall be erected, or notice posted upon or notice recorded in relation to any tide, overflowed or submerged lands of this state, or application for permit presented to or received by the surveyor general for or in relation to any tide, overflowed or submerged lands of this state as provided in this section; *provided further*, Exception that no permit to prospect or drill for oil or gas in or upon any tide, overflowed or submerged lands shall ever be granted by the surveyor general upon an application made between the date of approval of this act and the first day of September, 1929. Nothing contained in the two provisos last preceding this clause, shall, however, be deemed or

construed to prevent any littoral owner from exercising the preference right given by the terms of this section, nor as affecting the rights under this act of the holder of any permit or lease heretofore issued and now outstanding nor of any applicant therefor who has fully complied heretofore with the provisions of this act, nor as recognizing, ratifying or validating any rights so claimed.

SEC. 2. Section 8 of said act is hereby amended to read as follows:

Stats. 1921,
p. 408,
amended
Lease of un-
appropriated
deposits to
highest
bidder

Sec. 8. All unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same not subject to preferential lease, may be leased by the surveyor general to the highest responsible bidder by competitive bidding under general regulations to qualified applicants in areas not exceeding six hundred forty acres and in tracts which shall not exceed in length two and one-half times the width, the surveyed land to be leased according to legal subdivisions, the unsurveyed land to be surveyed by the surveyor general, at the expense of the lessee, in such form as the surveyor general shall deem to be to the best interest of the state; *provided, however*, that in case of leases to river bed, lake bed, overflowed, tide and submerged lands the width or length of the lease along the shore line, measured on an east and west or north and south line, shall not exceed one-quarter mile, such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than twelve and one-half per centum in amount or value of the production, and the payment in advance of a rental of not less than one dollar per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year.

Bonus and
royalty.

Term.

Leases shall be for a period of twenty years with the preferential right in the lessee to renew the same for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the surveyor general, unless otherwise provided by law at the time of the expiration of such periods.

Whenever the average daily production of any oil well shall not exceed ten barrels per day, the surveyor general is authorized to reduce the royalty on future production when in his judgment the wells can not be successfully operated upon the royalty fixed in the lease. The provisions of this paragraph shall apply to all oil and gas leases made under this act; *provided, further*, that the surveyor general shall not lease or receive any application for lease, and shall not offer a lease to the highest responsible bidder by competitive bidding under the provisions of this section of any tide, overflowed or submerged lands of this state after the approval of this act and prior to the first day of September, 1929.

Reduction of
royalty.

Exception as
to tide and
submerged
lands

Urgency
measure

SEC. 3. This act is hereby declared to be an urgency measure deemed necessary for the immediate preservation

of the public peace, health and safety within the meaning of section 1 of article four of the constitution of California, and as such it shall take effect immediately.

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

The surveyor general, since some time in 1927, has refused to file any applications for, or to grant any permits on the tide or submerged lands of the state, and it is believed that but for such refusal a much greater area of tide and submerged lands would have been applied for. There was, during 1927, commenced in the supreme court of the state, one or more actions which involved the validity of the act hereby amended, in so far as the same related to tide and submerged lands, and the decision of the supreme court in these cases was rendered on the thirty-first day of December, 1928, and in such decision the supreme court held such act to be valid in the particulars in which its validity had been challenged. Since such decision was rendered, the surveyor general has received numerous inquiries in regard to the procedure to be followed in order to obtain permits for tide and submerged lands under the provisions of said act and it is believed that a large number of applications for such lands will soon be made. It is believed that the tide and submerged lands of the state should not be open for exploitation and prospecting or for the production of oil and gas, as provided by the act hereby amended.

The Legislature desires opportunity to consider to what extent, if at all, the provisions tendered by the act hereby amended should be limited or withdrawn, and it is deemed in the interests of public policy that no rights under the act hereby amended should be initiated during the time given by the Legislature to the consideration of the subject, nor until such legislation as may be adopted in furtherance of the legislative purpose shall go into effect. If such provisions be not suspended during the period indicated the tide and submerged lands may be so far covered by applications and leases that such legislation as may be adopted would fail to secure that protection of tide and submerged lands which was by the Legislature intended.

CHAPTER 8.

An act making an appropriation to meet the deficiency in the appropriation for the mileage of state senators for the seventy-ninth and eightieth fiscal years.

[Approved by the Governor January 18, 1929. In effect immediately.]

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

SECTION 1. The sum of one thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for the mileage of state senators for the seventy-ninth and eightieth fiscal years.

Appropriation
legislative
deficiency.

Urgency
measure.

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

CHAPTER 9.

An act making an appropriation to meet the deficiency in the appropriation for the mileage of members of the Assembly for the eightieth and eighty-first fiscal years.

[Approved by the Governor January 18, 1929 In effect immediately.]

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

Appropriation
legislative
deficiency.

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for the mileage of members of the Assembly for the eightieth and eighty-first fiscal years.

Urgency
measure.

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

CHAPTER 10.

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

[Approved by the Governor January 25, 1929. In effect immediately.]

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

Municipal
bonds vali-
dated -
conditions
precedent

SECTION 1. In all cases where the legislative branch of any municipality in this state has deemed it necessary to incur an indebtedness in excess of the ordinary annual income and the revenue of such municipality, and has called an election for the purpose of submitting to the qualified electors of such municipality the question whether such indebtedness shall be incurred, and where at such election so held, after due notice thereof was given, for the time and in the manner prescribed by law, not less than two-thirds of all the qualified electors voting thereat shall have voted in favor of incurring such

indebtedness, and the mode of creating such indebtedness has been by the proposed issuance of the bonds of such municipality, the power of such municipality to issue such bonds and all the acts and proceedings of such municipality leading up to and including the issuance and sale, or the proposed issuance and sale of such bonds are hereby legalized, ratified, confirmed and declared valid to all intents and purposes; and all such bonds, sold either before or after the passage of this act for not less than their par value, are hereby legalized and declared to be legal and valid obligations of and against such municipality so issuing and selling the same, and the faith and credit of such municipality is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

SEC. 2. The legislative branch of such municipal corporation shall at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid, or until there shall be a sum in the treasury of said municipal corporation set apart for that purpose sufficient to meet all sums coming due for the principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy; *provided, however*, that if the maturity of the indebtedness created by the issue of bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually each year, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes and shall be collected at the time and in the same manner as other municipal taxes are collected and be used for no other purpose than for the payment of said bonds and the accruing interest thereon.

Payment of
interest and
principal of
bonds

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

Conditions
precedent

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of section 1 of article four of the constitution of the State of California, and shall take effect immediately. The following is a statement of facts constituting such urgency: The peace, safety and welfare of the citizens of various cities in this state are dependent upon the immediate acquisition, construction and

Urgency
measure.

completion of adequate and safe bridges as a part of the public street systems of such cities, and upon obtaining an adequate supply of water for municipal and domestic use therein. Such cities, or some of them have heretofore taken proceedings to incur bonded indebtedness for the purpose of acquiring, constructing and completing bridges as a part of the public street system of such cities and for securing an adequate supply of water for municipal and domestic use therein; but by reason of minor irregularities in such proceedings, not jurisdictional, such bonds can not now be sold, and for that reason said cities are unable to secure funds with which to acquire, construct and complete such bridges and to secure such water supply. If, however, such irregularities are cured or obviated by this act, such bonds can be sold.

CHAPTER 11.

An act making an appropriation to be used in effecting adjustment and completion of purchase of lands included within state land settlement projects.

[Approved by the Governor January 25, 1929. In effect immediately.]

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

Appropriation
land settle-
ment fund.

SECTION 1. Out of any moneys in the state treasury not otherwise appropriated the sum of one hundred eighty-five thousand dollars is hereby appropriated to be transferred and credited to the land settlement fund, to be expended, in accordance with law, by the state department of agriculture in effecting an adjustment and completion of the purchase of lands included within existing state land settlement projects.

Urgency
measure.

SEC. 2. Inasmuch as this act concerns, and is necessary to the immediate preservation of the public peace and safety, for the reason that it is imperative that, at the earliest possible date, the state effect a readjustment of land settlement affairs and a complete withdrawal from the administration of land settlement projects and the appropriation hereby made, if immediately available, will, in large part, make possible the accomplishment of these objects at a saving of many thousands of dollars of public funds and at a date much earlier than otherwise would be possible, this act shall take effect immediately.

CHAPTER 12.

An act making an appropriation to meet the deficiency in the appropriation for the construction and equipment of building at Chico State Teachers College.

[Approved by the Governor March 1, 1929. In effect immediately.]

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

SECTION 1. The sum of one hundred fifty-five thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to meet the deficiency in the appropriation for construction and equipment of building at the Chico State Teachers College.

Appropriation
Chico State
Teachers
College
building

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

urgency
measure

CHAPTER 13.

An act to carry into effect the provisions of section 16 of article thirteen of the constitution of the State of California, relating to bank and corporation taxes.

[Approved by the Governor March 1, 1929. In effect immediately.]

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

SECTION 1. Every national banking association located within the limits of this state, shall annually pay to the state a tax according to or measured by its net income, to be computed, in the manner hereinafter provided, at the rate of four per centum upon the basis of its net income for the next preceding fiscal or calendar year. The state is hereby adopting the method numbered (4) authorized by the act of March 25, 1926, amending section 5219 of the Revised Statutes of the United States.

Taxation
national
banking
associations

SEC. 2 Every bank, other than a national banking association, doing business within the limits of this state, shall annually pay to the state, for the privilege of exercising its corporate franchises within this state, a tax according to or measured by its net income, to be computed, in the manner hereinafter provided, at the rate of four per centum upon the basis of its net income for the next preceding fiscal or calendar year.

Banks

SEC. 3. The tax referred to in sections 1 and 2 hereof shall be in lieu of all other taxes and licenses, state, county and municipal, upon the banks and banking associations therein mentioned, except taxes upon their real property.

In lieu of
personal
property
taxes

- Offsets** Every such bank and banking association shall be entitled to an offset against the tax referred to in sections 1 and 2 hereof, in the manner hereinafter provided, in the amount of ten per centum of taxes paid upon its real property to any county, city and county, city, town, or other political subdivision of the state, but the total offset shall not exceed seventy-five per centum of its total tax levied hereunder.
- Corporations** **Sec. 4.** Every financial, mercantile, manufacturing and business corporation doing business within the limits of this state, of the classes referred to in subdivision 2 (a) of section 16 of article thirteen of the constitution of this state, shall annually pay to the state, for the privilege of exercising its corporate franchises within this state, a tax according to or measured by its net income, to be computed, in the manner hereinafter provided, at the rate of four per centum upon the basis of its net income for the next preceding fiscal or calendar year.
- Offsets** Each such corporation shall be entitled to an offset against said franchise tax, in the manner hereinafter provided, in the amount of taxes paid upon its real and personal property to any county, city and county, city, town, or other political subdivision of the state, but the total offset shall not exceed seventy-five per centum of the said franchise tax, and in no case shall the taxpayer be entitled to offset more than ten per centum of its said real property taxes.
- Minimum tax.** In any event, each such corporation shall pay annually to the state, for the said privilege, a minimum tax of twenty-five dollars.
- Accrual date** Taxes under this section and under sections 1 and 2 of this act shall accrue on the first day after the close of the "taxable year," as defined in section 11 hereof.
- Definitions "corporation"** **Sec. 5.** The term "corporation," as herein used, shall include every financial corporation, other than a bank or banking association, and every mercantile, manufacturing and business corporation of the classes referred to in subdivision one (c) of section 5219 of the Revised Statutes of the United States.
- "Bank."** The term "bank," as hereinafter used, shall include national banking associations.
- "Doing business"** The term "doing business," as herein used, means any transaction or transactions in the course of its business by a corporation created under the laws of this state, or by a foreign corporation qualified to do or doing intrastate business in this state.
- "Gross income"** **Sec. 6.** The term "gross income," as herein used, includes gains, profits and income derived from the business, of whatever kind and in whatever form paid: gains, profits or income from dealings in real or personal property; gains, profits or income received as compensation for services, as interest, rents, commissions, brokerage or other fees, or otherwise received in carrying on such business; all interest received from federal, state, municipal or other bonds, and, except as hereinafter otherwise provided, all dividends received on stocks.

SEC. 7. The term "net income," as herein used, means the gross income less the deductions allowed. "Net income"

SEC. 8. In computing "net income" the following deductions shall be allowed: Deductions from net income allowed

(a) All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on business, including a reasonable allowance for salaries or other compensation for personal services actually rendered, and rentals or other payments required to be made as a condition to the continued use or possession for business purposes of property to which the taxpayer has not taken or is not taking title or in which it has no equity. Expenses Salaries Rentals

(b) All interest paid or accrued during the taxable year on indebtedness. Interest

(c) Taxes or licenses paid or accrued during the taxable year, other than taxes paid to the state under this act or under subdivision (d) of section 14 of article thirteen of the constitution of this state, and other than taxes on income or profits paid or accrued within the taxable year imposed by the authority of (1) any foreign country, (2) any state, territory, county, city and county, school district, municipality, or other taxing subdivision of any state or territory, and other than taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this shall not exclude the allowance as a deduction of so much of said taxes assessed against local benefits as is properly allocable to maintenance or interest charges; *provided, however*, that the deduction of real and personal property taxes shall be subject to the provisions of section 26 hereof; *and provided, further*, that the deduction allowed for federal income taxes shall be the amount of such taxes accrued during the taxable year. Other taxes and licenses

(d) Losses sustained during the taxable year and not compensated for by insurance or otherwise, except that such losses may, with the consent of the franchise tax commissioner, hereinafter designated "commissioner," be accounted for as of a different period. In the case of any loss claimed to have been sustained in any sale or other disposition of shares of stock or securities where it appears that within thirty days before or after the date of such sale or other disposition, the taxpayer has acquired (otherwise than by bequest or inheritance) or has entered into a contract or option to acquire substantially identical property and the property so acquired is held by the taxpayer for any period after such sale or other disposition, no deduction for the loss shall be allowed unless the claim is made by a taxpayer, a dealer in stocks or securities, and with respect to a transaction made in the ordinary course of its business. If such acquisition or the contract or option to acquire is to the extent of part only of substantially identical property, then only a proportionate part of the loss shall be disallowed. Upon the subsequent sale or disposition of shares of stock or securities, in respect of which a loss has been disallowed, the basis for measuring gain or loss in the Uncompensated losses

case of the property so acquired shall be the basis in the case of the stock or securities so sold or disposed of, except that if the repurchase price was in excess of the sale price such basis shall be increased in the amount of the difference, or if the repurchase price was less than the sale price such basis be decreased in the amount of the difference.

Debts not recoverable

(e) Debts ascertained to be worthless and charged off within the taxable year, or, in the discretion of the commissioner, a reasonable addition to a reserve for bad debts. When satisfied that a debt is recoverable in part only, the commissioner may allow such debt to be charged off in part. In the case of a debt existing on the date fixed by section 19 hereof for the ascertainment of a gain or loss on the part of the taxpayer, no more than its fair market value on that date shall be deducted.

Exhaustion, wear and tear and obsolescence.

(f) Exhaustion, wear and tear and obsolescence of property to be allowed upon the basis provided in sections 113 and 114 of that certain act of the congress of the United States known as the "Revenue act of 1928," which is hereby referred to and incorporated with the same force and effect as though fully set forth herein, or upon the basis provided in section 19 hereof.

Depletion of minerals and timber.

(g) In the case of mines, oil and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements according to the peculiar conditions in each instance, such reasonable allowance in all cases to be made under the rules and regulations to be prescribed by the commissioner.

In the case of leases the deduction shall be equitably apportioned between the lessor and lessee.

The basis upon which depletion is to be allowed in respect of any property shall be as provided in sections 113 and 114 of the said revenue act of 1928, or upon the basis provided in section 19 hereof.

In the case of mines discovered by the taxpayer after February 28, 1913, the basis for depletion shall be the fair market value of the property at the date of discovery or within thirty days thereafter, if such mines were not acquired as the result of purchase of a proven tract or lease, and if the fair market value of the property is materially disproportionate to the cost. The depletion allowance based on discovery value provided in this paragraph shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property upon which the discovery was made, except that in no case shall the depletion allowance be less than it would be if computed without reference to discovery value. Discoveries shall include minerals in commercial quantities contained within a vein or deposit discovered in an existing mine or mining tract by the taxpayer after February 28, 1913, if the vein or deposit thus discovered was not merely the uninterrupted extension of a continuing commercial vein or deposit already known to

exist, and if the discovered minerals are of sufficient value and quantity that they could be separately mined and marketed at a profit.

In the case of oil and gas wells the allowance for depletion shall be $27\frac{1}{2}$ per centum of the gross income from the property during the taxable year. Such allowance shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property, except that in no case shall the depletion allowance be less than it would be if computed without reference to this paragraph.

(h) Dividends received during the taxable year from income arising out of business done in this state; but if the income out of which the dividends are declared is derived from business done within and without this state, then so much of the dividends shall be allowed as a deduction as the amount of the income from business done within this state bears to the total business done.

Dividends
from
intrastate
business

The burden shall be on the taxpayer to show that the amount of dividends claimed as a deduction has been received from income arising out of business done in this state.

(i) In the case of a building and loan association, organized and operating wholly or partly on a mutual plan, the return paid or credited on or apportioned to the withdrawable shares of such association, but not exceeding the return such shares would receive computed at the average rate paid by all such associations in this state, or by such associations in a particular locality, as the building and loan commissioner of this state may determine, on money borrowed or obtained through the issue during the taxable year of the association of all classes of notes and investment certificates not evidencing any proprietary interest in the association, such rate to be determined by the building and loan commissioner and certified by him to the franchise tax commissioner on or before the fifteenth day of January of each year.

Shares of
mutual build-
ing and loan
associations

(j) In the case of a mutual savings bank, the entire amount of interest paid to depositors possessing no proprietary interest in the institution or in its surplus, and interest on their deposits to members possessing a proprietary interest in the institution or in its surplus at a rate determined by the state superintendent of banks to be the going rate of interest upon savings deposits in the state during the preceding calendar year, such rate to be certified by him to the commissioner on or before the fifteenth day of January of each year.

Interest paid
by mutual
savings
banks

(k) In the case of farmers', fruit growers', or like associations organized and operated in whole or in part on a cooperative or a mutual basis, (a) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, which may include reasonable reserves, on the basis of either the quantity or the value of the products furnished by them, or (b) for the purpose of purchasing, or producing,

Cooperative
marketing
associations

supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses, all income resulting from or arising out of such business activities for or with their members carried on by them or by their agents; or when done on a nonprofit basis for or with nonmembers.

Income of
nonprofit
associations.

(1) In the case of other associations organized and operated in whole or in part on a cooperative or a mutual basis, all income resulting from or arising out of business activities for or with their members, or with nonmembers, done on a nonprofit basis.

Contingent
computation
of national
bank taxes.

If any deduction provided for in this section is finally adjudged discriminatory against a national banking association contrary to section 5219 of the Revised Statutes of the United States, or is for any reason finally adjudged invalid, in that event the tax of the favored taxpayer shall be recomputed by the tax commissioner for the taxable year in question, as of the time of the allowance of the deduction, by disallowing the deduction, and any difference between the amount of the tax as recomputed and the amount of the tax as originally computed shall be subject to the provisions hereof relating to original computations.

Property not
deductible
from net
income

SEC. 9. In computing net income no deduction shall be allowed for:

(a) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property; or for

(b) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made; or for

(c) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy, but the amount received under such a policy by reason of the death of the insured and amounts received under other life insurance, endowment and annuity contracts of the type whose premiums are disallowed, equal to the total amount of premiums paid thereon shall not be included in gross income.

Computation
of tax on
intrastate
business.

SEC. 10. If the entire business of the bank or corporation is done within this state, the tax shall be according to or measured by its entire net income; and if the entire business of such bank or corporation is not done within this state, the tax shall be according to or measured by that portion thereof which is derived from business done within this state. The portion of net income derived from business done within this state shall be determined by an allocation upon the basis of sales, purchases, expenses of manufacture, payroll, value and situs of tangible property, or by reference to these or other factors, or by such other method of allocation as is fairly calculated to assign to the state the portion of net

income reasonably attributable to the business done within this state and to avoid subjecting the taxpayer to double taxation.

If the commissioner reallocates net income upon his examination of any return, he shall, upon the written request of the taxpayer, disclose to him the basis upon which his reallocation has been made.

SEC. 11. (a) The term "taxable year," as herein used, means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed herein. "Taxable year" includes, in the case of a return made for a fractional part of a year, the period for which such return is made.

Definitions
"taxable
year "

(b) The term "fiscal year," as herein used, means an accounting period of twelve months ending on the last day of any month other than December.

"Fiscal
year "

(c) The terms "paid or incurred" and "paid or accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed hereunder.

"Paid or
incurred "
"Paid or
accrued "

SEC. 12. The net income shall be computed upon the basis of the taxpayer's annual accounting period, fiscal year or calendar year as the case may be, in accordance with the method of accounting regularly employed in keeping the books of such taxpayer; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as in the opinion of said commissioner does clearly reflect the income. If the taxpayer's annual accounting period is other than a fiscal year, or if the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year.

Computation
of taxable
year

SEC. 13. Every bank and corporation shall, within two months and fifteen days after the close of its taxable year, transmit to the commissioner a return in a form prescribed by him, specifying, for the taxable year, all such facts as he may by rule, or otherwise, require in order to carry out the provisions of this act; *provided*, that there shall be granted a general extension of time of two months in the case of returns required to be filed March 15, 1929, and of one month in the case of returns required to be filed April 15, 1929.

Returns

On or before May 15, 1929, every bank or corporation with a fiscal year ended during the calendar year 1928 shall file a return covering such fiscal year, and its tax for the months of the year 1929, corresponding to the months of 1928 which fall within the fiscal year ended during 1928, shall be according to or measured by such proportionate part of the net income of that fiscal year as the number of months falling within the calendar year 1928 bears to the total number of months in the fiscal year ended during that calendar year.

A bank which locates or commences to do business within the limits of this state, and a corporation which commences to do business in this state, after the effective date of this act, shall thereupon prepay the minimum tax hereunder, and upon the

filing of its return within two months and fifteen days after the close of its taxable year its tax for that year shall be adjusted upon the basis of the net income received during that taxable year. Said return shall also, in accordance with sections 23 to 26 inclusive, be the basis for the tax of said bank or corporation for its second taxable year.

The tax liability imposed under this act shall attach whether a bank or corporation has a taxable year of twelve months or of lesser duration.

Apportionment of tax among affiliated banks and corporations

SEC. 14. In the case of two or more corporations or banks or of one or more banks and one or more corporations owned or controlled directly or indirectly by the same interests, the commissioner is authorized to distribute, apportion, or allocate gross income or deductions between or among such corporations or banks, if he determines that such distribution, apportionment, or allocation is necessary in order to prevent evasion of taxes or clearly to reflect the income of any of such corporations or banks.

An affiliated group of banks or corporations, or of one or more banks and one or more corporations shall, subject to the provisions of this section, have the privilege of making a consolidated return for any taxable year in lieu of separate returns. In the case of a bank or corporation which is a member of the affiliated group for a fractional part of the year the consolidated return shall include the income of such bank or corporation for such part of the year as it is a member of the affiliated group. As used in this section an affiliated group means one or more banks or corporations connected through stock ownership with a common parent bank or corporation if, at least ninety-five per centum of the stock of each of the banks or corporations, except the common parent bank or corporation, is owned directly by one or more of the other banks or corporations, and the common parent bank or corporation owns directly at least ninety-five per centum of the stock of at least one of the other banks or corporations; or if at least ninety-five per centum of the stock of each of the banks or corporations is owned by the same interests or by the same stockholders. As used in this section the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

Form of returns

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

Extension of time for filing returns.

A reasonable extension of time for filing return may be granted by said commissioner whenever in his judgment good cause exists therefor, and he shall keep a record of every extension and the reason therefor. No such extension or extensions shall aggregate more than ninety days.

SEC. 16. If any return required by this act is not made, the commissioner is authorized to make an estimate of the net income and to compute and levy the amount of tax due under this act from any information in his possession.

Computation
in absence
of return

SEC. 17. Whenever, in the opinion of the commissioner, the use of inventories is necessary clearly to determine the income of any taxpayer, inventory shall be taken by such taxpayer upon such basis as the commissioner may prescribe, conforming as nearly as may be to the best accounting practice and most clearly reflecting the income.

Use of
inventories

SEC. 18. Any bank or corporation failing or refusing to furnish any return hereby required to be made, or failing or refusing to furnish a supplemental return or other data required by the commissioner, or rendering a false or fraudulent return, shall be guilty of a misdemeanor and subject to a fine of not exceeding five thousand dollars (\$5,000) for each such offense.

Penalties for
failing to
file or filing
false returns.

Any person required to make, render, sign, or verify any report, as aforesaid, who makes any false or fraudulent return, with intent to defeat or evade the assessment required by law to be made, shall be guilty of a misdemeanor, and shall for each such offense be fined not less than three hundred dollars (\$300) and not more than five thousand dollars (\$5,000), or be imprisoned not exceeding one year in the county jail of the county where said return was verified, or be subject to both said fine and imprisonment, in the discretion of the court.

SEC. 19. For the purpose of ascertaining the gain derived or loss sustained from the sale or other disposition of property, real, personal or mixed, acquired on or after January 1, 1928, the basis shall be the cost thereof, or the inventoried value if the inventory is made in accordance with this act, and in the case of property acquired prior to January 1, 1928, and disposed of thereafter, the basis shall be the fair market value thereof as of said date.

Computation
of profit
from disposi-
tion of
property.

The basis shall be diminished by the amount of the deductions for exhaustion, wear and tear, obsolescence and depletion which have, since the basic date, been allowable in respect of such property under this act.

SEC. 20. Upon the sale or exchange of property the entire amount of the gain or loss, determined under the preceding section shall be recognized, with the exceptions provided for in section 112 of said "Revenue act of 1928," which are hereby referred to and incorporated with the same force and effect as though fully set forth herein.

Same—
installment
sales.

In the case of installment sales the taxpayer may elect to proceed in the manner provided in section 44 of the said revenue act of 1928, in which case the taxpayer shall account for profits on installments received subsequent to December 31, 1927, on sales made prior thereto. If the taxpayer elects to proceed otherwise, the transaction will be deemed to have been closed when the sale was made.

Same—
exchanges

SEC. 21. When property is exchanged for other property and no gain or loss is recognized under the provisions of the preceding section, the property received shall be treated as taking the place of the property exchanged therefor.

Appointment
of franchise
tax commis-
sioner and
assistants

SEC. 22. The franchise tax commissioner, herein referred to, shall be appointed by the director of the department of finance, the controller of the state and the chairman of the state board of equalization, who are authorized to provide him with such assistants as they may deem necessary, and he shall serve for such period, and for such compensation, and under such conditions, as they may prescribe.

Powers and
duties.

He shall have power, and it shall be his duty, to administer this act, and to prescribe all such rules and regulations as are necessary and reasonable to carry out its provisions; and said commissioner and the state board of equalization, for the purpose of administering their duties under this act, each shall have the powers conferred upon said board by section 3669e of the Political Code of this state.

Time for
payment
of taxes

SEC. 23. One-half the amount of tax disclosed by the return, after allowing the offset herein provided for, shall be due and payable on or before the fifteenth day of the third month following the close of the taxable year, as defined in section 11 hereof. The balance of the tax shall be due and payable on or before the fifteenth day of the ninth month following the close of the taxable year. A tax imposed by this act or any installment thereof may be paid at the election of the taxpayer, prior to the date prescribed for its payment.

Where an extension of time for filing returns has been granted by the commissioner under the provisions of section 15 of this act, the first installment shall be paid prior to the expiration of such extension.

Penalties

If one-half of the tax is not paid on or before its due date, or the due date as extended by the commissioner, it shall be delinquent and a penalty of fifteen per centum added thereto. If the balance is not paid at the time it is due and payable, it shall be delinquent and a penalty of five per centum added thereto. At the time of the delinquency of the second installment an additional penalty of five per centum shall be added to the first installment unless that installment has theretofore been paid.

Disposition
of tax
moneys

All taxes and interest imposed under this act must be paid to the commissioner at Sacramento in the form of remittances payable to the treasurer of the State of California, and he shall transmit said payments daily to the state treasurer. All moneys received by the state treasurer shall be deposited by him in a special fund in the state treasury, to be designated the bank and corporation franchise tax fund, and moneys in said fund shall, upon the order of the state controller, be transferred into the general fund of the state, or drawn therefrom for the purpose of refunding to taxpayers hereunder.

Interest on
unpaid taxes

SEC. 24. (a) Interest upon the amount determined as a deficiency under the provisions of section 25 of this act shall

be assessed at the same time as the deficiency, shall be paid upon notice and demand from the commissioner, and shall be collected as a part of the tax, at the rate of six per centum per annum from the date prescribed for the payment of the tax (or, if the tax is paid in installments, from the date prescribed for the payment of the first installment) to the date the deficiency is assessed.

(b) If the time for the payment of the tax or any installment thereof has been extended, under the provisions of section 23 of this act, there shall be collected as part of such tax, interest thereon at the rate of six per centum per annum from the date when such payment should have been made if no extension had been granted, until the expiration of the period of the extension.

(c) If the amount determined by the taxpayer as the tax imposed by this act, or any installment thereof, or any part of such amount or installment is not paid on or before the date prescribed for its payment, there shall be collected as a part of the tax, interest upon such unpaid amount at the rate of one per centum a month from the date prescribed for its payment until it is paid.

(d) Where an extension of time for payment of the amount so determined as the tax by the taxpayer, or any installment thereof, has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined as provided hereinabove, is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in subsection (b) of this section, interest at the rate of one per centum a month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid.

(e) Where a deficiency, or any interest or penalties assessed under this act have not been paid in full within ten days from the date of notice and demand from the commissioner, there shall be collected as part of the tax, interest upon the unpaid amount at the rate of one per centum a month from the date of such notice and demand until such assessment is paid.

SEC. 25. As soon as practicable after the return is filed the commissioner shall examine it and shall determine the correct amount of the tax. If the commissioner determines that the tax disclosed by the original return is less than the tax disclosed by his examination he shall mail notice to the taxpayer at its post-office address (which must appear on its return) of the additional tax proposed to be assessed against it. Such notice shall set forth the details of the proposed additional assessment and of computing said tax.

Within sixty days after the mailing of said notice the taxpayer may file with the commissioner a written protest against the levy of the proposed additional tax, as computed by the commissioner, specifying therein the grounds upon which the protest is based. The protest must be under oath.

Insufficient
returns—
method of
fixing tax.

If no such protest is so filed the amount of the tax shall be final upon the expiration of said sixty-day period. If a protest is so filed it shall be the duty of the commissioner to reconsider the computation and levy of the tax complained of, and if the taxpayer has so requested in its protest, it shall be the duty of the commissioner to grant said taxpayer, or its authorized representatives, an oral hearing. After consideration of the protest and the evidence adduced in the event of such oral hearing, the commissioner's action upon the protest shall be final upon the expiration of thirty days from the date when he mails to the taxpayer notice of his action, unless within that thirty-day period the taxpayer appeals in writing from the action of the commissioner to the state board of equalization. The appeal must be addressed and mailed to the state board of equalization at Sacramento, and a copy of the appeal addressed and mailed at the same time to the commissioner at Sacramento. The determination by said board upon said appeal of the amount of the tax shall be final, and said board shall forthwith notify the taxpayer and the commissioner of its determination.

When a deficiency has been determined and the tax has become final under the provisions of this section, the commissioner shall mail notice and demand to the taxpayer for the payment thereof, and such tax shall be due and payable at the expiration of ten days from the date of such notice and demand.

A certificate by the commissioner or of said board as the case may be, of the mailing of the notices specified in this section shall be prima facie evidence of the computation and levy of the deficiency in tax and of the giving of said notices.

Offsets

SEC. 26. A corporation subject to the tax herein provided for, shall receive an offset against said tax, subject to the limitations provided in section 4 hereof, for real and personal property taxes paid upon its property to any county, city and county, city, town or other political subdivision of the state during the taxable year. Every bank and banking association subject to the tax herein provided for shall receive an offset against said tax, subject to the limitations provided in section 3 hereof, for taxes paid upon its real property during the taxable year to any county, city and county, city, town, or other political subdivision of the state. At the time of payment of first installment of tax under the provisions of section 23 of this act, each taxpayer claiming an offset against the tax shall submit to the commissioner evidence in such form as he shall prescribe in support of such claims.

Where a consolidated return has been made under section 14 hereof the offset allowable against the tax liability of the consolidated group may include said property taxes paid during said period by all corporations which are included in the consolidated group, subject to the limitations of section 4 hereof.

If a corporation in paying the tax provided for in this act desires to claim an offset in the computation of its tax, the four per centum rate shall be applied to such offset and the amount so computed shall be added to and included in the tax of the corporation.

SEC. 27. If in the opinion of the commissioner, or said board, as the case may be, a tax has been computed in a manner contrary to law or has been erroneously computed by reason of a clerical mistake on the part of the commissioner or said board, such fact shall be set forth in the records of the commissioner, and the amount of the illegal levy shall be refunded to the taxpayer or its successor through reorganization, merger, or consolidation, or to stockholders upon dissolution. Refunds.

If any tax or penalty has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, the commissioner shall certify to the state board of control the amount collected in excess of what was legally due, from whom it was collected, or by whom paid, and if approved by that board, the same shall be refunded to the taxpayer, but no such refund shall be made unless a claim therefor is filed by the taxpayer with the commissioner.

Interest on refunds shall be allowed and paid at the rate of six per centum per annum from the date of the overpayment to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the commissioner.

In the event that a tax has been illegally levied against a taxpayer the commissioner shall certify such fact to the state board of control and said board shall authorize the cancellation of the tax upon the records of the commissioner.

SEC. 28. In the event that fraud or evasion on the part of a taxpayer is discovered by the commissioner, he shall have the power and it shall be his duty to determine the extent to which the state has been defrauded and to compute and charge against the taxpayer a tax in that amount which shall be immediately due and payable. Fixing amounts of tax evasions

SEC. 29. The taxes levied under this act shall constitute a lien upon all property of the taxpayer, which lien shall attach on the first Monday in March of each year. Every tax herein provided for has the effect of a judgment against the taxpayer, and every lien has the effect of an execution duly levied against all property of the delinquent, and the judgment is not satisfied nor the lien removed until the tax and the penalty are paid, or the property sold for the payment thereof. No decree of dissolution shall be made and entered by any court, nor shall the county clerk of any county or the secretary of state file any such decree, or file any other document by which the term of existence of any taxpayer shall be reduced or terminated until the tax and penalty shall have been paid. Tax liens

SEC. 30. Any taxpayer claiming that the tax computed and levied against it is void in whole or in part may pay its tax under protest and bring an action against the state Actions to recover taxes paid under protest.

treasurer for the recovery of the whole or any part of the amount paid. The protest must be in writing and must state the grounds upon which the claim is founded. Such action must be filed within ninety days from the date of mailing the notice of final determination of the tax under section 25 hereof; *provided*, that no action shall be filed unless the taxpayer has made protest to the commissioner of the computation and levy complained of under the provisions of section 25 hereof.

When a refund claim has been filed under the provisions of section 27 hereof, and the same has been denied or no action thereon has been taken by the commissioner within six months from the filing thereof, the taxpayer may bring an action against the state treasurer on the grounds set forth in such claim for the recovery of the whole or any part of the amount claimed as an overpayment, but such action must be brought within ninety days from the date of the commissioner's final action upon such claim.

Whenever under the provisions of this section an action is commenced against the state treasurer, a copy of the complaint and the summons must be served upon the treasurer, or his deputy. At the time the treasurer demurs or answers, he may demand that the action be tried in the superior court of the county of Sacramento, which demand must be granted. The attorney general must defend the action. The provisions of the Code of Civil Procedure, relating to pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. A failure to begin such action within the time herein specified shall be a bar against the recovery of such taxes. In any such action the court shall have power to render judgment for plaintiff for any part or portion of the tax, interest, penalties or costs found to be void and so paid by plaintiff upon such assessment.

In any judgment of any court rendered for any overpayment in respect of any tax imposed by this act, interest shall be allowed at the rate of six per centum per annum upon the amount of the overpayment, from the date of the payment or collection thereof to a date preceding the date of the refund warrant by not more than thirty days such date to be determined by the commissioner.

Actions to
recover delin-
quent taxes.

SEC. 31. At any time within one year after the delinquency of any tax, or any installment thereof, the controller of the state may bring an action in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California to collect the amount delinquent, together with penalties. The attorney general must prosecute such action, and the provisions of the Code of Civil Procedure, relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. In such action a writ of attachment may be issued, and no bond or affidavit previous to the issuing of said attachment is required. In such action a certificate by the

commissioner or by the controller showing the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency and of compliance by the commissioner and the state board of equalization with all the provisions of this act in relation to the computation and levy of the tax.

SEC. 32. If a tax computed and levied hereunder is not paid before six o'clock p.m. on the last day of the twelfth month after the date of delinquency of the first installment thereof, the corporate powers, rights and privileges of the delinquent taxpayer, if it be a domestic corporation, shall be suspended, and if the delinquent taxpayer be a foreign corporation it shall thereupon forfeit its right to do intrastate business in this state.

Suspension and forfeiture of corporate powers for nonpayment of taxes

The controller shall transmit the name of each such corporation to the secretary of state, who shall immediately record the same in such manner that it may be available to the public. The suspension or forfeiture herein provided for shall become effective immediately such record is made, and the certificate of the secretary of state shall be prima facie evidence of such suspension or forfeiture.

Any person who attempts or purports to exercise any of the rights, privileges or powers of any such domestic corporation, or who transacts or attempts to transact any intrastate business in this state in behalf of any such foreign corporation shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail not less than fifty days or more than five hundred days, or by both such fine and imprisonment. The jurisdiction of such offense shall be held to be in any county in which any part of such attempted exercise of such powers, or any part of such transaction of business occurred. Every contract made in violation of this section is hereby declared to be voidable.

Same—penalties for transacting business thereafter.

SEC. 33. Any corporation which has suffered the suspension or forfeiture referred to in the preceding section may be relieved therefrom upon making application therefor in writing and paying the tax and the interest and penalties for nonpayment of which the suspension or forfeiture occurred. Application for revivor may be made by any stockholder or creditor of the corporation or by a majority of the surviving trustees or directors, and the same shall be filed with the state controller. In case the application is made in any taxable year other than the taxable year in which the suspension or forfeiture occurred the applicant shall pay twice the amount of the tax and penalties due the state for the taxable year in which the suspension or forfeiture occurred, and upon such payment the controller shall issue a certificate of revivor and thereupon the applicant shall be revived. The revivor shall be without prejudice to any action, defense or right which has accrued by reason of the original suspension or forfeiture. The certificate of revivor shall be prima facie evidence of the revivor. Any

Same—revivor of corporate powers.

certificate provided for in this section may be recorded in the office of the county recorder in any county of this state.

In case any corporation has adopted subsequent to such suspension or forfeiture any name so closely resembling the name of such reviving corporation as will tend to deceive, then such reviving corporation shall be entitled to a certificate of revivor pursuant to the terms of this section only upon the adopting by such corporation seeking revivor of a new name, and in such case nothing in this section contained shall be construed as permitting such reviving corporation to carry on any business under its former name. Such reviving corporation shall have the right to use its former name or take such new name only upon filing an application therefor with the secretary of state, and upon the issuing of a certificate to such corporation by the secretary of state, setting forth the right of such corporation to take such new name or use its former name as the case may be. The secretary of state shall not issue any certificate permitting any corporation to take or use the name of any corporation heretofore organized in this state and which has not suffered a forfeiture under either of the acts in this section first above mentioned, or to take or use a name so closely resembling the name of any corporation heretofore organized in this state as will tend to deceive.

Recomputa-
tion of illegal
taxes

SEC. 34. If any tax hereunder is finally adjudged illegal in whole or in part, it shall be the duty of the commissioner, and he shall have the power, to cause the tax to be recomputed for and as of the taxable year for which the illegal tax was computed; and the provisions hereof relating to original computations shall apply to the tax as recomputed.

Secrecy as
to returns.

SEC. 35. It shall be unlawful for the commissioner or any member of the state board of equalization, or the state controller, or any person having an administrative duty under this act to divulge any information concerning the business affairs of banks or corporations reporting hereunder; *provided, however,* that the governor may authorize examination of such returns by other state officers, in which event the information obtained shall not be made public; *provided, further,* that such returns may be examined, with the consent of the governor, by tax officers of another state or the federal government, if a reciprocal arrangement exists.

Same—
penalties for
violation.

Any violation of the provisions of this section shall be a misdemeanor punishable by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or both.

Receipts for
taxes.

SEC. 36. Upon the request of a taxpayer under this act, it shall be the duty of the tax-collecting officer of a county, city and county, city, town, or other political subdivision of this state, to furnish an official receipt for real and personal property taxes paid to him setting forth a description of such property, the assessed valuation thereof, the rate of tax, the amount of taxes paid, and the beginning and ending of the year for which the taxes are paid.

SEC. 37. This act shall be known as the Bank and Corpora- Short title
tion Franchise Tax Act.

SEC. 38. If any portion in this act is invalid the Legis- Constitution-
lature hereby declares that had it known of the invalidity of ality
the portion at the time of this enactment it would have
passed the remainder of this act without the invalid portion,
and that it is the intention of the Legislature that the remain-
der of this act operate in the event of the invalidity of any
portion of this act.

CHAPTER 14.

*An act to amend section 3627a of the Political Code, carrying
into effect section 16 of article thirteen of the constitution
of the State of California, and repealing section 3627b of
the Political Code, relating to the taxation of securities and
solvent credits.*

[Approved by the Governor March 2, 1929 In effect immediately]

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

SECTION 1. Section 3627a of the Political Code is hereby Stats 1927
amended to read as follows: p 399,
amended

3627a. Notes, debentures, shares of capital stock, bonds, Securities
deeds of trust, mortgages, and any legal or equitable and solvent
interest therein, of the classes taxable to the owner credits
thereof on the date of the adoption of section 16 of article
thirteen of the constitution of this state, and not otherwise
taxed under subdivisions (a) or (b) of section 14 or under
section 15 of article thirteen of said constitution, are hereby
taxed upon their actual value at the rate of two-tenths of one
per cent. Solvent credits, of the class taxable to the owner
thereof on the date of the adoption of section 16 of article
thirteen of the constitution of this state, and not otherwise
taxed under subdivision (a) or (b) of section 14 or under
section 15 of article thirteen of said constitution, are hereby
taxed upon their actual value at the rate of one-tenth of one
per cent.

Property taxable under the provisions of this section shall Situs for
be taxed to the owner or possessor of the fee simple estate or taxation.
life estate therein, if such estate has its situs within this state.
If any property taxable under the provisions of this section
is held in trust by any person, association, or corporation
domiciled or the principal place of business of which is located
in this state, such property shall be taxable solely to the
trustee thereof. Such tax to the possessor of such property
or owner of the fee simple estate or life estate therein, or
trustee, shall be deemed to include the entire tax upon all
legal or equitable interest in such property. If the property
taxed at its situs in this state is a legal or equitable interest

in property in which the fee simple estate or the major portion thereof has its situs outside the state, but taxable if within this state, such legal or equitable interest shall be taxed to the owner or possessor or trustee thereof at the actual value of such interest. In determining the actual value of an equitable or legal interest in such property there shall be considered as determining the value of said equitable or legal interest only that property which would be taxable if it had its situs within this state.

The tax hereby imposed upon said property shall be assessed, equalized, levied and collected in the same manner as are other county and city and county taxes, except as hereinafter otherwise provided, and shall be in lieu of all other property taxes thereon

Distribution
of tax
moneys.

The proceeds of said tax shall be paid into the treasury of the county or city and county in which it is collected and shall be distributed therefrom by the county or city and county auditor to the county or city and county and to the city and school districts within which said property has its situs as follows:

If the property has its situs within a city and a school district or school districts, the proceeds shall be distributed one-third to the city, one-third to the school district or school districts, and one-third to the county in which said city is located; and if the property has its situs outside of a city, but within a school district or school districts, the proceeds shall be distributed one-half to the school district or school districts and one-half to the county in which the property is situated. In the event that such property has its situs within the boundaries of an elementary school district or districts and a high school district or districts, then the same shall be divided equally between the said elementary school district or districts and the high school district or districts, it being the purpose of this section to divide the proceeds allotted to the support of schools hereby equally between districts supporting elementary schools and districts supporting high schools excluding from revenue derived therefrom all other educational districts of any kind or description.

The details of the method of such distribution shall be supplied by the county or city and county auditor, shall be approved by the board of supervisors of such county or city and county, and shall fairly carry out the purpose of this section.

Returns.

Any person, partnership, corporation, association or other organization owning, controlling, or in possession of any such notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, or any legal or equitable interest therein taxable to him or it hereunder shall return the same in the manner provided for the return of other property to the assessor of each county or city and county between the first Monday in March and the first Monday in July of each year.

In the event of the failure or neglect of any person to return such taxable property between the said dates, it shall, upon the discovery of the escape, be assessed and levied upon, and entry thereof immediately made upon the assessment roll, such entry to be followed by the words "penalty for failure to file return within the time required by law." Thereupon, a penalty shall attach to the tax so levied and entered in an amount equal to four times the tax.

Penalties for failure to file returns on property.

The tax imposed herein shall become due and payable at noon on the first Monday in March, 1929, and on the first Monday in March annually thereafter, unless the same be made a lien upon real estate under other provisions of this code, all of which are made applicable to the tax levied under the provisions of this section.

The authority herein granted to the assessors to place any tax or penalty upon property which has escaped taxation upon the assessment or tax roll of the year for which said property should have been assessed or taxed shall be limited to a period of not more than three years from the date upon which the lien attaches for the current assessment roll.

Nothing herein contained shall require the county or city and county assessor as a condition precedent to placing such penalty upon the assessment roll, or the county or city and county in collecting such tax and penalty, to establish any intention on the part of the taxpayer to defraud, deceive or evade the assessing or taxing officials.

SEC. 2. Section 3627b of the Political Code is hereby repealed.

Stats. 1927, p. 401, repealed.

CHAPTER 15.

An act to waive certain provisions of the Colorado river compact approved by California, January 10, 1929 (statutes 1929, chapter 1), and to make said compact effective on a six state basis, and to direct that notice be given.

[Approved by the Governor March 4, 1929 In effect August 14, 1929]

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

SECTION 1. The provisions of the first paragraph of article eleven of the Colorado river compact, signed at Santa Fe, New Mexico, November 24, 1922, referred to and set out at length in that certain act entitled "An act to ratify and approve the Colorado river compact, signed at Santa Fe, New Mexico, November 24, 1922, to repeal conflicting acts and resolutions and directing that notice be given by the governor of such ratification and approval," approved January 10, 1929, (statutes 1929, chapter 1) making said compact binding and obligatory when it shall have been approved by the legislature of each of the signatory states are hereby waived,

Contingent ratification of "Colorado River Compact."

and said compact shall become binding and obligatory upon the State of California, and upon the other signatory states which have ratified or may hereafter ratify said compact, when at least six of the signatory states shall have consented thereto, approved and ratified the same, and the congress of the United States shall have given its consent and approval; *provided, however,* that this act shall be of no force or effect until a similar act or resolution shall have been passed or adopted by the legislatures of the states of Colorado, Nevada, New Mexico, Utah and Wyoming.

Transmitting
copies

SEC. 2. Certified copies of this act shall be forwarded by the governor to the President of the United States, the secretary of state of the United States, and the governors of the states of Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming.

CHAPTER 16.

An act to limit the use by California of the waters of the Colorado river in compliance with the act of congress known as the "Boulder canyon project act," approved December 21, 1928, in the event the Colorado river compact is not approved by all of the states signatory thereto.

[Approved by the Governor March 4, 1929 In effect August 14, 1929]

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

Agreement as
to use of
water of
Colorado
river.

SECTION 1. In the event the Colorado river compact signed at Santa Fe, New Mexico, November 24, 1922, and approved by and set out at length in that certain act entitled "An act to ratify and approve the Colorado river compact, signed at Santa Fe, New Mexico, November 24, 1922, to repeal conflicting acts and resolutions and directing that notice, be given by the governor of such ratifications and approval," approved January 10, 1929, (statutes 1929, chapter 1) is not approved within six months from the date of the passage of that certain act of the congress of the United States known as the "Boulder canyon project act," approved December 21, 1928, by the legislatures of each of the seven states signatory thereto, as provided by article eleven of the said Colorado river compact, then when six of said states, including California, shall have ratified and approved said compact, and shall have consented to waive the provisions of the first paragraph of article eleven of said compact which makes the same binding and obligatory when approved by each of the states signatory thereto, and shall have approved said compact without conditions save that of such six states approval and the President by public proclamation shall have so declared, as provided by the said "Boulder canyon project act," the State of California as of the date of such proclamation agrees irrevocably and uncon-

ditionally with the United States and for the benefit of the states of Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming as an express covenant and in consideration of the passage of the said "Boulder canyon project act" that the aggregate annual consumptive use (diversions less returns to the river) of water of and from the Colorado river for use in the State of California including all uses under contracts made under the provisions of said "Boulder canyon project act," and all water necessary for the supply of any rights which may now exist, shall not exceed four million four hundred thousand acre-feet of the waters apportioned to the lower basin states by paragraph "a" of article three of the said Colorado river compact, plus not more than one-half of any excess or surplus waters unapportioned by said compact, such uses always to be subject to the terms of said compact.

SEC. 2. By this act the State of California intends to comply with the conditions respecting limitation on the use of water as specified in subdivision 2 of section 4 (a) of the said "Boulder canyon project act" and this act shall be so construed. Construction

CHAPTER 17.

An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years.

[Approved by the Governor March 5, 1929. In effect immediately.]

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

SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years. Appropriation:
contingent
expenses of
Senate.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of article four, section 1 of the constitution, take effect immediately. Urgency
measure.

CHAPTER 18.

An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Assembly for the seventy-ninth and eightieth fiscal years.

[Approved by the Governor March 7, 1929. In effect immediately.]

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

Appropriation
contingent
expenses of
Assembly.

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to meet the deficiency in the appropriation for contingent expenses of the Assembly for the seventy-ninth and eightieth fiscal years.

Urgency
measure

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

CHAPTER 19.

An act to amend section 647 of the Civil Code, relating to investments by building and loan associations.

[Approved by the Governor March 21, 1929. In effect August 14, 1929.]

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

Stats. 1927,
p. 315,
amended.
Investment in
and loan on
securities.

SECTION 1. Section 647 of the Civil Code is hereby amended to read as follows:

647. Any building and loan association may invest in or loan upon bonds of the United States, of the State of California, or of any county, municipality or school district of said state, or of any public utility corporation, or notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, or mortgage participation certificates, issued by a mortgage insurance company, in accordance with the provisions of chapter eight of title two of part four of division one of the Civil Code, and may also invest in bonds or securities certified by the superintendent of banks to be legal as investments for savings banks in accordance with the provisions of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, and acts amendatory thereof and supplemental thereto, and in full paid investment certificates issued by any building and loan association licensed by, and under the direct supervision of the building and loan commissioner of the State of California in accordance with the provisions of this title, the total of which investments shall not at any time exceed twenty-five per centum of the assets of such investing association; and

may also invest in the capital stock of a building and loan association organized under the laws of this state, licensed by, and under the direct supervision of the building and loan commissioner; *provided* all of the stock, excepting directors' qualifying shares, of such building and loan association so invested in, shall be originally issued to other building and loan associations organized under the laws of this state, or to individuals with written options to one or more building and loan associations organized under the laws of this state, to purchase said stock within six months after such associations may become legally empowered to own said stock, and provided that said building and loan association so invested in, shall be operated for the mutual benefit and protection of its stockholder associations; *provided, further*, that any such loan or investment, made by such association, must first be approved by the official, or officials, vested with the powers of supervision and license; *provided, further*, the total investments herein permitted by a building and loan association organized under the laws of this state, licensed by, and under the direct supervision of the building and loan commissioner, all of the stock of which, excepting directors' qualifying shares, shall have been originally issued to other building and loan associations organized under the laws of this state or to individuals with written options to such associations as hereinbefore provided, may at any time exceed twenty-five per centum of the assets of such investing association.

CHAPTER 20.

An act to amend section 15b of the "Building and loan commission act," approved April 5, 1911, as amended, relating to the furnishing of bonds by certain officers and employees of building and loan associations.

[Approved by the Governor March 21, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 15b of the "Building and loan commission act," approved April 5, 1911, as amended, is hereby amended to read as follows:

Stats. 1927,
p. 117,
amended.

Sec. 15b. The commissioner shall require all officers and employees of every association, corporation or society licensed by him or coming under his supervision, having access to moneys or negotiable securities of such association, corporation or society in the regular discharge of their duties, before entering upon their duties and throughout the entire term of office and employment, and any subsequent term of office or employment, of such officers or employees to give to the employing association, corporation or society a good and sufficient bond. Such bond shall guarantee, on the part of said officers and employees, the safekeeping and proper appli-

Bonding of
officers and
employees of
associations

cation of all moneys or property coming into their hands. The commissioner shall prescribe the amount and form of said bond and the term during which it shall run, and the sufficiency of the surety or sureties thereon shall at all times be subject to the approval of the commissioner. Each of such officers and employees shall renew his bond upon the expiration of its term. The commissioner may at any time require an additional bond or security when, in his opinion, any such bond then in force is insufficient. All such bonds shall be filed in the commissioner's office.

CHAPTER 21.

An act making an appropriation to meet the deficiency in the appropriation for support of division of architecture, department of public works, for the seventy-ninth and eightieth fiscal years.

[Approved by the Governor March 21, 1929. In effect immediately.]

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

Appropriation
deficiency in
department
of public
works.

SECTION 1. The sum of one hundred fifty thousand twenty-four dollars (\$150,024) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to meet the deficiency in the appropriation for support of division of architecture, department of public works, for the seventy-ninth and eightieth fiscal years. Out of the amount herein appropriated the said department of public works shall reimburse the funds from which have been paid claims for support of the division of architecture in excess of the original appropriation for support of said division for the seventy-ninth and eightieth fiscal years.

Urgency
measure.

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

CHAPTER 22.

An act to amend section 2 of an act entitled "An act creating a reclamation district to be called and known as 'Reclamation district number one thousand five hundred;' providing for the management and control thereof and dissolving all levee districts, swamp land districts and reclamation districts, lying wholly within the boundaries of said reclamation district number one thousand five hundred; providing for the liquidation and winding up of said dissolved districts, and excluding from any levee district, swamp land

district and reclamation district any land lying within the boundaries of said reclamation district number one thousand five hundred," approved April 30, 1913, as amended, relating to the election, appointment, powers, and duties of the trustees of said district, and to the office and principal place of business of the said district, and relating to the management and control thereof.

[Approved by the Governor March 25, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 2 of an act entitled "An act creating a reclamation district to be called and known as 'reclamation district number one thousand five hundred;' providing for the management and control thereof and dissolving all levee districts, swamp land districts, and reclamation districts, lying wholly within the boundaries of said reclamation district number one thousand five hundred; providing for the liquidation and winding up of said dissolved districts, and excluding from any levee district, a swamp land district and reclamation district any land lying within the boundaries of said reclamation district number one thousand five hundred," approved April 30, 1913, as amended, is hereby amended to read as follows:

Stats 1925,
p 148,
amended

Sec. 2 The management and control of said reclamation district No. 1500, and the election of trustees thereof are hereby made subject to the provisions of article one of chapter one of title eight of part three of the Political Code of the State of California, relating to swamp and overflowed lands and reclamation districts, or any amendments or additions thereto, except as otherwise provided in this act, and the management and control of said reclamation district number one thousand five hundred shall be vested in five trustees who shall hold office until their successors are elected or appointed and qualified.

Management
vested in
trustees.

An election of five trustees shall be held in said district on the third Tuesday in October, 1925, and on the third Tuesday in October every two years thereafter, and the term of office shall be two years and until their successors are elected or appointed and qualified. If an election is not held at any time herein specified, it may be held at such other time as may be authorized or provided for by said chapter one of title eight of the Political Code of California. In case of any vacancy in the office of trustee of said district, the board of supervisors of Sutter county shall appoint a qualified person as trustee, who shall hold said office for the portion of the unexpired term and until his successor is elected and qualified. The office and principal place of business of said district shall be in the city of Sacramento, or at a place in or near the district, and the board of trustees thereof may from time to time fix such place and

Elections.

District
office.

change the same. The board of supervisors of the county of Sutter shall have jurisdiction over all matters concerning said district, to the same extent as if the said district was formed under the provisions of said Political Code of the State of California, except as otherwise provided in this act. All funds of said district shall be deposited in the county treasury of said county of Sutter, and shall be disbursed by the treasurer of said county in payment of the warrants of said district. Said district shall have the power to make by-laws in conformity with the provisions by law, and shall have all rights and powers which are now, or may hereafter be, conferred by the provisions of the Political Code, or by other laws of the State of California upon reclamation or swamp land districts, and shall also have the right and power of purchasing real and personal property and rights of way within the boundaries of said district, or outside thereof, as may be necessary or desirable to carry out the purposes of said district or to acquire the same by condemnation proceedings in the manner provided by law, and shall also have the right and power to join with other reclamation districts, levee districts, or swamp land districts, or other persons in the construction and maintenance of levees and reclamation works, and to contract for the same, and also to do all other acts and things that may be incident to or necessary to the reclamation of the lands of said district, as the board of trustees thereof may determine.

Funds.

Rights and powers of district

Political Code provisions incorporated by reference

All of the provisions of the Political Code of the State of California, unless inconsistent with the provisions of this act, are made a part of this act, and shall be deemed to be incorporated herein. The said reclamation district hereby created, shall have the power, in addition to the power hereby conferred, to do all other acts or things that any reclamation district or swamp land district within the State of California has power to do under any existing law, or any law hereafter enacted.

Change of line of location or construction of levee.

The said district may at any time petition in writing, by its board of trustees, the reclamation board to change the line of location or construction of any levee in this act, or in the act of which this is amendatory, described, or any other levee, or to build any additional or supplemental levee or levees, and the reclamation board may, by an order allow each petition in whole or in part, and allow such change, or the building of any additional or supplemental levee.

CHAPTER 23.

An act to provide for the establishment, government, maintenance and operation of the public school system of the State of California.

[Approved by the Governor, March 28, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 24.

An act to add a new section to the Political Code, to be numbered 4300m, relating to fees of interpreters, and to repeal conflicting acts and parts of acts.

[Approved by the Governor March 28, 1929 In effect August 14, 1929]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered 4300m and to read as follows: New section.

4300m. Interpreters' and translators' fees, except as in this title otherwise provided shall be as follows: For each day's actual attendance at a coroner's inquest, when legally required to so attend, the sum of five dollars per diem, and for each day's actual attendance upon a court, when legally required to so attend, such fee as may be allowed by the court, not to exceed ten dollars per diem; *provided, however,* that the aggregate amount of fees that may be allowed to any one person under the provisions of this section shall not exceed the sum of ten dollars per diem; such fees shall be paid, in criminal cases and in coroners' cases, from the county treasury upon warrants drawn by the county auditor, when so ordered by the court or by the coroner, as the case may be; in civil cases, such fees shall be paid by the litigants, in such proportions as the court may direct, to be taxed and collected as other costs; the county's proportion, if any, of such fees so ordered to be paid in any civil suit to which the county is a party shall be paid in the same manner as such fees are paid in criminal cases. Fees of interpreters and translators in civil and criminal actions and at coroners' inquests.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed. Repeal

CHAPTER 25.

An act to add new sections to the Penal Code to be numbered 447a, 448a, 449a, 450a and 451a, and to repeal sections 447, 448, 449, 450, 451, 452, 453, 454 and 455 of said code, all relating to the crime of arson.

[Approved by the Governor March 28, 1929. In effect August 14, 1929.]

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

New section. SECTION 1. A new section is hereby added to the Penal Code to be numbered 447a, and to read as follows:

Arson Burn-
ing dwelling
house, etc. 447a. Any person who wilfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any dwelling house, or any kitchen, shop, barn, stable or other outhouse that is parcel thereof, or belonging to or adjoining thereto, whether the property of himself or of another, shall be guilty of arson, and upon conviction thereof, be sentenced to the penitentiary for not less than two nor more than twenty years.

Penalty.

New section. SEC. 2. A new section is hereby added to said code to be numbered 448a, and to read as follows:

Burning barn,
stable, etc. 448a. Any person who wilfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any barn, stable, garage or other building, whether the property of himself or of another, not a parcel of a dwelling house; or any shop, storehouse, warehouse, factory, mill or other building, whether the property of himself or of another; or any church, meeting house, courthouse, work house, school, jail or other public building or any public bridge; shall, upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than ten years.

Penalty

New section. SEC. 3. A new section is hereby added to said code to be numbered 449a, and to read as follows:

Burning
personal
property 449a. Any person who wilfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any barrack, cock, crib, rick or stack of hay, corn, wheat, oats, barley or other grain or vegetable product of any kind; or any field of standing hay or grain of any kind; or any pile of coal, wood or other fuel; or any pile of planks, boards, posts, rails or other lumber; or any street car, railway car, ship, boat or other watercraft, automobile or other motor vehicle; or any other personal property not herein specifically named; (such property being of the value of twenty-five dollars and the property of another person) shall upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than three years.

Penalty.

New section. SEC. 4. A new section is hereby added to said code to be numbered 450a, and to read as follows:

Burning with
intent to
defraud
insurer. 450a. Any person who wilfully and with intent to injure or defraud the insurer sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any

goods, wares, merchandise or other chattels or personal property of any kind, whether the property of himself or of another, which shall at the time be insured by any person or corporation against loss or damage by fire; shall upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than five years. Penalty

SEC. 5. A new section is hereby added to said code to be numbered 451a, and to read as follows: New section

451a. Any person who wilfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in the foregoing sections, or who commits any act preliminary thereto, or in furtherance thereof, shall upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than two years or fined not to exceed one thousand dollars. Attempting to burn, etc
Penalty

The placing or distributing of any flammable, explosive or combustible material or substance, or any device in any building or property mentioned in the foregoing sections in an arrangement or preparation with intent to eventually wilfully and maliciously set fire to or burn same, or to procure the setting fire to or burning of same shall, for the purposes of this act constitute an attempt to burn such building or property. Attempt to burn, defined

SEC. 6. Sections 447, 448, 449, 450, 451, 452, 453, 454 and 455 of said code are hereby repealed. Repealed

CHAPTER 26.

An act amending section 4240 of the Political Code, relating to salaries and compensation of officers in counties of the eleventh class.

[Approved by the Governor March 28, 1929 In effect August 14, 1929]

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

SECTION 1. Section 4240 of the Political Code is hereby amended to read as follows: Stats 1927,
p 917,
amended

4240. In counties of the eleventh class, officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries: Counties of
eleventh class
(Tulare)
officers and
employees

1. The county clerk, four thousand dollars; *provided, that* said clerk shall have the following deputies: One chief deputy, who shall act as clerk of the board of supervisors, and who shall be paid a salary of two thousand four hundred dollars per annum; one deputy clerk who shall be paid a salary of one thousand nine hundred twenty dollars per annum; three deputy clerks, who shall be paid a salary of one thousand eight hundred dollars per annum. In the event that the Legislature shall hereafter increase the number Clerk

of superior judges in any county of this class, an additional courtroom deputy shall be appointed by said county clerk at a salary of one thousand five hundred dollars per annum, who shall perform the duties and act in place of the deputy provided for by section 4290 of the Political Code. The county clerk shall perform the duties of registrar of voters and shall appoint additional deputies who shall act as registration deputies for the purpose of registering electors outside of the county courthouse grounds; such deputies shall be paid the sum of ten cents per name for each affidavit of registration taken by them and the claims of such deputies for such service shall be presented to, and allowed by the board of supervisors as other claims against the county are presented and allowed. The county clerk shall also be allowed, during each and every even-numbered year, such assistant clerks and deputies as he may require at a salary of four dollars per day each; *provided* the total compensation for all clerks and deputies so employed shall not exceed the sum of twenty-five hundred dollars, for said even-numbered year. The county clerk shall pay into the county treasury to the credit of the salary fund at the close of each month, all fees and commissions received by said county clerk during the month, accompanied by a statement of the sources from which said fees and commissions have been received.

Sheriff.

2. The sheriff, four thousand dollars per annum; *provided*, that said sheriff shall have the following deputies and assistants: One chief deputy, who shall be paid a salary of two thousand one hundred dollars per annum; four deputies, each of whom shall be paid a salary of one thousand eight hundred dollars per annum; two deputies to act as bailiffs at a salary of one thousand eight hundred dollars each per annum; one deputy who shall be paid a salary of one thousand five hundred dollars per annum; one deputy who shall perform the duties of matron and cook at the county jail, at a salary of one thousand ninety-five dollars per annum, and her board at said jail, while performing such duties; and one deputy for a period of two weeks, out of each year, at a salary of three dollars per day and board, who shall perform the duties of matron and cook during the vacation period of the matron above provided. The sheriff shall receive and retain for his use, the compensation allowed by the state for the transportation of prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, state hospitals and other state institutions. All other fees and mileage received by the sheriff shall be paid into the county treasury and placed to the credit of the salary fund. In the event that the Legislature shall hereafter increase the number of superior judges in any county of this class, an additional deputy shall be appointed by said sheriff to act as bailiff at a salary of one hundred twenty-five dollars per month.

Recorder

3. The county recorder, three thousand six hundred dollars per annum; *provided*, that said recorder shall have the

following deputies and assistants: One chief deputy who shall be paid a salary of two thousand one hundred dollars per annum; three deputies, each of whom shall be paid a salary of one thousand five hundred dollars per annum; two comparing clerks, each of whom shall be paid a salary of one hundred dollars per month; and such copyists as are necessary to perform the duties of the office, who shall receive a compensation of three cents per folio for each folio of any instrument recorded and necessary to be transcribed by said recorder, and which said compensation shall be paid out of the salary fund of such county. All fees collected by the county recorder shall be paid into the county treasury and placed to the credit of the salary fund.

4. The county auditor, three thousand dollars per annum; ^{Auditor.} *provided*, that said auditor shall have the following deputies and assistants: One deputy who shall be paid a salary of two thousand four hundred dollars per annum; three deputies, each of whom shall be paid a salary of one thousand eight hundred dollars per annum; one deputy who shall be paid a salary of one thousand five hundred dollars per annum, and such additional deputies and assistants as he may consider necessary to promptly perform the work required to be done in the office of said auditor, and who shall be paid a salary of four dollars per day, while actually employed; *provided, however*, that the total compensation of such additional deputies and assistants shall not in the aggregate, exceed the total sum of one thousand dollars per year. It shall be the duty of the county auditor in counties of this class to prepare for the board of supervisors, the reports required by sections 4099 and 4099a of the Political Code, and all fees and commissions received by the county auditor shall be paid by him into the county treasury and placed to the credit of the salary fund.

5. The county treasurer, three thousand dollars per annum; ^{Treasurer} *provided*, that said treasurer shall have one deputy who shall be paid a salary of one thousand nine hundred twenty dollars per annum; and one deputy who shall be paid a salary of one thousand five hundred dollars per annum.

6. The tax collector, three thousand dollars per annum, in ^{Tax collector} full compensation for all services performed as tax collector and ex officio license collector; *provided*, that said tax collector shall have the following deputies and assistants: One chief deputy who shall be paid a salary of one thousand nine hundred twenty dollars per annum; two deputies, each of whom shall be paid a salary of one thousand five hundred dollars per annum; three copyists from the first day of July each year to the first day of September each year, each of whom shall be paid a salary of one hundred dollars per month; twelve clerks for a period of not to exceed two months in any one year, each of whom shall receive a salary of one hundred dollars per month; and such additional assistants during each year as he may require to promptly perform the work

required to be done in the office of said tax collector, said assistants to be employed by said tax collector and to be paid a compensation of four dollars per day while actually employed, and such compensation shall not in the aggregate exceed the sum of one thousand dollars per annum. All fees and commissions paid to the tax collector and ex officio license collector, shall be paid into the county treasury and placed to the credit of the salary fund.

Assessor.

7. The county assessor four thousand dollars per annum; *provided*, that said assessor shall be allowed the following deputies and assistants: One deputy, who shall be known as chief deputy and who shall be paid a salary of one thousand nine hundred twenty dollars, per annum; two deputies who shall be paid a salary of one thousand five hundred dollars per annum; *and providing, further*, that the said assessor shall have such additional deputy assessors as he may require, at a salary of two hundred ten dollars per month, for those employed as outside field deputy assessors, and at a salary of one hundred eighty dollars per month for those employed as inside field deputy assessors, and at a salary of one hundred dollars per month for those employed as copyists; *provided, however*, that the total compensation of said additional deputy assessors employed as inside and outside field deputy assessors and copyists, shall not exceed the sum of sixteen thousand two hundred dollars per year; *and provided, further*, that no field deputy assessors herein provided for shall be employed for more than four months in any one year. All fees and commissions, including all sums collected by the assessor or his deputies as personal property taxes, shall be paid in to the county treasury monthly as collected, with a statement of account of each collection.

District attorney.

8. The district attorney four thousand two hundred dollars per annum; *provided*, that the district attorney shall have the following deputies and assistants: An assistant district attorney who shall be paid a salary of three thousand three hundred dollars per annum; one deputy who shall be paid a salary of three thousand dollars per annum; one deputy who shall be paid a salary of two thousand seven hundred dollars per annum; one deputy who shall be paid a salary of two thousand four hundred dollars per annum; one stenographer who shall be paid a salary of one hundred twenty-five dollars per month, and one stenographer who shall be paid a salary of one hundred dollars per month.

Coroner

9. The coroner, such fees as are now or may be hereafter allowed by law.

Administrator.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools

11. The superintendent of schools, as full compensation of all services required of him by law, including his duties as a member of the county board of education, four thousand dollars per annum, and actual and necessary traveling expenses when visiting the schools of his county; *provided*,

that the superintendent of schools shall have the following deputies: One chief deputy who shall be paid a salary of two thousand two hundred dollars per annum; a second deputy who shall be paid a salary of one thousand eight hundred dollars per annum, and one deputy who shall be paid a salary of one thousand five hundred dollars per annum, said chief deputy and said second deputy to be qualified teachers, competent to perform the duties of said office, either in the field or in said office.

12. The county surveyor three thousand dollars per annum; ^{Surveyor} *provided*, that the surveyor shall have the following deputies and assistants: One deputy who shall be paid a salary of two thousand dollars per annum; one field inspector who shall be paid a salary of two thousand dollars per annum; one field and office assistant who shall also act as stenographer and who shall be paid a salary of one thousand five hundred dollars per annum. In addition the county surveyor shall be allowed all necessary traveling and other expenses incurred by himself or by said deputy, field inspector or assistant in the performance of all work in the field and in the discharge of the duties of his office, and said surveyor shall also have power to employ such inspectors, chainmen, rodmen and other field help as may be necessary to perform the duties of his office in the field and for the proper supervision and inspection of all highways, bridges, structures and other engineering work, which the said county surveyor may be required by the board of supervisors to supervise or inspect, while under construction, and the compensation of said inspectors and other help shall be a proper charge against the county, and shall be paid out of the county general fund upon the presentation of proper claims therefor to the board of supervisors in any county of this class. The county surveyor shall do all surveying and engineering work for the county, including the preparation of plans and specifications for the construction of bridges; and in any county of this class, whenever a portion of the county general fund has been appropriated for the construction of highways or bridges, or bonds have been issued under the provision of section 4088 of the Political Code for the construction of bridges or highways, the county surveyor may at any time during the planning, laying out or construction of said bridges or highways, employ all necessary inspectors, draftsmen and field or office help for the purpose of assisting said county surveyor in planning, laying out or supervising and inspecting the construction of such bridges or highways and the compensation of all persons so employed shall be paid out of the fund created for such work upon the presentation of proper claims therefor to the board of supervisors; ^{Employees.} *provided*, *however*, that before employing any inspectors and field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment, and said inspectors and field or office help shall not be employed for a period

Superintendent of maintenance

longer than may be necessary to actually complete said bridges or highways, and the compensation of all such persons employed as inspectors, draftsmen, field or office help, shall be prescribed by the board of supervisors. The board of supervisors shall have the power to appoint the county surveyor, superintendent of maintenance of permanent highways constructed under bond issues, direct tax or county general funds, and such surveyor, in the event of such appointment, must perform the duties of such superintendent of maintenance, and when so appointed, shall receive a salary of eight hundred dollars per annum. He shall be allowed all necessary help to perform the duties of such superintendent of maintenance, the compensation of which help shall be fixed by the board of supervisors, and which said board shall furnish such superintendent of maintenance with necessary equipment and funds to properly perform such work.

Classification of townships

13. For the purpose of regulating the compensation of the justices of the peace and constables in counties of the eleventh class the townships of said counties are hereby classified as follows: Townships having a population of fifteen thousand and more shall belong to and be known as townships of the first class. Townships having a population of not less than ten thousand and under fifteen thousand shall belong to and be known as townships of the second class. Townships having a population of not less than six thousand and under ten thousand shall belong to and be known as townships of the third class. Townships having a population of not less than three thousand and under six thousand shall belong to and be known as townships of the fourth class. Townships having a population of not less than one thousand and under three thousand shall belong to and be known as townships of the fifth class. Townships having a population under one thousand shall belong to and be known as townships of the sixth class; *provided*, that for the purposes of this section the population of the several townships of the counties of this class shall be ascertained by the board of supervisors by multiplying the number of registered voters at the last preceding general presidential election by three.

Justices and their clerks in townships of first and second classes

14. Justices of the peace in townships of the first and second class shall be paid a salary of one hundred seventy-five dollars per month and in each justice's court in townships of the first class there shall be one justice's clerk who shall be appointed by the justice of the peace and who shall hold office at the pleasure of the said justice of the peace and who shall be paid a salary of one hundred twenty-five dollars per month and which shall be payable in the same manner and out of the same funds as county officers are paid. For each justice's court in townships of the second class there shall be one justice's clerk who shall be appointed by the justice of the peace and who shall hold office at the pleasure of the said justice of the peace and who shall be paid a salary of one hundred dollars per month and which shall be payable in the

under oath of all fines, forfeitures, penalties and fees received by him or collected by said court.

Justices
in other
townships
compensa-
tion

Justices of the peace in townships other than townships of the first and second class, shall be paid the following monthly salaries, to wit: In townships of the third class one hundred twenty-five dollars per month; in townships of the fourth class, one hundred dollars per month; in townships of the fifth class, fifty dollars per month; in townships of the sixth class, thirty dollars per month; and all salaries provided for by this section shall be in full compensation for all services rendered by justices of the peace and justice's clerks, in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by all justices and justice's clerks into the county treasury.

Offices, etc

The board of supervisors may provide a suitable office and courtroom, including furniture, telephone, stationery, books and supplies for each of the justices of the peace in this county, and the expense of the same, shall be a charge against the county; *provided, however,* the total expense of the office, courtroom, furniture, telephone, stationery, books, and supplies furnished to any justice of the peace in any fiscal year shall not exceed twenty-five per cent of the salary of that justice of the peace for the said fiscal year.

Constables

15. Constables shall be paid the following monthly salaries each month in the same manner as the salaries of county officers are paid, and said salaries shall be in full compensation for all services rendered by them in both civil and criminal cases: In townships of the first, second and third class, one hundred fifty dollars per month; in townships of the fourth class, one hundred dollars per month; in townships of the fifth class, seventy-five dollars per month; in townships of the sixth class, thirty dollars per month. All such fees as are now or may be hereafter allowed by law in civil cases shall be paid by all constables into the county treasury. In addition to the monthly salary herein provided, each constable shall be allowed all expenses necessary and actually incurred by him, in the execution of all criminal and civil process.

Monthly
statements
by justices
and con-
stables

16. It shall be the duty of each and every justice of the peace and constable to file in the office of the board of supervisors on or before the first Monday of each and every month, a full and complete statement showing all business, both civil and criminal, done during the preceding month. The statement of the constable shall contain a full and correct account of all process served in both civil and criminal actions, and his statement of criminal actions, together with the mileage from the office of such constable to the place of arrest. All justices of the peace shall file a full and correct statement of all civil and criminal actions, and fees received therefrom, said statements to be sworn to before some officer entitled by law to administer oaths; *provided,* that in townships of the first class, such statement may be made and sworn to by the justice's clerk.

17. Each supervisor shall be paid a salary of two thousand four hundred dollars per annum for all personal service performed by him as supervisor, member of the board of equalization and road commissioner, and in addition thereto each supervisor shall receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid; *provided, however*, that the said traveling expenses shall not exceed the sum of eight cents per mile. Supervisors.

18. The county librarian, two thousand four hundred dollars per annum. Librarian.

19. The traffic officer shall receive a salary of two thousand seven hundred dollars per annum; said traffic officer to provide and maintain his own equipment and all costs of the operation thereof; *provided*, that the said traffic officer shall have four deputies at the salary of two thousand five hundred twenty dollars per annum and each shall provide and maintain his own equipment and all costs of the operation of the same. Such traffic officer and his deputies shall be appointed by the board of supervisors and hold office for the period provided by law, and the provisions of this paragraph shall apply to the office of said county traffic officer and his deputies whenever said office of county traffic officer is created by law. Traffic officer and his deputies.

20. All fees and sums required by law to be paid into the county treasury by any county or township officer shall be so paid on the first Monday in each month after collection. Payments into treasury.

CHAPTER 27.

An act to amend section 19x12 of the "Juvenile court law" approved June 5, 1915, as amended, relating to salaries of probation officers in counties of the twelfth class.

[Approved by the Governor March 28, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 19x12 of the "Juvenile court law" approved June 5, 1915, as amended, is hereby amended to read as follows: Stats. 1925, p. 992, amended.

19x12. In counties of the twelfth class, there shall be one probation officer whose salary shall be three thousand six hundred dollars per annum, and one assistant probation officer whose salary shall be one thousand eight hundred dollars per annum, and one assistant probation officer whose salary shall be one thousand two hundred dollars per annum. Counties of twelfth class (Kern): salaries of probation officer and assistant.

CHAPTER 28.

*An act to amend section 2655 of the Civil Code, defining
"marine" insurance.*

[Approved by the Governor March 28, 1929. In effect August 14, 1929.]

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

Civ. C., 1872,
p. 433,
amended
"Marine
Insurance"
defined.

SECTION 1. Section 2655 of the Civil Code is hereby amended to read as follows:

2655. The terms "marine insurance" and "marine business" and "marine risks" shall mean insurance or reinsurance against any and all kinds of loss of or damage to:

(a) Vessels, craft, aircraft, cars, automobiles and vehicles of every kind (excluding aircraft and automobiles operating under their own power or while in storage not incidental to transportation), as well as all goods, freights, cargoes, merchandise, effects, disbursements, profits, moneys, bullion, securities, choses in action, evidences of debt, valuable papers, bottomry and respondentia interests and all other kinds of property and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit, or transportation, including war risks, on or under any seas or other waters, on land or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting the same or during any delays, storage, transshipment, or reshipment incident thereto, including marine builder's risks, and all personal property floater risks including bailees' customers risks and risks commonly known as bundle insurance, and

(b) Person or to property in connection with or appertaining to a marine, inland marine, transit or transportation insurance, including liability for loss of or damage, arising out of or in connection with the construction, repair, operation, maintenance or use of the subject-matter of such insurance (but not including life insurance or surety bonds); but, except as herein specified, shall not mean insurances against loss by reason of bodily injury to the person, and

(c) Precious stones, jewels, jewelry, gold, silver and other precious metals, whether used in business or trade or otherwise and whether the same be in course of transportation or otherwise.

CHAPTER 29.

An act making an appropriation for equipment of buildings at Veterans' Home of California, and declaring the same an urgency measure necessary for the immediate preservation of the public peace, health and safety and providing for its going into effect immediately.

[Approved by the Governor March 28, 1929. In effect immediately.]

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

SECTION 1. The sum of twenty-one thousand dollars is hereby appropriated out of any moneys in the athletic commission fund, not otherwise appropriated, for purchase of equipment of buildings at Veterans' Home of California.

Appropriation
veterans'
home.

SEC. 2. Inasmuch as this act is required for the immediate preservation of the public peace, health and safety, in that buildings have been constructed at said Veterans' Home of California and no provision has been made for equipment of same and as it is necessary to equip said buildings immediately in order to make quarters available for the housing of persons at said home, this act is hereby declared an urgency measure and shall, under the provisions of section 1 of article four of the constitution take effect immediately.

Urgency
measure

CHAPTER 30.

An act to amend section 1203 of the Political Code relating to elections.

[Approved by the Governor March 29, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1203 of the Political Code is hereby amended to read as follows:

Stats 1919,
p. 319,
amended.

1203. All officers upon whom is imposed, by law of the state, the duty of designating polling places, shall cause such polling places to be suitably provided with an American flag of such size as may be determined upon by the county board of supervisors to be erected at or near each polling place within the county, and with a ballot-box, to be marked on the outside "general tickets," and when any city, city and county or town officers are to be elected, a second ballot-box, to be marked on the outside "municipal tickets"; and shall also provide a sufficient number of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others, and a guard-rail shall be so constructed and placed that only

American
flags.

Ballot boxes

Booths for
voters.

such persons as are inside said rail can approach within six feet of the ballot-boxes, and of such booths or compartments.

The arrangement shall be such that neither the ballot boxes nor the box-booths or compartments shall be hidden from the view of those just outside the said guard-rail. The number of such voting booths or compartments shall not be less than one for every forty electors qualified to vote in the precinct. No person other than electors engaged in receiving, preparing, or depositing their ballots shall be permitted to be within said rail before the closing of the polls, except by authority of the board of election, and then only for the purpose of keeping order and enforcing the law.

Supplies.

Each of said voting booths or compartments shall be kept provided with proper supplies and conveniences for marking the ballots; *provided*, that no such supplies or conveniences shall be furnished other than the ink-pads and stamps by which a cross (X) may be made as herein provided for. And the election officers shall especially see that the stamps and ink-pads required are at all times in such booths and in condition for proper use; and all officers upon whom is imposed, by the law, the duty of designating polling places shall supply each polling place with several stamps and several ink-pads for each booth, and such stamps shall be so made that a cross (X) may be made with either end of such stamp, and the same must be so constructed that the portion with which such cross (X) is to be made shall not be fastened on by any glue or like substance which may loosen when wet, but the said stamp shall be one solid piece; *provided, however*, that nothing herein contained shall prevent an elector from using a pencil for the purpose of writing in on the ballot the name of any candidate for whom he desires to vote.

Names may
be written
in on
printed
ballot.

CHAPTER 31.

An act to amend sections 6, 7, 10, 13, 14, 17, 18, 20, 22, 24 and 26 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, also to amend section 12 of said act as amended, said last named section referring to the powers of said districts, by amending subdivision fourth thereof relating to the acquisition and disposing of real and personal property, providing the right to mortgage same and ratifying sales and mortgages, by amending subdivision fifth thereof relating to works, property and facilities of said districts, by amending subdivision sixth thereof relating to the power of eminent domain and by amending subdivision eighth

thereof relating to the indebtedness of such districts including any such indebtedness heretofore or hereafter incurred and declaring the urgency of the amendments to said section 12.

[Approved by the Governor March 29, 1929 Section 4 in effect immediately, remainder of act in effect August 14, 1929]

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

SECTION 1. Section 6 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, as amended, is hereby amended to read as follows: Stats 1927, p. 46, amended

Sec. 6. Upon establishing the wards as aforesated, the board of supervisors of said county shall give notice of an election to be held within the proposed district for the purpose of determining whether the same shall be created and established, also for the purpose of electing directors if established. Said notice shall state the name of the proposed district, and describe the boundaries thereof; it shall also describe the boundaries of the wards or subdistricts provided for the purpose of electing directors. Said notice shall be published once a week for at least three weeks before the day of said election in each municipality included in the proposed district. In case no newspaper of general circulation is published in any of the municipalities included therein said notice shall be posted for at least three weeks in not less than three public places in each of such municipalities. In case unincorporated territory is included therein said notice shall be posted for a like period in at least three public places in such unincorporated territory. Notice of election.

The ballot for said election shall contain such instructions as are required by law to be printed thereon and in addition thereto shall appear thereon the following: Ballot

Shall the (giving the name thereof) "municipal utility district" be created and established?	Yes	
	No	

Said ballots shall also contain the names of the persons nominated in each ward to serve as a member of the board of directors from such ward, showing separately each ward and its nominees. Any person may be nominated for the office of director upon written petition of fifty or more qualified electors of the ward or subdistrict in which such person resides.

General laws
to govern.

Said election, including the nomination and election of directors and all matters pertaining hereto not otherwise provided for herein, shall be held and conducted and the result thereof ascertained, determined and declared in accordance with the general election laws of the state, as nearly as may be, and no person shall be entitled to vote at said election unless he or she be a qualified elector of the territory included in the proposed district. Said election may be held on the same day as any other state, county or city election and be consolidated therewith.

Canvass
of votes

Said board of supervisors shall meet on Monday next succeeding the day of said election and canvass the votes cast thereat.

They shall canvass the returns of each municipality and each parcel of unincorporated territory, if any, separately, and shall order and declare said district created and established of the municipalities and territory in which a majority of those who voted on the proposition voted in favor of the creation of said district; *provided, however*, that the total number of electors in such approving municipalities and territory be not less than two-thirds the number of electors within the district as first proposed, according to the register used at said election.

Qualifications
of director.

No person shall be entitled to serve as a director unless he be a resident and elector of the district as finally determined, and any vacancies on the board of directors caused by the elimination of territory shall be filled by the remaining directors, in which case ward lines may be disregarded in their appointment thereof. Said board of supervisors shall also canvass the returns of the election with respect to the persons voted for as directors, and shall declare the persons receiving the highest number of votes, for each ward, respectively, to be duly elected as directors of said district, providing they are residents and electors thereof as finally determined.

Declaration
of result.

The board of supervisors shall cause a certified copy of said order declaring the result of said election to be filed in the office of the secretary of state, from and after which the establishment of said municipal utility district shall be deemed complete, and the persons elected as directors thereof shall enter immediately upon their official duties after qualifying according to law. Said directors shall hold their respective offices only until the first Monday after the first day of January next following the next general election as provided by section 1041 of the Political Code, and until their successors are elected and qualified.

Cost of
election.

The board of supervisors calling the election shall make all provision for the holding thereof throughout the entire district as proposed, and shall pay the cost thereof. In case a special election is held exclusively on the proposition of organizing such a district, the expenditure therefor shall be reimbursed to the county which called the election by means of a special

tax on all the taxable property within the municipalities and unincorporated territory which was proposed to be included in the district, which tax shall be added to the next county tax bills by the proper officials of the counties involved, respectively.

No informality in any proceeding or in the conduct of said election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of any municipal utility district, and any proceedings wherein the validity of such incorporation is denied, shall be commenced within three months from the date of filing the aforesaid order with the secretary of state, otherwise such incorporation and the legal existence of said municipal utility district shall be held to be valid and in every respect legal and incontestable.

Proceedings
not in-
cluded by in-
formalities

SEC. 2. Section 7 of the above entitled act is hereby amended to read as follows:

Stats. 1927,
p 61,
amended.

Sec. 7. Except as otherwise provided herein, all subsequent elections and nominations of candidates for directors to be elected thereat shall be held and conducted in accordance with the general election laws of the state as near as they may be applicable.

Subsequent
elections.

Notice of election shall be given by publication once a day for at least seven days in one or more newspapers of general circulation published and circulated at least six days a week in such district, or once a week for two weeks in some newspaper published less than six days a week in such district; and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week. In districts where no such newspaper is published, such notice shall be posted in three public places therein for two succeeding weeks. No other notice of such election need be given. Said notice shall refer to the wards as previously established by resolution or ordinance of the board of directors.

Notice of
election.

The board of directors shall in the notice, ordinance or resolution calling an election consolidate the same with the election to be held at the same time in the respective counties wherein the district is located and shall authorize the respective boards of supervisors to canvass the returns of such district election and certify the result of said canvass to the directors of said district and it shall be the duty of the board or boards of supervisors to so consolidate said election, canvass such returns and cause the result thereof to be properly certified to the board of directors of said district.

Such election shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat. Nomination papers shall be circulated throughout the district. A nomination paper containing the name of the candidate to be nominated, with such other information as may be required herein, shall be signed by electors residing within the district equal in number to at least one per cent

Conduct of
election.

of the entire vote cast at the last preceding general election within the district.

Except as otherwise provided herein the provisions of section 1188 of the Political Code and of sections 5, 6 and 10 of the direct primary law as the latter existed in 1926 shall substantially govern as to the manner of appointment of verification deputies, the form of nomination papers and the securing of signatures thereto and fastening together of sections of the nomination paper containing such signatures, the filing of the candidate's affidavit, the payment of filing fees and all other things necessary to get the name of the candidate upon the ballot; *provided, however*, that verification deputies may obtain signatures to the nomination paper of any candidate at any time not more than sixty-five days nor less than forty days prior to such election, and all nomination papers shall be filed with the secretary of the district not more than sixty days nor less than thirty-five days before the day of election and shall be examined by him. Said election shall be consolidated with the general election as to territory which is the same and the secretary of the district shall certify the names of all candidates to be placed upon the ballot to the county clerk or county clerks within the territory affected by such consolidation at least twenty-five days prior to the date of said election. Upon the filing of a sufficient nomination paper and affidavit by any candidate the name of such candidate shall go upon the ballot at the ensuing general election. Upon receipt of the returns of the canvass by the respective boards of supervisors the directors of the district shall meet and determine results of the election and declare the candidate or candidates elected

Certificates
of election.

The secretary of the district shall issue certificates of election signed by him and duly authenticated immediately following the determination of the result of the election by the directors of the district.

Oath of
office.

The oath of office must be taken, subscribed and filed with the secretary of the district within thirty days after the officer has notice of his election or appointment or before the expiration of fifteen days before the commencement of his term of office. No other filing is required.

Terms of
office.

Of the directors elected at the next general state election following the election at which the district is created, those three elected by the highest vote shall hold office for four years, and the other two for two years, and until their successors are elected and qualified. Thereafter, at each biennial general election provided for under section 1041 of the Political Code, a number of directors corresponding to the number whose term of office expires shall be elected for the term of four years. The terms of such officers shall commence on the first Monday after the first day of January next following their election.

Stats 1927,
p 62,
amended

SEC. 3. Section 10 of the above entitled act is hereby amended to read as follows:

Vacancies

Sec. 10. The board of directors shall fill all vacancies on the board, including those caused by the death or resignation

of a member; *provided, however*, that whenever a vacancy shall exist for thirty days the governor shall fill such vacancy. The person appointed to fill any such vacancy shall hold office for the remainder of the unexpired term of his predecessor.

The acts of the board of directors shall be expressed by motion, resolution or ordinance; *provided*, no ordinance shall be passed by said board on the day of its introduction, nor within three days thereafter, nor at any time other than a regular or adjourned regular meeting. No ordinance, resolution or motion shall have any validity or effect unless passed by the affirmative votes of at least three directors. All ordinances shall be published for at least one week in some newspaper of general circulation printed, published and circulated in such district.

Motions,
ordinances
and
resolutions.

The enacting clause of all ordinances shall be as follows:

“Be it enacted by the board of directors of-----municipal utility district:”

All ordinances shall be signed by the president of the board of directors, or vice president, and be attested by the secretary.

SEC. 4. Section 12 of the above entitled act is hereby amended to read as follows:

Stats. 1927,
p 63,
amended
Powers of
districts

Sec. 12. Any municipal utility district incorporated as herein provided shall have power:

First—To have perpetual succession.

Second—To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

Third—To adopt a seal and alter it at pleasure.

Fourth—To take by grant, purchase, gift, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and to hold and enjoy real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers. The directors of the district may lease, mortgage, sell or otherwise dispose of any real or personal property within or without the district when in their judgment it is for the best interests of the district so to do. The provisions of this section shall apply to all sales or mortgages heretofore or hereafter made.

Fifth—To acquire, construct, own, operate, control or use, within or without, or partly within and partly without, the district, works or parts of works for supplying the inhabitants of said district and municipalities therein, with light, water, power, heat, transportation, telephone service, or other means of communication, or means for the disposition of garbage, sewage, or refuse matter; and to do all things necessary or convenient to the full exercise of the powers herein granted; also to purchase any of the commodities or services aforementioned from any other utility district, municipality, person, or private company, and distribute the same. Whenever there is a surplus of water, light, heat or power above that which may be required by such inhabitants or municipalities within the district, such district shall have power to sell or otherwise

Powers of
districts.

dispose of such surplus outside of the district to persons, firms, and public or private corporations, or municipalities outside said district.

Whenever any of the facilities, works, or utilities of the district, or part thereof, is not used or employed to its fullest capacity for the benefit or requirements of the district or its inhabitants, such district shall have power to enter into an agreement or agreements with counties, cities, municipalities, irrigation districts, public utility companies, or any public corporations or agencies, upon such terms and conditions as may be satisfactory to its board of directors, for renting, leasing, or otherwise using the available portion or parts of such facilities, works, or utilities, and in connection with any such agreement, renting or leasing, the district may undertake or perform any services incidental thereto.

Sixth—To have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. To take any property necessary or convenient to the exercise of the powers herein granted, whether such property be already devoted to the same use or otherwise. In the proceedings, venue and trial, relative to the exercise of such right the district shall have all the rights, powers and privileges of a municipal corporation, and all rights, powers and privileges herein conferred.

Seventh—To construct works across or along any street or public highway, or over any of the lands which are now or may be the property of this state, and to have the same rights and privileges appertaining thereto as have been or may be granted to municipalities within the state, and to construct its works across any stream of water or water-course. The district shall restore any such street or highway to its former state as near as may be, and shall not use the same in a manner to unnecessarily impair its usefulness.

Eighth—To borrow money and incur indebtedness, and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness that may exist against or be assumed by the district; *provided*, no indebtedness shall be incurred exceeding the ordinary annual income and revenue of the district without the approval of a two-thirds vote of the electors voting on the proposition to incur such indebtedness; *provided, however*, that a further vote of the electors is not required for any indebtedness heretofore or hereafter incurred within the purposes and not exceeding the available amount of any previously authorized bond issue and as to such indebtedness the proceeds of any of such bonds unexpended in the treasury of the district, or the par value of any of such bonds which are unsold shall be deemed a part of the ordinary annual income and revenue of such district.

Ninth—To levy and collect, or cause to be levied and collected, taxes for the purpose of carrying on the operations and paying the obligations of the district.

Tenth—To make contracts, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers herein in this act granted.

Eleventh—To proceed in the name of the district in case of condemnation proceedings.

SEC. 5. Section 13 of the above entitled act is hereby amended to read as follows: Stats 1921,
p. 252,
amended

Sec. 13. The general manager shall have full charge and control of the construction of the works of said district and of their maintenance and operation, also of the administration of the business affairs of said district. He need not be a resident of the State of California at the time of his appointment. His salary shall be fixed by the board of directors. The powers of the general manager shall be: Powers of
general
manager

(a) To see that all ordinances of the district are enforced;

(b) To appoint or hire, except as otherwise provided herein, all heads of departments, subordinate officials and employees necessary for the administration of the affairs of said district, and to remove the same;

(c) To attend all meetings of the board of directors and submit a general report of the affairs of the district;

(d) To keep the directors advised as to the needs of the district;

(e) To prepare or cause to be prepared, all plans and specifications for the construction of the works of said district;

(f) To devote his entire time to the business of the district;

(g) To perform such other and additional duties as the board of directors may require.

The general manager shall within sixty days from the end of each fiscal year cause to be published a financial report showing the result of operations for the preceding fiscal year and the financial status of the district on the last day thereof. Said publication shall be made at least once a week for two weeks in some newspaper of general circulation printed and published in the district, or, if there be no such newspaper in the district, then within some newspaper of general circulation printed and published in the county where such district is situated. Publication
of financial
condition

All other things being equal, the board of directors shall appoint as general manager some person who has had experience in municipal engineering or in the construction or management of public utilities. Qualifications
of general
manager.

SEC. 6. Section 14 of the above entitled act is hereby amended to read as follows: Stats 1927,
p. 65,
amended

Sec. 14. The accountant shall install and maintain a system of auditing and accounting which shall completely and at all times show the financial condition of the district. He shall draw all warrants for the payment of demands against the district when the same have been approved by the general manager and the board of directors. He shall perform such other duties as the board may require. To facilitate the business of the district the board of directors may provide for a Accountant

revolving fund for the accountant an amount not to exceed ten thousand dollars. The accountant may segregate this fund into smaller funds as the needs of the district may require. This fund may be used to make urgent payments in connection with the business of the district. The accountant shall report all such payments to the board and file vouchers therefor.

Treasurer

The treasurer shall be the custodian of the funds of the district and shall make payments only upon warrants duly and regularly signed by the president or vice president of the board of directors, or other person authorized by the board of directors so to do, and attested by the secretary. He shall keep an account of all receipts and disbursements.

Attorney

The attorney shall be one who has been duly admitted to practice law in the supreme court of the state, and shall have been actively engaged in the practice of his profession for a period of not less than three years next preceding his appointment. It shall be his duty to take charge of all suits and other legal matters to which the district is a party or in which it may be legally interested. He shall give his advice or opinion in writing whenever required by the board. He shall be the legal adviser of the manager and other district officers and shall prepare and approve the forms of all ordinances, resolutions, contracts, bonds and other legal documents connected with the business of the district. He shall perform such other and additional services as the directors may require.

Stats 1921,
p 256,
amended

SEC. 7. Section 17 of the above entitled act is hereby amended to read as follows:

Expert to
examine
affairs of
districts

Sec. 17. The directors of the district shall employ annually an expert who shall be qualified to, and who shall with all due diligence, examine and report upon the system of accounts kept by the district, all the contracts of whatsoever kind made and entered into by the board of directors within the two years immediately preceding, and the properties and investments of the district. Said expert shall in his report make such recommendations and suggestions as to him shall seem proper and required for the good of the district, and the efficient and economical or advantageous management and operation of the public utility or utilities of the district; and he shall in his said report make such recommendations and suggestions as to the system of accounts kept, or in his judgment to be kept, by the district, in connection with each public utility, the classification of the public utilities of the district and the establishment of a system of accounts for each class, the manner in which such accounts shall be kept, the form of accounts, records, and memoranda kept or to be kept, including accounts, records, and memoranda of receipts and expenditures of money, and depreciation and sinking fund accounts, as in his judgment may be proper and necessary.

Stats 1921,
p 257,
amended

SEC. 8. Section 18 of the above entitled act is hereby amended to read as follows:

Sec. 18. Only revenue producing utilities shall be acquired, owned or operated by a district formed under the provisions of this act. The rates and charges for commodities or service furnished shall be fixed by the board of directors. As far as possible utilities shall be self-supporting but in order so to do the board shall not be required to fix a rate which in its opinion is unreasonably high, nor to cover large expenditures and the interest thereon required for future needs and development.

Property and expenses of districts

SEC. 9. Section 20 of the above entitled act is hereby amended to read as follows:

Stats 1927, p. 69, amended

Sec. 20. (1) If, in the opinion of the board of directors, the revenues will not be sufficient to pay the principal or interest on any bonded debt as it becomes due, or to carry out the objects and purposes of the district, then said board shall levy a tax for such purpose or purposes and fix the amount of money necessary to be raised therefor by taxation. The words "revenue producing utilities" as used in this act shall be deemed to mean such utilities as those from which revenue is customarily or may be derived by means of charges, rates, or rentals imposed upon or collected from users, consumers or customers thereof, together with such works, facilities and appliances used or useful in connection therewith or incidental thereto.

Tax to pay indebtedness

"Revenue producing utilities"

(2) The board of directors may provide for the assessment, levy and collection of taxes, including the sale of property to the district for delinquent taxes, with penalties, interest and cost.

Ordinance as to tax

(3) The board of directors may elect to avail itself of the assessment or assessments made by the assessor or assessors of the county or counties in which the district is situated, and may take such assessment or assessments as the basis for district taxation, and have its taxes collected by the county officials of such county or counties; *provided*, the board of directors shall declare its said election by resolution or ordinance and file a certified copy of the same with the auditor or auditors of the county or counties in which the district is situated, on or before the first day of August. Thereafter, each year, and until otherwise provided by the board of directors, all assessments shall be made and taxes collected for such district by the county assessor and tax collector, respectively, (or county assessors and tax collectors) of the county or counties in which the district is situated. In such case, the auditor or auditors of such county or counties must, on or before the second Monday in August of each year, transmit to the board of directors of the district a statement in writing showing the total value of all property within the district, which value shall be ascertained from the assessment book of such county or counties for that year as equalized and corrected by the board or boards of supervisors of such county or counties. In case the board of directors shall so elect, as hereinabove provided, it shall, on or before the first

Assessment and collection by county officers.

week day in September, or if such week day falls upon a holiday then on the first business day hereafter, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property as assessed by the county assessor or assessors and returned to the board of directors of the district by the county auditor or auditors, as hereinabove provided, which rate of taxation shall be sufficient to raise the amount previously fixed by the board, as hereinabove prescribed. Said acts by the board of directors of the district shall constitute a valid assessment of such property and a valid levy of such taxes so fixed. The board of directors of the district must immediately thereafter transmit to the county auditor or auditors of the county or counties in which the district is situated a statement of the rate of taxes so fixed by said board.

Such taxes so levied shall be collected at the same time and in the same manner as county taxes; and when collected the net amount, ascertained as herein after provided, shall be paid to the treasurer of the district, under the general requirements and penalties provided by law for the settlement of other taxes.

Disposition
of
redemption
moneys

Whenever any real property situate in any municipal utility district formed under the provisions of this act, which district has availed itself of the provisions of this subdivision of this section, has been sold for taxes and has been redeemed, the money paid for such redemption shall be apportioned and paid by the county treasurer or treasurers receiving the same to such municipal utility district, in the proportion which the tax due to such district bears to the total tax for which such property was sold.

Tax lien

(4) All taxes levied under the provisions of this act shall be a lien on the property on which they are levied; and unless the board of directors has by ordinance otherwise provided, the enforcement of the collection of such taxes shall be had in the same manner and by the same means as is provided by law for the enforcement of liens for state and county taxes, all the provisions of law relating to the enforcement of the latter being hereby made a part of this act, so far as applicable.

Compensation
to counties

(5) The amount of compensation to be charged by and paid to any county for the performance of services as in this section provided for and on behalf of any such municipal utility district shall be fixed by agreement between the board of supervisors of such county and the legislative body of such district; *provided, however*, that such compensation shall in no event exceed one-half of one per cent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund.

Stats 1927,
p 260,
amended

SEC. 10. Section 22 of the above entitled act is hereby amended to read as follows:

Purchase of
supplies by
contract.

Sec. 22. In the purchase of all supplies and materials, when the expenditure required for the same shall exceed the

sum of one thousand dollars, the same shall be done by contract and be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation, said notice to be printed at least once, which publication shall be made at least ten days before bids are received; *provided*, the directors may reject any and all bids and readvertise in their discretion; *provided, further*, that after rejecting bids the directors may determine and declare by a four-fifths vote of all its members that in its opinion the materials and supplies may be purchased at a lower price in the open market, after the adoption of which resolution, the directors may proceed to purchase said supplies and materials in the open market without further observance of the provisions first above stated;

Provided, further, that in case of any great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the directors may, by resolution passed by a four-fifths vote of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, whereupon they may proceed to expend or enter into a contract involving the expenditure of any sum needed in such emergency.

SEC. 11. Section 24 of the above entitled act is hereby amended to read as follows:

Stats 1921,
p 261,
amended

Sec. 24. Neither the general manager nor any director of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom; and for any violation of this provision such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. *Provided, however*, that this section shall have no application to contracts awarded to corporations in which such officer owns less than one per cent of the entire capital stock.

Penalties for
Interest of
officers in
contracts

SEC. 12. Section 26 of the above entitled act is hereby amended to read as follows:

Stats 1921,
p 261,
amended

Sec. 26. All matters and things necessary for the proper administration of the affairs of said district which are not provided for in this act shall be provided for by the board of directors of the district.

Powers of
board of
directors

SEC. 13. The amendment to section 12 of the above entitled act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of section 1 of article four of the constitution of the State of California, and section 4 of this act amending such section 12 shall take effect immediately. The following is a statement of facts constituting such urgency: The peace, health, safety and welfare of the citizens of various cities in this state situated within and comprising a part of

Urgency
measure

certain existing municipal utility districts are dependent upon the immediate acquisition, construction and completion of an adequate and pure water supply for municipal and domestic uses therein and of means for conveying and distributing the same to said districts, cities and inhabitants thereof. That said cities, municipal utility districts and the inhabitants thereof are faced with an impending shortage of water for municipal and domestic needs and certain works and property must be immediately constructed and acquired to insure against said shortage and against a presently existing fire hazard. That said works, property and the funds necessary to construct and acquire the same can not now be secured without great loss and sacrifice to said cities, municipal utility districts and the inhabitants thereof but the effect of said amendment will facilitate said districts in the construction and acquisition of works and property for the useful and necessary purposes above mentioned and will enable said districts to secure funds therefor without loss or sacrifice to said districts.

CHAPTER 32.

An act repealing an act entitled "An act creating a reclamation district to be called and known as, 'Bay Farm Island reclamation district,' providing for the management and control thereof and dissolving any reclamation district lying wholly within the boundaries of said Bay Farm Island reclamation district, and providing for the liquidation in winding up of any such said dissolved district," approved June 3, 1921

[Approved by the Governor March 29, 1929 In effect August 14, 1929]

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

Stats 1921.
p. 1414.
repealed

SECTION 1. An act entitled "An act creating a reclamation district to be called and known as 'Bay Farm Island reclamation district,' providing for the management and control thereof and dissolving any reclamation district lying wholly within the boundaries of said Bay Farm Island reclamation district, and providing for the liquidation in winding up of any such said dissolved district," approved June 3, 1921, is hereby repealed. Such repeal shall dissolve any district already created.

Districts
dissolved

CHAPTER 33.

An act validating the formation, organization and existence of sanitary districts and declaring the urgency of the same.

[Approved by the Governor March 29, 1929 In effect immediately.]

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

SECTION 1. In all cases where the board of supervisors of any county in this state has purported to form or organize a sanitary district under any law or laws of this state and such district has thereafter acted or functioned as a district for at least six (6) months prior to the taking effect of this act, all acts and proceedings taken for the purpose of forming or organizing such district are hereby legalized, validated and declared to be sufficient for all purposes, and all such sanitary districts are hereby declared to be duly formed and organized under their appropriate names as of the time of their purported formation or organization, with boundaries as shown or indicated in the orders of the board of supervisors purporting to form or organize the same and to be duly existing sanitary districts of this state; and all such districts shall henceforth have all the rights and privileges and be subject to all the duties and obligations of duly formed or organized sanitary districts.

Organization
of sanitary
districts
validated

SEC. 2. This act is hereby declared to be an urgency act necessary for the immediate preservation of the public peace, health or safety within the meaning of section 1 of article four of the constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency:

Urgency
measure

It is necessary to the public health and safety that sewers and sewerage systems be immediately constructed in many localities in the State of California, which sewers and sewerage systems under the circumstances prevailing in such localities can only be constructed by legally existing sanitary districts. Unless sewers and sewerage systems are promptly constructed in such localities, the public health and safety will be endangered and serious illness may result from unsanitary conditions therein. In the proceedings for the formation and organization of sanitary districts in some of said localities minor irregularities and defects, not violative of any right guaranteed under the constitution of the United States or of the State of California, have occurred and by reason thereof such districts are unable to raise the funds necessary to construct sewers and sewerage systems therein and therefor and otherwise carry out the objects for which such districts were formed and organized. By the validation of proceedings for the formation and organization of such districts, as herein provided, they will be able to raise funds for the construction of sewers and sewerage systems, and otherwise carry out the objects for which they were formed and organized.

CHAPTER 34.

An act to amend section 4245 of the Political Code, relating to salaries and fees of county and township officers, and organization of townships in counties of the sixteenth class.

[Approved by the Governor March 29, 1929 In effect August 14, 1929]

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

Stats 1927,
p 1081,
amended
Counties of
sixteenth
class
(Stanislaus)
compensation
of officers and
employees
County clerk
and deputies.

SECTION 1. Section 4245 of the Political Code is hereby amended to read as follows:

4245. In counties of the sixteenth class the county officers shall receive as compensation for their services required of them by law, or by virtue of their offices, the following salaries, and fees:

1. The county clerk, three thousand six hundred dollars per annum, and registration fees; all other fees of the clerk's office to be paid into the county treasury; *provided*, that in counties of this class there shall be a chief deputy clerk who shall be paid a salary of two thousand four hundred dollars per annum; said chief deputy in addition to his other duties, to prepare all deeds for the county without extra cost to the county. One deputy clerk for each department of the superior court in this class of counties who shall receive a salary of one thousand eight hundred dollars each per annum, also one deputy clerk at a salary of one thousand eight hundred dollars per annum, and a stenographer at a salary of one thousand five hundred dollars per annum; said salaries to be paid in equal monthly installments at the same time and out of the same fund as the salary of the county clerk. The clerk shall also receive ten cents a name for each person registered in his office, which shall be allowed by the board of supervisors of the county. He shall also be allowed not to exceed ten deputies for the purpose of registering electors, who shall be paid by the county not to exceed ten cents for each elector registered; except that any of such deputies as are required to work in the office shall receive not to exceed four dollars per day for the time so employed. All deputies for the purpose of registering electors in excess of those above referred to shall be paid by the county clerk, the sum of ten cents for each elector registered by such deputies.

Sheriff and
deputies

2. The sheriff, three thousand six hundred dollars per annum and mileage for the service of papers or process coming from courts other than those of his own county; *provided*, that in counties of this class there shall be one undersheriff at two thousand four hundred dollars per annum to be paid in equal monthly installments; one chief criminal deputy sheriff at two thousand four hundred dollars per annum to be paid in equal monthly installments; and five deputy sheriffs at one thousand eight hundred eighty dollars per annum, to be paid in equal monthly installments. The sheriff may also with the consent of the superior judge, when necessary for the care of the jury,

appoint a woman as deputy sheriff who shall be paid a per diem of four dollars when actually engaged in the performance of her duties. The sheriff may also employ a matron for the county jail, who shall be paid a per diem of four dollars for each day a female is imprisoned in the county jail.

3. The recorder, three thousand dollars per annum; and said recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required by law to be collected; *provided*, that in counties of this class there shall be one chief deputy recorder who shall receive a salary of two thousand one hundred dollars per annum, one indexing deputy recorder who shall receive a salary of one thousand eight hundred dollars per annum, and three deputies who shall each receive a salary of one thousand five hundred dollars per annum, and such copyists as are necessary to perform the duties of the office, at a compensation of five cents per folio, the salaries of said recorder, deputies and copyists to be paid in equal monthly installments by the county. Recorder and assistants

4. The auditor, three thousand dollars per annum; *provided*, that in counties of this class there shall be one deputy auditor who shall receive a salary of two thousand four hundred dollars per annum, and one deputy auditor who shall receive a salary of one thousand five hundred dollars per annum. And one deputy auditor who shall receive a salary of one thousand two hundred dollars per annum. The auditor shall also be allowed and may employ such additional clerical and office help as may be absolutely necessary for the performance of his official duties, at a salary not to exceed five dollars per day, and not exceeding a total sum of one thousand dollars per annum, such salary to be paid at the times and in the manner and from the same fund as the salary of the auditor is paid. Auditor and assistants

5. The treasurer, one thousand eight hundred dollars per annum and the fees and commissions now or hereafter allowed by law. Treasurer

6. The tax collector, one thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class, there shall be one deputy tax collector who shall receive a salary of two thousand four hundred dollars per annum, to be paid in equal monthly installments at the same time and out of the same fund as the salary of the tax collector is paid; *also, provided*, that in counties of this class there shall be one deputy tax collector for not exceeding seven months in each year at a salary of one hundred twenty-five dollars per month, and also one deputy tax collector for not exceeding five months in each year, at one hundred twenty-five dollars per month, and also one deputy tax collector for not exceeding two months in each year at a salary of one hundred dollars per month, said salaries to be paid at the times and in the manner and out of the same fund as the tax collector's salary is paid. The tax collector shall also be allowed and may employ such additional clerical and office help as may be absolutely necessary for the per- Tax collector and assistants

formance of his official duties, at a salary not to exceed five dollars per day, and not exceeding a total sum of five hundred dollars per annum, such salary to be paid at the times and in the manner and from the same fund as the salary of the tax collector is paid.

Assessor and
assistants.

7. The assessor, fifteen hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class there shall be allowed three deputies who shall be appointed by the assessor, one to receive a salary of two thousand four hundred dollars per annum, and one a salary of one thousand eight hundred dollars per annum, and one a salary of one thousand five hundred dollars per annum to be paid in equal monthly installments, at the same time and in the same manner and out of the same funds as the salary of the assessor is paid. It shall be the duty of said deputies, among other things, to make and correct all plats, maps and block books for the assessor's office. For each statement upon the assessment roll in excess of thirty thousand, the assessor shall receive the sum of fifty cents; *provided*, that the assessor shall not be allowed or paid for more than one statement per taxpayer in any one school district; *provided, further*, that in counties of this class the assessor shall also be allowed and may employ such additional clerical and office help as may be absolutely necessary for the performance of his official duty at a salary not to exceed five dollars per day each, and not exceeding a total sum of three thousand dollars per annum; such salaries to be paid at the times and in the manner and out of the same fund as the assessor's salary is paid. It is hereby found as a fact that the changes provided for in this section do not work an increase in the compensation of the assessor, and it is intended that the same shall apply immediately to the present incumbents.

District
attorney and
assistants

8. The district attorney, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy district attorney at a salary of two thousand four hundred dollars per annum, and one deputy district attorney at a salary of two thousand one hundred dollars per annum to be paid in equal monthly installments by the county. In addition, the district attorney shall be allowed one stenographer who shall be paid a salary of one thousand five hundred dollars per annum, to be paid in equal monthly installments by the county.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public
adminis-
trator

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintend-
ent of schools
and deputies.

11. The superintendent of schools, three thousand dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expenses shall not exceed the sum of one thousand dollars in any one year. He shall receive five dollars per day for his services while serving as secretary of the board of education.

The superintendent of schools shall be allowed one deputy, to be appointed by the principal, who shall receive as salary two thousand dollars per annum; also, one deputy, who shall receive a salary of one thousand five hundred dollars per annum; one deputy for not exceeding three months in each year, at a salary of one hundred dollars per month; said salaries of deputies to be paid in equal monthly installments, at the same time in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

12. The surveyor shall receive three thousand dollars per annum, and in addition thereto, all actual traveling and other necessary expenses incurred in connection with field work. He shall have one deputy county surveyor at a salary of two thousand four hundred dollars per annum, and one draftsman at a salary of two thousand one hundred dollars per annum, said deputy and draftsman to be appointed by the principal and paid at the same time and in the same manner as the county surveyor. It shall be the duty of the surveyor, among other things, to make all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings; also, to prepare all maps or plats necessary to accompany reports made by him on road work, and prepare and keep all the necessary and proper records in his office; *provided*, he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping the proper records in his office. He shall at all times be subject to the orders of the board of supervisors. The office of the county surveyor shall be kept open for the accommodation of the public, with the surveyor, a deputy, or a competent clerk in charge from nine o'clock a.m. until five o'clock p.m., the same as other county offices. The county surveyor shall be allowed the services of a competent clerk, to be appointed by the principal, and receive a salary of one thousand two hundred dollars per annum, to be paid out of the same fund, at the same time and in the same manner as other county officers are paid. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for services other than for the county, shall be paid into the county treasury. In counties of this class, the surveyor shall be allowed and may employ such additional assistance as may be absolutely necessary for the performance of his official duties, except with regard to roads, at a salary not to exceed five dollars per day each and their actual and necessary expenses incurred in connection with field work, said salary not to exceed a total sum of one thousand dollars, and to be paid at the times and in the manner and out of the same fund as the salary of the surveyor is paid.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as

Surveyor and
assistants

Classification
of townships

shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by multiplying the said total number of registered voters by three and one-half; townships having a population of fifteen thousand and more shall belong to and be known as townships of the first class; townships having a population of eleven thousand and less than fifteen thousand shall belong to and be known as townships of the one and one-half class; townships having a population of eight thousand and less than eleven thousand shall belong to and be known as townships of the second class; townships having a population of three thousand and less than eight thousand shall belong to and be known as townships of the third class; townships having a population of one thousand and less than three thousand shall belong to and be known as townships of the fourth class; townships having a population of less than one thousand shall belong to and be known as townships of the fifth class; *provided*, that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one.

Justices of
the peace
and clerks

13a. Justices of the peace shall receive the following monthly salaries, to be paid each month as county officers are paid, which shall be in full compensation for all services rendered by them, to wit: In townships of the first class, one hundred seventy-five dollars per month; *provided*, in townships of this class the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township and shall hold office during the pleasure of said justice of the peace. He shall have authority to receive and file all pleadings and other papers to be filed; sign and issue summons and process, including writs of attachment and execution; enter satisfaction of judgments; issue transcripts and abstracts thereof and shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceedings in said justice's court.

The clerk shall be in attendance on the court in the court room of said justice's court for the dispatch of official business, daily, legal holidays excepted, from the hour of nine o'clock a.m. until five o'clock p.m. of each day.

Such clerks shall receive a salary of one hundred dollars per month, payable monthly in the same manner as salaries of county officers are paid.

In townships of the one and one-half class, one hundred fifty dollars per month; in townships of the second class, one hundred dollars per month; in townships of the third class seventy-five dollars per month; in townships of the fourth class, thirty dollars per month; in townships of the fifth class twenty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. Justices of the peace of the first class are required to keep their offices open from nine o'clock a.m., until five o'clock

p.m., and justices of the peace of the one and one-half class are required to keep their offices open from nine o'clock a.m. until twelve m. and from one o'clock p.m. until five o'clock p.m. daily, legal holidays excepted. In townships of the first, one and one-half, second and third classes the board of supervisors shall furnish adequate office room, in all other townships all justices shall be allowed not to exceed five dollars per month for office rent.

14. Constables shall receive the following monthly salaries Constables to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred twenty-five dollars; in townships of the one and one-half class, one hundred dollars; in townships of the second class, one hundred dollars; in townships of the third class eighty dollars; in townships of the fourth class, sixty dollars; in townships of the fifth class, forty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now allowed or may hereafter be allowed by law, for all services rendered by him in civil action, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury; *provided, further*, that when a constable is required to go out of his own county to serve a warrant of arrest or any other papers in a criminal case, he shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited by the board of supervisors. These salaries shall also apply to incumbents.

15. The members of the board of supervisors shall receive a Supervisors. salary of twenty-one hundred dollars per annum, and mileage at the rate of ten cents per mile for each mile traveled in coming to and from the meetings of the board; *provided*, that only one mileage at any one session of the board shall be allowed. Said salaries shall be paid in equal monthly installments and out of the same funds as other county officials are paid. Said supervisors shall act as road commissioners in their respective districts. It is hereby found as a fact that the changes herein provided for do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

15½. The librarian shall receive two thousand one hundred Librarian dollars per annum; *provided*, that when the county librarian also acts as city librarian that he may receive additional compensation from said city for which he acts as city librarian.

16. Witnesses in criminal cases and in cases of dependent Witnesses. and delinquent persons shall receive two dollars per day, and ten cents per mile for each mile actually traveled, one way only. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due,

and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

Jurors.

17. Jurors in a county of this class, both grand and petit jurors in the superior court, shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat in going and returning the sum of ten cents per mile, such mileage to be allowed but once during each session such jurors are required to attend. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same.

Traffic officer
and deputies.

18. The traffic officer shall receive a salary of two thousand four hundred dollars per year, said officer to provide and maintain his equipment and all costs of operating thereof.

The traffic officer shall be allowed not to exceed four deputies. Each of such deputies shall receive a salary of one hundred seventy-five dollars a month, and shall provide and maintain his equipment and all costs of operating the same.

Such traffic officer and his deputies shall be appointed by the board of supervisors, and shall hold office for the period provided by law; *provided, however*, that the board of supervisors shall have authority at any time to remove such officer, or any of said deputies.

This act shall go into effect immediately, and apply to all present incumbents, except as herein expressly provided and excepted.

CHAPTER 35.

An act to amend section 647 of the Penal Code of the State of California, relating to vagrants.

[Approved by the Governor April 1, 1929. In effect August 14, 1929.]

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

Stats. 1911,
p. 508,
amended
Vagrancy

SECTION 1. Section 647 of the Penal Code of the State of California, is hereby amended to read as follows:

647. 1. Every person (except a California Indian) without visible means of living who has the physical ability to work, and who does not seek employment, nor labor when employment is offered him; or

2. Every beggar who solicits alms as a business; or,

3. Every person who roams about from place to place without any lawful business; or,

4. Every person known to be a pickpocket, thief, burglar or confidence operator, either by his own confession, or by his having been convicted of either of such offenses, and having no visible or lawful means of support, when found loitering around any steamboat landing, railroad depot, banking institu-

tion, broker's office, place of amusement, auction-room, store, shop or crowded thoroughfare, car, or omnibus, or any public gathering or assembly; or,

5. Every idle, or lewd, or dissolute person, or associate of known thieves; or,

6. Every person who wanders about the streets at late or unusual hours of the night, without any visible or lawful business; or,

7. Every person who lodges in any barn, shed, shop, out-house, vessel, or place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; or,

8. Every person who lives in and about houses of ill-fame; or,

9. Every person who acts as a runner or capper for attorneys in and about police courts or city prisons; or,

10. Every common prostitute; or,

11. Every common drunkard; or,

12. Every person who is a drug addict; *provided*, that a drug addict within the meaning of this section, is any person who habitually takes or otherwise uses narcotics, and such taking or using is such as to endanger the public morals or health or safety or welfare, or who is so far addicted to the use of such narcotics as to have lost the power of self-control with reference to his addiction, except that when such user of narcotics is suffering from an incurable disease or an accident or injury or from the infirmities of age and to whom such narcotics are furnished, prescribed or administered in good faith and in the course of his professional practice by a physician duly licensed in this state and who is in attendance upon such user of narcotics, such person shall not be held to be a drug addict within the meaning of this section;

Is a vagrant and is punishable by a fine of not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

CHAPTER 36.

An act to add a new section to be numbered section 1576a to the Code of Civil Procedure, relating to the conveyance of the property of decedents by trade or exchange.

[Approved by the Governor April 1, 1929 In effect August 14, 1929]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered section 1576a to read as follows:

Exchanges of
real property
of decedents.

1576a. Whenever real property may be sold by the provisions of this article the same property may be traded or exchanged for other property by the executor or administrator. The provisions of this article relating to the sale of real property are hereby made applicable to the amount, manner, place, time of the exchange or trade, the order of court, the bond required, the account to be rendered and all other requirements and proceedings not inconsistent herewith and the trade or exchange shall be subject to like confirmation by the court.

CHAPTER 37.

An act to amend section 369a of the Penal Code, relating to operation of street cars and dummies without suitable brakes and fenders.

[Approved by the Governor April 1, 1929. In effect August 14, 1929.]

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

Stats 1905,
p 766,
amended
Brakes and
fenders on
street cars.

SECTION 1. That section 369a of the Penal Code is hereby amended to read as follows:

369a. Any person, company, or corporation, operating cars on the streets of cities or towns, or on the county roads within the state, for the conveyance of passengers, propelled by means of wire ropes attached to stationary engines, or by electricity or compressed air, who runs, operates, or uses any car or dummy, unless each car and dummy, while in use, is fitted with a brake capable of bringing such car to a stop within a reasonable distance, and a suitable fender, or appliance placed in front or attached to the trucks of such dummy, or car, for the purpose of removing and clearing obstructions from the track, and preventing any obstacles, obstructions, or person on the track from getting under such dummy or car, and removing the same out of danger, and out of the way of such dummy or car, is guilty of a misdemeanor. Where the railroad commission of the State of California prescribes the fender or brake to be used as aforesaid, then a compliance therewith must be deemed a full compliance with the provisions of this section.

CHAPTER 38.

An act to amend an act entitled "An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners, and repealing an act to amend an act entitled 'An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners,' approved March 23, 1893," approved June 16, 1913, as amended, by adding a new section thereto to be

numbered 1a, relating to the powers and duties of the state board of prison directors.

[Approved by the Governor April 1, 1929 In effect August 14, 1929]

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

SECTION 1. The act entitled "An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners, and repealing an act to amend an act entitled 'An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners,' approved March 23, 1893," approved June 16, 1913, as amended, is hereby amended by adding a new section thereto to be numbered 1a and to read as follows:

Stats 1913, p. 1048, amended

Sec. 1a. At least thirty days before the state board of prison directors shall meet to consider the granting of a parole to any prisoner in the state prison, said board shall send written notice thereof to the judge of the superior court before whom the prisoner was tried and convicted and to the district attorney and the sheriff of the county and if the crime for which said person was committed, occurred within an incorporated city of the State of California, the chief of police of the city from which the prisoner was sentenced.

Notice of consideration of paroles

CHAPTER 39.

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section 34 of article four of the constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor April 5, 1929, with elimination hereunder noted In effect immediately.]

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, April 5, 1929.

To the Senate and Assembly of the State of California.

Assembly Bill No 95 is approved by me except for an item specifically set forth, which is eliminated in accordance with the powers conferred on me by the provisions of sections 16 and 34 of article IV of the constitution, and which is objected to for the following reason:

I object to the item on page 13, under the heading, "Military and Veterans' Affairs," and reading as follows: "For construction of the national guard armory at Long Beach, one hundred fifty thousand dollars (\$150,000)" It so happens that there had already been introduced into the Legislature a special appropriation bill for the construction of a Long Beach armory, which bill is now on the Senate third reading file. This will obviate the necessity of a budget amendment such as is here proposed.

Item eliminated.

I feel that this special appropriation bill is the better method of dealing with this need, owing to the fact that, through haste or inadvertence, the procedure by which the item in question was introduced into the budget bill would obviously create an unsafe precedent. The fact that no opportunity was afforded the Executive or Finance Department of the government or the Ways and Means Committee of the Assembly, to consider the matter in relation to other budget necessities, would, if repeated in

other and larger propositions, lead to unwise budget practices. This I have already stated to the author of the provision to which I am here objecting.

It is evident that savings will be made as the result of consolidations to be effected under the bills for reorganization of various state activities. These savings, however, will be accomplished within the budget itself, and reflected in unexpended balances at the close of the biennium. I therefore feel that I should not at this time make further changes in the budget appropriations passed by the Legislature, in anticipation of legislation not yet finally enacted.

Respectfully submitted.

C. C. YOUNG, Governor.

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

Budget appropriations SECTION 1. The following sums of money are hereby appropriated for the use and support of the State of California for the eighty-first and eighty-second fiscal years and unless otherwise herein provided shall be paid out of the general fund in the state treasury.

Use of special funds Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for all such purposes, and not from the general fund, to the extent only of the amount herein appropriated unless otherwise herein stated.

Recurrent appropriations Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

Items included in appropriations Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses including repairs and equipment incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Public works balances Whenever herein an appropriation is made for the construction, improvement or repair of any building, structure, or works of any character, any unexpended balance thereof shall not, unless otherwise herein provided, revert to the general fund or special fund at the end of the fiscal year or years for which such appropriation was made but shall continue to be available for the purposes for which the same was appropriated until one year after the close of the biennial period for which such appropriation is made.

LEGISLATIVE.

Legislature For the salaries of senators, ninety-six thousand dollars (\$96,000).

For mileage of lieutenant governor and senators, two thousand two hundred dollars (\$2,200).

For pay of the officers, clerks, and all other employees of Senate, thirty thousand dollars (\$30,000).

For contingent expenses of Senate, fourteen thousand dollars (\$14,000).

For salaries of assemblymen, one hundred ninety-two thousand dollars (\$192,000).

For pay of officers, clerks, and all other employees of Assembly, thirty thousand dollars (\$30,000).

For mileage of assemblymen, three thousand eight hundred dollars (\$3,800).

For contingent expenses of the Assembly, sixteen thousand dollars (\$16,000).

For legislative printing, binding, etc., one hundred eighty-five thousand dollars (\$185,000).

For legislative mailing three thousand dollars (\$3,000).

For support of the legislative counsel bureau, twenty-nine thousand thirty-three dollars (\$29,033). Legislative
counsel
bureau

JUDICIAL.

For support of supreme court, three hundred seventy-six thousand four hundred forty dollars (\$376,440). Judicial
department

For support of first district court of appeal, one hundred ninety-three thousand five hundred dollars (\$193,500).

For support of second district court of appeal two hundred two thousand three hundred thirty dollars (\$202,330).

For support of third district court of appeal, one hundred three thousand two hundred twenty-five dollars (\$103,225).

For support of judicial council, one hundred seventy thousand dollars (\$170,000).

For support of superior courts, nine hundred seventy thousand dollars (\$970,000).

EXECUTIVE.

For salaries of the governor, his secretaries and employees, forty-four thousand two hundred dollars (\$44,200). Executive
department

For postage, traveling and contingent expenses, governor's office, (exempt from section 672 of Political Code), eighteen thousand four hundred dollars (\$18,400).

For special contingent expenses (secret service), governor's office (exempt from provisions of section 443 and 672 of Political Code, ten thousand dollars (\$10,000).

For printing, etc., governor's office, one thousand five hundred dollars (\$1,500).

For support of the governor's residence (exempt from sections 443 and 672 of Political Code), seventeen thousand five hundred dollars (\$17,500).

For salary of lieutenant governor, eight thousand dollars (\$8,000).

ADMINISTRATIVE.

For support of attorney general, three hundred six thousand dollars (\$306,000). Attorney
general.

For support of state controller, three hundred twenty-three thousand nine hundred dollars (\$323,900). Controller

For support of motor vehicle fuel tax refund division, state controller's office, thirty-three thousand dollars (\$33,000), payable from motor vehicle fuel fund.

Board of
equalization

For support of state board of equalization eighty-two thousand twenty dollars (\$82,020).

For special investigations, state board of equalization, twenty-five thousand dollars (\$25,000). (Exempt from section 4 of this act.)

For support of fuel tax division, state board of equalization, twenty thousand one hundred forty dollars (\$20,140), payable from motor vehicle fuel fund.

For support of transportation tax division, state board of equalization, forty-nine thousand one hundred forty dollars (\$49,140), payable from motor vehicle fuel fund.

Franchise tax
commissioner.

For support of the franchise tax commissioner one hundred thousand dollars (\$100,000).

Secretary
of state.

For support of secretary of state, one hundred fifty-eight thousand three hundred forty dollars (\$158,340).

For printing constitutional amendments and sponsors' pamphlet, secretary of state's office, one hundred thousand dollars (\$100,000).

Treasurer.

For support of state treasurer, seventy-nine thousand five hundred dollars (\$79,500)

AGRICULTURE.

Department
of
agriculture

For support of state department of agriculture, one million seven hundred ninety-four thousand seven hundred two dollars (\$1,794,702).

For citrus white fly eradication, state department of agriculture, thirty thousand dollars (\$30,000). (Exempt from section 4 of this act.)

For date scale eradication, state department of agriculture, twenty-five thousand dollars (\$25,000). (Exempt from section 4 of this act.)

For support of cattle protection service, state department of agriculture, two hundred twenty-three thousand five hundred seventy dollars (\$223,570), payable from cattle protection fund.

For support of meat inspection service, state department of agriculture, two hundred fifty-five thousand dollars, (\$255,000), payable from meat hygiene fund.

For support of stallion registration service, state department of agriculture, six hundred sixty dollars (\$660), payable from stallion registration board contingent fund.

For support of apple inspection service, state department of agriculture, fifty-seven thousand one hundred seventy-five dollars (\$57,175), payable from standard apple fund.

For support of the shipping point inspection service, state department of agriculture, five hundred twenty-five thousand seven hundred dollars (\$525,700), payable from the fruit and vegetable certification fund.

For support of fish exchange, state department of agriculture, fifty-four thousand nine hundred eighty dollars (\$54,980), payable from the fish exchange fund.

For support of produce dealers service, state department of agriculture, thirty-three thousand dollars (\$33,000), payable from produce dealers license fund.

For support of the mattress inspection service, state department of agriculture, forty-five thousand twenty dollars (\$45,020), payable from division of weights and measures fund.

For support of the upholstered furniture inspection service, state department of agriculture, forty-five thousand twenty dollars (\$45,020), payable from upholstered furniture inspection fund.

EDUCATION.

For support of department of education, six hundred eighty-nine thousand five hundred dollars (\$689,500). Department
of
education

For printing school laws, department of education, four thousand five hundred dollars (\$4,500).

For education of handicapped individuals, department of education, fifteen thousand dollars (\$15,000).

For classes for children with defective speech, department of education, thirty thousand dollars (\$30,000).

For vocational rehabilitation, department of education, in addition to such sums as are appropriated by chapter 296, statutes of 1925, twenty thousand dollars (\$20,000).

For expenses, statutory hall commission, twenty-three thousand dollars (\$23,000).

For support of textbook division, department of education, eight hundred eighty-eight thousand six hundred thirty-six dollars (\$888,636).

For support of University of California, six million eight hundred fifty-three thousand three hundred sixty-seven and 35/100 dollars (\$6,853,367.35) in addition to such sum or sums as are provided for by other provisions of law. University of
California

For major construction and equipment, University of California, including campus buildings and improvements at Los Angeles, buildings at Lick observatory, continuance of cooperative building program at La Jolla, power plant at San Francisco, insectary at Riverside and paving roads at university farm at Davis, eight hundred twenty-five thousand dollars (\$825,000).

For minor construction, improvements and equipment, college of agriculture, twenty-six thousand dollars (\$26,000).

For support of Hastings College of the Law, eighteen thousand eight hundred dollars (\$18,800). Hastings Col-
lege of the
Law

For support of Chico State Teachers College, three hundred forty-one thousand eight hundred twenty dollars (\$341,820). Chico State
Teachers
College

For major construction and equipment at Chico State Teachers College, including assembly building, one hundred eighty thousand dollars (\$180,000).

For minor construction, improvements and equipment at Mount Shasta Summer School, Chico State Teachers College, seven thousand dollars (\$7,000).

For street paving, Chico State Teachers College, three thousand seven hundred sixty-eight and 42/100 dollars (\$3,768.42).

Fresno State
Teachers
College

For support of Fresno State Teachers College, five hundred seventy-six thousand six hundred dollars (\$576,600).

For purchase of land, Fresno State Teachers College, thirty thousand dollars (\$30,000).

For minor construction, improvements and equipment at Huntington Lake, Fresno State Teachers College, ten thousand dollars (\$10,000).

For minor construction, improvements and equipment, Fresno State Teachers College, thirty-one thousand four hundred fifty dollars (\$31,450).

Humboldt
State Teach-
ers College.

For support of Humboldt State Teachers College, two hundred twenty-one thousand seven hundred sixty dollars (\$221,760).

For major construction and equipment at Humboldt State Teachers College, including training school, ninety thousand dollars (\$90,000).

For purchase of land, Humboldt State Teachers College, six thousand dollars (\$6,000).

San Diego
State Teach-
ers College

For support of San Diego State Teachers College, four hundred seventy-five thousand five hundred sixty-two dollars (\$475,562).

For major construction and equipment of new college, San Diego State Teachers College, three hundred fifty thousand dollars (\$350,000).

For minor construction, improvements and equipment, San Diego State Teachers College, twenty-five thousand dollars (\$25,000).

San Francisco
State Teach-
ers College.

For support of San Francisco State Teachers College, four hundred seventy-nine thousand seven hundred ninety-four dollars (\$479,794).

For wrecking old building and improvements, San Francisco State Teachers College, thirty-eight thousand dollars (\$38,000).

San Jose
State Teach-
ers College

For support of San Jose State Teachers College, seven hundred thirty-eight thousand five hundred seventy-eight dollars (\$738,578).

For major construction and equipment at San Jose State Teachers College, including men's gymnasium, one hundred thirty thousand dollars (\$130,000).

For purchase of land, San Jose State Teachers College, twelve thousand dollars (\$12,000).

For minor construction, improvements and equipment, San Jose State Teachers College, fifty-seven thousand two hundred thirty-two dollars (\$57,232).

Santa
Barbara
State Teach-
ers College

For support of Santa Barbara State Teachers College, three hundred eleven thousand one hundred eighty dollars (\$311,180).

For major construction and equipment at Santa Barbara State Teachers College, including science and art building, one hundred twenty thousand dollars (\$120,000).

For purchase of land and improvement of athletic field, Santa Barbara State Teachers College, twenty-five thousand dollars (\$25,000).

For minor construction, improvements and equipment, Santa Barbara State Teachers College, thirty-nine thousand dollars (\$39,000).

For support of California Polytechnic School, three hundred twelve thousand three hundred sixty-five dollars (\$312,365). California Polytechnic School

For purchase of land, California Polytechnic School, sixty-five thousand dollars (\$65,000).

For major construction and equipment at California Polytechnic School, including dormitory, forty thousand dollars (\$40,000).

For minor construction, improvements and equipment, California Polytechnic School, thirty five thousand dollars (\$35,000).

For support of California School for Blind at Berkeley, one hundred sixty-five thousand eighty-two dollars (\$165,082). Schools for blind and deaf

For major construction and equipment including new building, and annexes to residences for girls, and boys, California School for Blind at Berkeley, sixty-seven thousand dollars (\$67,000).

For minor construction, improvements and equipment, California School for Blind at Berkeley, twelve thousand dollars (\$12,000).

For readers for blind college students, California School for Blind at Berkeley, ten thousand dollars (\$10,000).

For support of California School for Deaf at Berkeley, three hundred twenty-seven thousand one hundred eighty-two dollars (\$327,182).

For major construction and equipment at California School for Deaf at Berkeley, including boys' dormitory, girls' dormitory, dining room, kitchen, commissary building, and boiler installation, three hundred thousand dollars (\$300,000).

For minor construction, improvements and equipment, California School for Deaf at Berkeley, twenty-three thousand dollars (\$23,000).

For expenses of deaf graduates attending Gallaudet College, California School for Deaf at Berkeley, two thousand four hundred dollars (\$2,400).

FINANCE.

For support of department of finance one million eighty-three thousand twenty dollars (\$1,083,020). Department of finance

For encouragement of county agricultural fairs, to be expended by the department of finance, sixty thousand dollars (\$60,000).

For support of civil service commission, ninety-eight thousand four hundred thirty dollars (\$98,430). Civil service commission

State agricultural society. For support of state agricultural society, three hundred eighty-three thousand five hundred eighty dollars (\$383,580).

For purchase of land state agricultural society, fourteen thousand two hundred fifty dollars (\$14,250).

For promotion of the seventy-fifth annual state fair, state agricultural society, twenty-five thousand dollars (\$25,000). (Exempt from section 4 of this act.)

For major construction and equipment including north wing of main live stock building, and restaurant building, state agricultural society, two hundred ten thousand dollars (\$210,000).

Sixth district agricultural association For support of sixth district agricultural association, seventy-six thousand three hundred thirty dollars (\$76,330).

For minor construction, improvements, and equipment sixth district agricultural association, eleven thousand nine hundred dollars (\$11,900).

For support of sixth district agricultural fair, twenty-five thousand dollars (\$25,000). (Exempt from section 4 of this act.)

Forty-sixth district agricultural association For support forty-sixth district agricultural association, twenty-five thousand dollars (\$25,000).

Surveyor general For support surveyor general, fifty-one thousand five hundred twenty-five dollars (\$51,525).

INDUSTRIAL RELATIONS.

Department of industrial relations For support department of industrial relations, one million four hundred eighty-four thousand fifty dollars (\$1,484,050).

Fire marshal For support of state fire marshal, forty-two thousand three hundred forty dollars (\$42,340), payable from the state fire marshal's contingent fund.

INVESTMENT REGULATION.

Banking department For support state banking department, three hundred seventy-nine thousand nine hundred eighty dollars (\$379,980), payable from banking fund.

Building and loan commission For support of state building and loan commission, eighty-eight thousand seven hundred fifty dollars (\$88,750), payable from building and loan commissioner's fund.

Corporation department For support of state corporation department, seven hundred twenty-seven thousand eighty dollars (\$727,080), payable from the corporation commissioner's fund.

Insurance commission For support of state insurance commission, one hundred sixty-three thousand one hundred eighty dollars (\$163,180) payable from insurance commissioner's special fund.

Real estate department For support of state real estate department, four hundred fourteen thousand two hundred twenty-eight dollars and seventy-four cents (\$414,228.74), payable from real estate commissioner's fund.

Railroad commission For support of state railroad commission, one million six thousand eight hundred dollars (\$1,006,800).

INSTITUTIONS.

For support of department of institutions, one hundred eighteen thousand four hundred fifty dollars (\$118,450). Department of institutions

For support of pathological laboratory, department of institutions, fifty thousand dollars (\$50,000).

For deportation of insane, correctional school and other state hospital inmates, seventy-five thousand dollars (\$75,000).

For transportation of prisoners, insane, correctional school and state hospital inmates, four hundred twenty thousand dollars (\$420,000).

For support of Agnews State Hospital, one million two hundred fifty thousand seven hundred eighty dollars (\$1,250,780). Agnews State Hospital.

For major construction and equipment at Agnews State Hospital including pathological laboratory, physician's cottage, cannery building, ward buildings, and attendants quarters, kitchen commissary, and steam plant buildings, four hundred fifty-seven thousand five hundred dollars (\$457,500).

For minor construction, improvements and equipment at Agnews State Hospital, eighteen thousand five hundred dollars (\$18,500).

For support of Mendocino State Hospital, nine hundred sixty-seven thousand nine hundred eighty dollars (\$967,980). Mendocino State Hospital

For major construction and equipment at Mendocino State Hospital including ward building for male patients, ward building for female patients, physicians cottage, electrical substation, industrial building and the reconstruction and equipment of ward buildings, three hundred forty-five thousand dollars (\$345,000).

For minor construction, improvements and equipment at Mendocino State Hospital, forty thousand dollars (\$40,000).

For support of Napa State Hospital, one million four hundred seventy-one thousand one hundred twenty dollars (\$1,471,120). Napa State Hospital

For minor construction, improvements and equipment at Napa State Hospital, sixty thousand dollars (\$60,000).

For support of Norwalk State Hospital, one million sixty-three thousand five hundred forty-five dollars (\$1,063,545). Norwalk State Hospital

For major construction and equipment at Norwalk State Hospital including six ward buildings, two physicians' cottages and employees' quarters, six hundred ninety thousand dollars (\$690,000).

For purchase and survey of land at Norwalk State Hospital, one hundred fifty thousand dollars (\$150,000).

For minor construction, improvements and equipment at Norwalk State Hospital, twenty-seven thousand five hundred dollars (\$27,500).

For support of Patton State Hospital, one million four hundred seventy-seven thousand twenty dollars (\$1,477,020). Patton State Hospital

For major construction and equipment at Patton State Hospital including additional units for tuberculosis and infirm patients, employees quarters and garages and physician's cottage, one hundred forty-five thousand dollars (\$145,000).

For minor construction, improvements and equipment at Patton State Hospital, sixty-five thousand dollars (\$65,000).

Stockton
State
Hospital

For support of Stockton State Hospital, one million six hundred eighty-four thousand nine hundred eighty dollars (\$1,684,980).

For major construction and equipment at Stockton State Hospital including hospital and industrial building at main institution and physicians cottage at farm, one hundred thirty-five thousand dollars (\$135,000).

For minor construction, improvements and equipment at Stockton State Hospital, eighty-eight thousand dollars (\$88,000).

Pacific
Colony.

For support of Pacific Colony, three hundred fifty-eight thousand six hundred forty dollars (\$358,640).

For major construction and equipment at Pacific Colony including hospital and administration buildings, girls' industrial building, physician's cottage, and ward building for patients, including drainage facilities, two hundred forty thousand dollars (\$240,000).

For minor construction, improvements and equipment at Pacific Colony, sixty thousand dollars (\$60,000).

For educational and recreational equipment at Pacific Colony, five thousand dollars (\$5,000).

Sonoma
State
Home

For support of Sonoma State Home, one million two hundred ninety thousand four hundred dollars (\$1,290,400).

For major construction and equipment at Sonoma State Home including one ward building, one physician's cottage, commissary and industrial building, ninety-six thousand five hundred dollars (\$96,500).

For purchase and survey of land and construction of works for sewage disposal at Sonoma State Home, twenty thousand dollars (\$20,000).

For minor construction, improvements and equipment at Sonoma State Home, eighty thousand dollars (\$80,000).

State
Narcotic
Hospital

For support of State Narcotic Hospital, one hundred sixty-two thousand two hundred ninety dollars (\$162,290).

For major construction and equipment at State Narcotic Hospital including industrial shop building and gymnasium, ward buildings, and fencing, eighty-five thousand dollars (\$85,000).

For minor construction, improvements and equipment at State Narcotic Hospital, twenty thousand dollars (\$20,000).

Preston
School of
Industry

For support of Preston School of Industry, eight hundred forty-three thousand eight hundred sixty-five dollars (\$843,865).

For major construction and equipment at Preston School of Industry including industrial shop buildings, superintendent's cottage, refectory building, and altering of refectory building and gymnasium, and altering and repairing of administration building, one hundred twenty-two thousand seven hundred dollars (\$122,700).

For minor construction, improvements and equipment at Preston School of Industry, thirty-two thousand three hundred dollars (\$32,300).

For support of Ventura School for Girls, two hundred fifty-one thousand ten dollars (\$251,010).

Ventura
School for
Girls.

For minor construction, improvements and equipment at Ventura School for Girls, ten thousand nine hundred dollars (\$10,900).

For support of Whittier State School, five hundred seventy-two thousand nine hundred ninety-five dollars (\$572,995).

Whittier
State
School

For major construction and equipment at Whittier State School including kitchen, commissary, dining room, bakery and cold storage unit, general shop buildings, primary school buildings, one ward building, employees' cottage, and pipe line and water development, two hundred twenty-five thousand dollars (\$225,000).

For minor construction, improvements and equipment at Whittier State School, twenty-six thousand five hundred dollars (\$26,500).

For purchase of cemetery plots at Whittier State School, one thousand two hundred sixty dollars (\$1,260).

For support of California bureau of juvenile research at Whittier State School, forty thousand dollars (\$40,000).

For support of Industrial Home for the Adult Blind, one hundred sixty-four thousand eight hundred eight dollars (\$164,808).

Industrial
Home for the
Adult Blind.

For major construction and equipment at Industrial Home for the Adult Blind including sales building and office and broom shop building, fifty-five thousand dollars (\$55,000).

For minor construction, improvements and equipment at Industrial Home for the Adult Blind, nine thousand two hundred thirty-five dollars (\$9,235).

MILITARY AND VETERANS' AFFAIRS.

For support of adjutant general and the California national guard, six hundred sixteen thousand one hundred thirty dollars (\$616,130).

National
guard

For maintenance of high school cadets, thirty thousand dollars (\$30,000).

For permanent improvements, adjutant general and the California national guard including Stockton armory, new stables, etc., twenty-eight thousand dollars (\$28,000).

For minor construction, improvements and equipment of armories, arsenals, stables, rifle ranges, and camp sites, adjutant general and the California national guard, thirty-six thousand dollars (\$36,000).

For purchase of land, adjutant general and the California national guard, one hundred sixty-three thousand dollars (\$163,000).

For construction of the national guard armory at Long Beach, one hundred fifty thousand dollars (\$150,000).

Armory at
Long Beach
(elim-
inated).

Veterans'
Home of
California

For support of Veterans' Home of California, six hundred thirty-eight thousand ninety-eight dollars (\$638,098).

For major construction and equipment at Veterans' Home of California including barracks buildings, employees' cottages and guard house, four hundred ten thousand four hundred fifty dollars (\$410,450), payable from athletic commission fund.

For minor construction, improvements and equipment at Veterans' Home of California, fifty-five thousand dollars (\$55,000), payable from athletic commission fund.

Woman's
Relief Corps
Home

For support of Woman's Relief Corps Home, thirty-nine thousand nine hundred sixty-two dollars (\$39,962).

For minor construction, improvements and equipment at Woman's Relief Corps Home, two thousand five hundred dollars (\$2,500).

Athletic
commission

For support of state athletic commission, seventy-eight thousand dollars (\$78,000), payable from athletic commission fund.

NATURAL RESOURCES.

Department
of natural
resources

For support of the department of natural resources, five hundred fifty-nine thousand nine hundred fifty-eight dollars (\$559,958).

For support of division of fish and game, department of natural resources, two million six hundred thirty-five thousand three hundred forty-six dollars (\$2,635,346), payable from fish and game preservation fund.

For support of division of petroleum and gas, department of natural resources, three hundred forty-one thousand seven hundred forty dollars (\$341,740), payable from petroleum and gas fund.

For additional support, division of forestry, department of natural resources, one hundred twenty thousand dollars (\$120,000), payable from fire prevention fund.

For expenses in connection with survey and acquisition of state park sites, department of natural resources, forty thousand dollars (\$40,000).

For purchase of land, division of parks, department of natural resources, seven thousand five hundred dollars (\$7,500).

For minor construction, improvements and equipment, division of parks, department of natural resources, twenty-seven thousand nine hundred eighty dollars (\$27,980).

For geological survey, and publishing of geological map, division of mines and mining, department of natural resources, twenty-two thousand dollars (\$22,000).

For cooperation in forest and water shed protection with California experimental station and other federal agencies, department of natural resources, twenty-five thousand dollars (\$25,000).

For fire trails, fire breaks, and cooperative work with counties and other agencies, department of natural resources, one hundred ten thousand dollars (\$110,000).

PENOLOGY.

For support of advisory pardon board, five thousand dollars (\$5,000). Advisory pardon board.

For transportation on account of arrest of criminals without the state ninety thousand dollars (\$90,000). Interstate transportation of criminals.

For rewards offered by the governor, two thousand five hundred (\$2,500). Rewards.

For support, bureau of criminal identification and investigation, seventy-eight thousand forty-eight dollars (\$78,048). Bureau of criminal identification

For support, parole department, board of prison directors, fifty-four thousand eight hundred ninety dollars (\$54,890). Parole department

For support of the state prison at Folsom, one million one hundred twenty-two thousand four hundred dollars (\$1,122,400). Folsom prison.

For major construction and equipment, state prison at Folsom, including sewage disposal plant, remodeling of water system, completion and remodeling of administration building and hospital, boiler, and ten guards' cottages, two hundred fifteen thousand dollars (\$215,000).

For minor construction, improvements, and equipment, state prison at Folsom, sixty-five thousand dollars (\$65,000).

For support, state prison at San Quentin, two million two hundred forty-five thousand sixty dollars (\$2,245,060). San Quentin prison.

For purchase and survey of land for state prison at San Quentin, fifty-four thousand dollars (\$54,000).

For major construction and equipment, state prison at San Quentin, including cottages for guards, warehouse, laundry, quarters for guards, jute mill, and prison wall, two hundred eighty thousand dollars (\$280,000).

For minor construction, improvements, and equipment, state prison at San Quentin, one hundred thousand dollars (\$100,000).

For support, division of narcotics, state board of pharmacy, one hundred thirty-nine thousand four hundred forty-eight dollars (\$139,448). Narcotic division.

PUBLIC HEALTH.

For support of department of public health, five hundred sixty-nine thousand five hundred dollars (\$569,500). Department of Public Health

For support of bureau of cannery inspection, department of public health, one hundred forty-eight thousand seven hundred twenty dollars (\$148,720), payable from cannery inspection fund.

For subsidies, bureau of tuberculosis, department of public health, six hundred forty thousand dollars (\$640,000).

For aid to physically defective children, department of public health, eight thousand two hundred dollars (\$8,200).

For aid to mosquito abatement districts, department of public health, ten thousand dollars (\$10,000).

PUBLIC WORKS

Department
of public
works

For support of department of public works, exclusive of the division of highways and the San Diego harbor, nine hundred six thousand two hundred thirty-eight dollars (\$906,238).

San Diego
harbor.

For support of San Diego harbor, department of public works, two thousand seven hundred sixty-eight dollars (\$2,768), payable from San Diego harbor improvement fund.

John Muir
trail

For completion of construction of John Muir Trail, department of public works, in accordance with the provisions of chapter 217, page 365, statutes of 1925, ten thousand dollars (\$10,000).

Flood
control

For special items, department of public works, including flood control and rectification of river channels in cooperation with other agencies, special irrigation and flood control studies, and cooperative work with the federal government, one hundred seventy-four thousand dollars (\$174,000).

Division of
motor
vehicles

For support of division of motor vehicles, department of finance, three million one hundred sixty-nine thousand thirty dollars (\$3,169,030), payable from motor vehicle fuel fund.

Board of
state
harbor com-
missioners

For support of board of state harbor commissioners, San Francisco, four million two hundred six thousand two hundred seventy-one and 43/100 dollars (\$4,206,271.43), payable from San Francisco harbor improvement fund.

For redemption of matured San Francisco harbor bonds and bond interest coupons, one million six hundred sixty thousand one hundred thirty-three and 44/100 dollars (\$1,660,133.44), payable from San Francisco harbor improvement fund.

For maintenance of fire boats, board of state harbor commissioners, San Francisco, one hundred eighty-five thousand dollars (\$185,000), payable from San Francisco harbor improvement fund.

For major construction and equipment, board of state harbor commissioners, San Francisco, including wharf and tracks, Islais creek, raising wharf and Embarcadero, shed for pier 46, belt railroad tracks, and emergency construction, seven hundred thirty-nine thousand dollars (\$739,000), payable from San Francisco harbor improvement fund.

For purchase of land, board of state harbor commissioners, San Francisco, one hundred fifty thousand dollars (\$150,000), payable from San Francisco harbor improvement fund.

Reclamation
board

For new construction, land, rights of way, easements, and general administrative operations and overhead, reclamation board, pursuant to the provisions of chapter 176 of California statutes of 1925, approving the modified report of the California debris commission dated January 5, 1925, which said report was adopted by the United States in section 13 of that certain act of congress entitled, "An act for the control of floods on the Mississippi river and its tributaries, and for other purposes," approved May 15, 1928, four hundred thousand dollars (\$400,000).

To further carry out the legislation contained in statutes 1925, chapter 176, approving the report of the California debris commission dated January 5, 1925, which said report is approved by the United States in section 13 of that certain act of said congress entitled, "An act for the control of floods on the Mississippi river and its tributaries, and for other purposes," approved May 15, 1928, eight hundred thousand dollars (\$800,000)

For maintenance, operation and emergency protection of the Sacramento flood control project, including the purposes contained in section 2, chapter 774, statutes of 1927, two hundred thousand dollars (\$200,000). Sacramento
flood control

SOCIAL WELFARE.

For support of department of social welfare, one hundred seventy thousand seven hundred forty-eight dollars (\$170,748). Department
of social
welfare

For mental hygiene survey, department of social welfare, twenty thousand dollars (\$20,000).

VOCATIONAL STANDARDS.

For support of state board of architecture, northern district, seven thousand nine hundred six dollars (\$7,906), payable from board of architecture, northern district, fund. State
board of
architecture.

For support of state board of architecture, southern district, nine thousand fifty dollars (\$9,050), payable from board of architecture, southern district, fund.

For support of state board of barber examiners, ninety-one thousand five hundred seventy dollars (\$91,570), payable from state board of barber examiners' fund. Board of
barber
examiners

For support of board of chiropractic examiners, twenty-seven thousand one hundred dollars (\$27,100), payable from chiropractic examiners' fund. Board of
chiropractic
examiners

For support of collection agency license division, secretary of state, fourteen thousand two hundred dollars (\$14,200), payable from collection agency license fund. Collection
agency
license
division.

For support of state board of cosmetology, fifty-three thousand eighty dollars (\$53,080), payable from board of cosmetology contingent fund. Board of
cosmetology

For support of detective license bureau, board of prison directors, twelve thousand three hundred fifty dollars (\$12,350), payable from board of prison directors' private detective agency contingent fund. Detective
license
bureau

For support of dental examiners, fifty-eight thousand six hundred fifty dollars (\$58,650), payable from dentistry fund. Dental
examiners

For support of state board of embalmers, seven thousand six hundred ten dollars (\$7,610), payable from embalmers' fund. Board of
embalmers

For support of state board of medical examiners, one hundred nine thousand nine hundred twenty-three dollars (\$109,923), payable from medical examiners' contingent fund. Board of
medical
examiners

For support of bureau of registration of nurses, state department of public health, thirty-six thousand six hundred Bureau of
registration
of nurses

eighty dollars (\$36,680), payable from nurses' examination and registration fund.

Board of
optometry.

For support of state board of optometry, eleven thousand three hundred sixty dollars (\$11,360), payable from optometry fund.

Board of
osteopathic
examiners

For support of state board of osteopathic examiners, nineteen thousand five hundred ninety dollars (\$19,590), payable from board of osteopathic examiners' contingent fund.

Board of
pharmacy

For support of state board of pharmacy, one hundred four thousand six hundred twenty dollars (\$104,620), payable from pharmacy board contingent fund.

Veterinary
medical
examiners

For support of board of veterinary medical examiners, one thousand nine hundred dollars (\$1,900), payable from veterinary medicine examiners' contingent fund.

MISCELLANEOUS

Miscel-
laneous

For official advertising, five thousand dollars (\$5,000).

For premiums on official bonds, five thousand dollars (\$5,000).

For compensation benefits, state officers and employees, whose salaries are paid from the general fund of the state one hundred sixty thousand dollars (\$160,000).

For traveling expenses of county treasurers, two thousand five hundred dollars (\$2,500).

EMERGENCIES.

Emergency
fund

For emergency fund, one million dollars (\$1,000,000) (exempt from section 4 of this act) to be expended only on written authorization of the state department of finance for emergencies. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation or insufficient appropriation has been made by law.

Publications

SEC. 2. When any state publication is printed and paid for out of any appropriation in this act, the disposition of the same shall be subject to the provision of section 2295a of the Political Code of the State of California. The sums that are herein appropriated for expenses of the Senate and Assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section 672 of the Political Code; *provided*, that the state controller shall not be required to draw any warrants until the original claims and vouchers, itemized and properly sworn to are filed with him. The sums herein appropriated for the expenses of the national guard shall be audited by the adjutant general, as required by sections 2083 and 2085 of the Political Code.

Legislative
expenses

National
guard

Biennial
statements
of officers.

SEC. 3. All persons having demands against the state, and various state officers, and the officers of all institutions under the control of the state, except the governor, to whom and for which appropriations other than salaries are made under the provisions of this act, shall, with their biennial report, submit

a detailed statement, under oath, of the manner in which all appropriations for their respective departments and institutions have been expended, and the state controller is hereby expressly prohibited from allowing any demand payable out of any such appropriations until the same are presented in itemized form, accompanied by affidavit and voucher for money expended by them stating specifically the service rendered, by whom performed, time employed, distance traveled, and necessary expenses thereof; if for articles purchased, the name of each article, together with the price paid for each and of whom purchased, with the date of the purchase; *provided*, that in instances where the duties of any state officers or board make necessary the use of moneys for purposes of a confidential nature, the state controller may audit claims for such expense without requiring itemization or vouchers; but such claims must be accompanied by a statement of the fact surrounding the expenditure, which statement must be filed in the office of the state controller; *provided, further*, that the total amount so allowed for such confidential purposes from the moneys herein appropriated shall not exceed in any one fiscal year the sum of two thousand dollars. All bills and vouchers, which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services; *provided*, that no officer shall use or appropriate any money, appropriated by this act, for any purpose whatever, unless authorized thereto by law; *and provided*, that any officer, board, commission or department for whom any appropriation is made herein, may without at the time furnishing vouchers and itemized statements draw from such appropriation a sum not to exceed one per cent of the total amount appropriated for any such officer, board, commission or department; *and provided, further*, that any officer, board, commission or department for whom any appropriation is made herein, may with the permission and the approval of the department of finance, and without at the time furnishing vouchers or itemized statements, draw from such appropriation a sum in excess of one per cent, but not to exceed five per cent of the total amount appropriated for any such officer, board, commission or department.

Itemized
statements
and vouchers

Any sums drawn under the provisions of this section without at the time furnishing vouchers and itemized statements, shall be used as a revolving fund where cash advances are necessary, and at the close of each biennium, or at any other time, upon the demand of the department of finance, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the controller.

SEC. 4. Not more than one-half of the amount appropriated under this act for each office, board, commission, department or institution for support shall be expended during the eighty-first fiscal year, unless the same has been expressly authorized by this act.

Annual
expenditures

Expenditures
in excess of
appropriations

SEC. 5. The officers of the various departments, boards, commissions and institutions for whose benefit and support appropriations are made in this act are expressly forbidden to make any expenditure in excess of such appropriations, except the consent of the state department of finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the state controller nor paid out of any state appropriation; *provided*, that any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the consent of the state department of finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

Fire
insurance

SEC. 6. No money appropriated by this act shall be used to renew, or pay for the renewal of any fire insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the property of San Francisco harbor and the University of California.

Transfer of
appropriations

SEC. 7. Whenever the duties, powers, purposes, responsibilities, and jurisdictions of any office, board, commission or other state agency are transferred by law to a department of the state, the appropriations herein made from the general fund for the support of such office, board, commission or other state agency shall, by the state controller, be transferred to, and the same shall become a part of, the appropriations herein made from the general fund for the support of the department to which the duties, powers, purposes, responsibilities, and jurisdictions of such office, board, commission or other state agency have been transferred.

Effective
immediately

SEC. 8. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1, of article four of the constitution of the State of California, take effect immediately.

CHAPTER 40.

An act to amend section 4 of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation com-

pany; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to penalties.

[Approved by the Governor April 5, 1929. In effect August 14, 1929]

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

SECTION 1. Section 4 of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, is hereby amended so as to read as follows:

Stats 1913.
p 714,
amended

Sec. 4. Every employer, or manager, superintendent, agent or officer thereof, employing any female, who violates or omits to comply with any of the provisions of this act, or who employs or suffers or permits any female to work in violation thereof, is guilty of a misdemeanor, and upon conviction thereof, shall be punished, for a first offense, by a fine of not less than twenty-five dollars nor more than one hundred dollars; for a second or subsequent offense, by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment. All fines imposed and collected under the provisions of this act shall be paid into the state treasury and credited to the general fund.

Penalties

Disposition
of fines

CHAPTER 41.

An act to amend section 8 of an act entitled "An act to regulate the hunting of deer and to provide for the tagging of the carcass of any deer killed, and to provide for the

transportation of lawfully killed deer from an open district into a closed district, and to provide revenue therefrom for fish and game preservation, propagation and protection, and providing a penalty for violation," approved May 26, 1927.

[Approved by the Governor April 5, 1929 In effect August 14, 1929]

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

Stats 1927,
p 1491,
amended

SECTION 1. Section 8 of an act entitled "An act to regulate the hunting of deer and to provide for the tagging of the carcass of any deer killed, and to provide for the transportation of lawfully killed deer from an open district into a closed district, and to provide revenue therefrom for fish and game preservation, propagation and protection, and providing a penalty for violation," approved May 26, 1927, is hereby amended to read as follows:

Taking deer
into closed
districts

Sec. 8. Any person legally killing a deer in this state may transport said deer into a closed district; *provided*, he shall, before transporting such deer, have the tag herein provided for countersigned by a fish and game commissioner a deputy fish and game commissioner, or by a justice of the peace, notary public, postmaster, peace officer, or by an officer authorized to administer oaths.

CHAPTER 42.

An act to amend section 2 of an act entitled "An act to create a state board of accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, as amended, and to add a new section to said act to be numbered section 6, creating the accountancy fund in the state treasury in which all moneys collected under the provisions of said act shall be deposited and providing for the payment of expenses incurred in carrying out the provisions of said act from said fund.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

Stats 1901,
p. 645,
amended

SECTION 1. Section 2 of an act entitled "An act to create a state board of accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants; with the designation of certified public accountant, and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, as amended, is hereby amended to read as follows:

Sec. 2. The state board of accountancy shall have its office in the city and county of San Francisco, and its powers and duties shall be as follows: Powers and duties of board of accountancy

1. To formulate rules for the government of the board and for the examination of and granting of certificates of qualification to persons applying therefor;

2. To hold written examinations of applicants for such certificates, at least semiannually, at such places as circumstances and applications may warrant;

3. To grant certificates of qualification to such applicants as may, upon examination, be found qualified in "theory of accounts," "practical accounting," "auditing," and "commercial law," to practice as certified public accountants;

4. To charge and collect a fee of twenty-five dollars from all applicants before any such applicant shall be allowed to take such examination for said certificate of qualification to practice as a certified public accountant; *provided, however*, that no additional fee shall be charged for the issuance of a certificate of qualification to those applicants who at such examination are found to be qualified therefor; *and, provided, further*, that in no event shall any portion of said fee be returned to such applicant; Fees.

5. To require the annual renewal of all such certificates, and to collect therefor a renewal fee of not exceeding one dollar; Certificates

6. To revoke for cause any such certificate, after written notice to the holder, and a hearing being had thereon; *provided*, that such revocation must receive the affirmative vote of at least four members of the board.

SEC. 2. A new section to be numbered section 6 is hereby added to said act and to read as follows: New section.

Sec. 6. Within thirty days after the date upon which this act becomes effective, the state board of accountancy shall account for and report the unencumbered balance of all moneys heretofore received and collected from whatsoever source and for whatsoever purpose under the provisions of the act of which this act is an amendment, to the state controller and at the same time said moneys shall be remitted to the state treasury to the credit of a fund to be known as "the accountancy fund," which said fund is hereby created. Accountancy fund created

All moneys hereafter received by said board under the provisions of the act of which this act is an amendment from whatsoever source and for whatsoever purpose, shall be accounted for and reported monthly by said board to the state controller and at the same time said moneys shall be remitted to the state treasury to the credit of said accountancy fund. Said fund shall be expended, in accordance with law, for the payment of all actual and necessary expenses incurred in carrying out the provisions of the act of which this act is an amendment; *provided, however*, that the provisions of the budget bill finally enacted at the forty-eighth session of the Legislature or at any subsequent session of the Legislature, Monthly accounting.
Budget applicable.

relating to or mentioning said accountancy fund shall be applicable to the fund herein created in the same manner as those provisions of said budget bill referring to or mentioning other similar funds are applicable to such latter funds.

CHAPTER 43.

An act to add a new section to the Penal Code, to be numbered 626u, relating to the protection of game.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

New section SECTION 1. A new section is hereby added to the Penal Code, to be numbered 626u, and to read as follows:
 Protection of 626u. Every person who in fish and game districts num-
 water fowl bers 4, 4 $\frac{1}{2}$, 4a, 4e, 19, 20, 20a, 21 and 22 hunts, takes, kills or destroys any water fowl during the open season for the hunting, killing and taking of water fowl other than on Wednesday, Saturday and Sunday, legal holidays, and the opening and closing days of such open season, or who, in fish and game district number 4a hunts, takes, kills or destroys any water fowl at any time on any of said days, except between the hour of eight a.m. and sunset of any of said days, is guilty of a misdemeanor.

CHAPTER 44.

An act to amend sections 4, 7, 9, 10, 11, 12, and 13 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the state's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California fruit and vegetable standardization act,' approved May 23, 1925," approved June 2, 1927.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

Stats 1927,
p 1846,
amended

SECTION 1. Section 4 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to

protect the state's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California fruit and vegetable standardization act,' approved May 23, 1925," approved June 2, 1927, is hereby amended to read as follows:

Sec. 4. All enforcing officers under the provisions of this act shall have power to enter and to inspect every place or vehicle, within the county or district for which they have been appointed, where any fruits, nuts or vegetables are produced, stored, packed, delivered for shipment, loaded, shipped, being transported, offered for sale or sold, and to inspect such places and all such fruits, nuts and vegetables, and the containers thereof and equipment found in any such places, or in vehicles when being transported, and to take for inspection such samples as may be necessary to determine if the product in question meets all requirements of this act.

Powers and duties of enforcement officers.

It shall be the duty of all enforcing officers mentioned in this act to carry out the provisions of this act in their respective counties or districts, and to cause the prosecution of any person, firm, company, corporation or organization whom they know or have reason to believe to be guilty of violating any of its provisions. Any enforcing officer in the performance of his duties shall have the same powers possessed by other peace officers of the city, county, or state, and shall have the right, while exercising such police powers, to seize and hold as evidence such part of any pack, load, lot, consignment or shipment of fruits, nuts or vegetables packed, delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in violation of this act, as may in his judgment be necessary to secure the conviction of the party he knows or believes has violated or is violating any of the provisions of this act.

SEC. 2. Section 7 of said act is hereby amended to read as follows:

Stats. 1927, p. 1848, amended Definitions

Sec. 7. When used in this act the words hereinafter mentioned shall be defined as follows: "Containers" or "packages" shall mean any box, crate, lug, chest, basket, carton, barrel, keg, drum, sack, or other container used for packing, shipping or selling fruits, nuts or vegetables. "Subcontainers" shall mean any basket or other receptacle used within a container. "Pack, packing or packed" shall mean the regular compact arrangement of all or part of the fruit or vegetables in any container or subcontainer used for the purpose of sale or transportation. "Deceptive pack" shall mean any container of fruits, nuts or vegetables which has in the outer layer or any exposed surface fruits, nuts or vegetables which are so superior in quality, size or conditions to those in the interior of the container, or the unexposed portion, as to materially misrepresent the entire contents. "Deceptive arrange-

ment" or "deceptive display" of fruits, nuts or vegetables shall mean any bulk load, arrangement or display of such products which has in the outer layer, or exposed portion, fruits, nuts or vegetables which are so superior in quality, size or condition to any of those which are concealed, or the unexposed portion, as to materially misrepresent any part of the lot. "Fruits, nuts or vegetables" shall mean the food product of any tree, vine or plant which produces edible fruits, nuts or vegetables suitable for human consumption. "Mature," excepting when otherwise specifically defined, shall mean having reached the stage of maturity which will indicate the proper completion of the ripening process. "Overripe" shall mean having reached an advanced state of maturity which causes the product to be undesirable or unfit for human consumption in a fresh state. "By-products" shall mean any product commercially processed or manufactured for resale from fruits, nuts or vegetables, or their juices. "County" shall include in its meaning a consolidated city and county.

"Mislabel" shall mean the placing of any false or misleading statement or words upon any container of fresh or dried fruits, nuts or vegetables, or upon the label or lining of any such container, or upon the wrapper of any fruit or vegetable, or upon any fruit, nut or vegetable, or upon any placard used in connection therewith and having reference to such fruits, nuts or vegetables.

SEC. 3. Section 9 of said act is hereby amended to read as follows:

Sec. 9. Excepting as hereafter specifically exempted, all containers of fruits, nuts or vegetables of a kind specified in this act, except subcontainers, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of the orchard or farm where the same was produced, with the post-office address thereof; or the name of the person, firm, company, corporation or organization who shall have first packed or authorized the packing of same; or the name under which such packer shall be engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

Any containers, when used as subcontainers, excepting as hereinafter provided in section 21, shall be exempt from the provisions regarding marking when the container in which they are placed is marked in compliance with the requirements of this act.

All markings required by this act, except net weight, shall be plainly and conspicuously stamped, stenciled, printed, labeled or branded on one end of each crate, box, lug, carton or chest, and on one side of each keg, drum or sack, and on either one side or the top cover of each basket, barrel or other container. All such markings shall be on the main portion of the container or a label attached thereto and shall not be on cleats or other removable portions of the container.

Stats 1927,
p 1848,
amended.
Marking of
containers.

SEC. 4. Section 10 of said act is hereby amended to read as follows:

Stats 1927,
p. 1849,
amended
False and
misleading
markings

Sec. 10. No containers or subcontainers of fresh or dried fruits, nuts or vegetables or label or lining of any such container, or wrapper of any fruit or vegetable, or placard used in connection therewith and having reference to such fruits, nuts or vegetables, shall bear any false or misleading statement or words. This provision shall be construed to prohibit the repeated use of any container or subcontainer of fruits, nuts or vegetables, bearing any markings required by this act, or any designations of brand, quality or grade, unless all such markings which do not properly and accurately apply to the products repacked or replaced therein shall first be completely removed, erased or obliterated. Nothing in this act shall be construed to conflict with any California or federal laws or regulations regarding net weight markings on containers or subcontainers.

SEC. 5. Section 11 of said act is hereby amended to read as follows:

Stats 1927,
p. 1849,
amended
Standard
packages.

Sec. 11. Standard packages are hereby established as follows:

(1) Standard basket, approximately eight inches square on top, six and one-half inches square on bottom and four inches deep, inside measurements.

(1A) Standard four quart Climax basket with following dimensions: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurements; top of basket, length fourteen inches, width six and one-fourth inches, outside measurements. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

(2) Standard berry baskets: (a) Dry pint containing an interior capacity of approximately thirty-three and six-tenths cubic inches. (b) Dry one-half pint containing an interior capacity of approximately sixteen and eight-tenths cubic inches; *provided*, that the only standard basket for straw-berries shall be the dry pint.

	Depth inside in inches	Width inside in inches	Length inside in inches
(3) Standard twelve basket crate--	2 $\frac{7}{8}$	13 $\frac{1}{2}$	18
(4) Standard crate-----	4	16	16 $\frac{1}{2}$
(5) Standard crate-----	4 $\frac{1}{2}$	16	16 $\frac{1}{2}$
(6) Standard crate-----	4 $\frac{1}{2}$	16	16 $\frac{1}{2}$
(7) Standard crate-----	4 $\frac{1}{2}$	16	16 $\frac{1}{2}$
(8) Standard crate-----	5	16	16 $\frac{1}{2}$
(9) Standard cherry box-----	2 $\frac{1}{2}$	9	18 $\frac{1}{2}$
(10) Special cherry box-----	3	9 $\frac{1}{2}$	18 $\frac{1}{2}$
(11) Standard cherry lug-----	4 $\frac{1}{2}$	9	18
(12) Standard fruit box-----	3	11 $\frac{1}{2}$	18
(13) Standard fruit box-----	3 $\frac{1}{2}$	11 $\frac{1}{2}$	18

Standard packages		Depth inside in inches	Width inside in inches	Length inside in inches
	(14) Standard fruit box.....	4	11½	18
	(15) Standard fruit box.....	4½	11½	18
	(16) Standard fruit box.....	4½	11½	18
	(17) Standard fruit box.....	4¾	11½	18
	(17A) Half apple box.....	5¼	11½	18
	(17B) Special pear box.....	5½	11½	18
	(17C) Standard pear box.....	8½	11½	18
	(18) Standard apple box.....	10½	11½	18
	(18A) Standard artichoke box.....	9¾	11	20½
	(18B) Half artichoke box.....	4¾	11	20½
	(19) Standard lug box.....	4	13½	16½
	(20) Standard lug box.....	4½	13½	16½
	(21) Standard lug box.....	4¾	13½	16½
	(22) Standard lug box.....	5 1/16	13½	16½
	(23) Standard lug box.....	5¾	13½	16½
	(24) Special sawdust pack lug.....	11	13½	16½
	(25) Standard sawdust pack lug.....	7¾	13½	16½
	(25A) Standard artichoke lug.....	8½	14	22½
	(26) Standard orange box.....	11½	11½	24½
	(26A) Standard persimmon box.....	3¾	11½	24½
	(27) Half orange box.....	5¾	11½	24½
	(28) Standard pomegranate box.....	6½	11½	24½
	(29) Standard lemon box.....	10	13	25½
	(29A) Half lemon box.....	5	13	25½
	(30) Jumbo lemon box.....	11½	13½	25½
	(30A) Half jumbo lemon box.....	5 9/16	13½	25½
	(31) Standard cantaloupe crate.....	12	12	22½
	(32) Pony cantaloupe crate.....	11	11	22½
	(33) Jumbo cantaloupe crate.....	13	13	22½
	(34) Standard cantaloupe flat.....	4	12	22½
	(35) Special cantaloupe flat.....	4½	13½	22½
	(36) Special cantaloupe flat.....	5	14½	22½
	(37) Standard lettuce crate.....	13	18	21½
	(37A) Half sweet potato crate.....	7¾	11½	22½
	(37B) Three-fourths swt. potato crate	9¾	14	22½

The inside length shown hereinabove for the half and the three-quarters sweet potato crates, Nos. 37A and 37B, shall be a minimum length, with maximum outside length of these containers of twenty-four inches.

The inside length shown hereinabove for the standard lettuce crate, No. 37, shall be a minimum length, with maximum outside length of this container of twenty-four and one-half inches.

Inside length of lettuce crates shall be measured between the end slats, excepting that if flat end posts wider than one and one-half inches are used, the inside length shall be measured between the posts.

(38) Standard grape drum, containing two thousand six hundred forty-two cubic inches, fourteen inches deep, fifteen and one-half inches wide, inside.

(39) Standard grape keg containing two thousand six hundred forty-two cubic inches minimum.

In standard containers numbers 26, 26A, 27 and 28 the average inside length of the two compartments, between center and end pieces, shall be not less than eleven and fifteen-sixteenths inches. In standard containers numbers 29, 29A, 30 and 30A the average inside length of the two compartments, between center and end pieces, shall be not less than twelve and seven-sixteenths inches. In standard containers numbers 3, 11, 12, 13, 14, 15, 16, 17, 17B, and 17C an optional inside length of eighteen and three-eighths inches; in standard containers numbers 9 and 10 an optional inside length of eighteen and one-half inches; and in standard containers 37A and 37B an optional inside length of twenty-two and five-eighths inches shall be permitted prior to January 1, 1930.

SEC. 6. Section 12 of said act is hereby amended to read as follows:

Stats. 1927,
p. 1851,
amended

Sec. 12. It shall be unlawful for any person, firm, company, organization or corporation to pack or cause to be packed, import, sell, offer for sale, deliver for shipment, load, ship or transport any fruits, nuts or vegetables which do not conform with all requirements of this act, including the proper marking of containers and all packing material.

Unlawful
practices

It also shall be unlawful to prepare, deliver for shipment, load, ship, transport, offer for sale or sell a deceptive pack, load, arrangement or display of fresh or dried fruits, nuts or vegetables, or to mislabel any container of fresh or dried fruits, nuts or vegetables, or the label or lining of any such container, or the wrapper of any fruit or vegetable, or any fruit, nut or vegetable, or any placard used in connection therewith having reference to such fruits, nuts or vegetables.

Whenever any person is arrested for the transportation of fruits, nuts and vegetables in violation of the provisions of this act, unless such person demands the right to an immediate appearance before a magistrate, the arresting officer shall, upon production of satisfactory evidence of the identity of the person arrested, take the name and address of such person and the number of his motor vehicle and notify him in writing to appear at a time and place to be specified in such notice, such time to be at least five days after such arrest and such place to be before a magistrate of the township in which the offense with which the arrested person is charged is alleged to have been committed, or upon the demand of the person arrested, before a magistrate of the township in which is located the county seat of the county in which such offense is alleged to have been committed, whereupon such officer shall, upon the giving by such person of his written promise to appear at such time and place, forthwith release him from custody; *provided*, that in any county in which there is established a municipal court at the county seat thereof, the notice referred to herein

Notice to
appear.

may specify the appearance of the person arrested before any magistrate in the county.

Refusal to appear.

Whenever any such person refuses to give his written promise to appear as herein provided for or demands an immediate appearance before a magistrate, he shall be taken forthwith before a magistrate of the township in which the offense with which he is charged is alleged to have been committed. He shall then be entitled to at least five days continuance of his case in which to prepare to plead or to prepare for trial and he shall not be required to plead or be tried within five days unless he waives such time in writing or in open court; *provided*, that he gives his written promise to appear at such time and place as the court may fix for his further appearance or, upon his refusal to give such promise, upon such bail as the court may fix and he shall thereupon be released from custody.

Penalty.

Any person who wilfully violates his promise given in accordance with this section shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. A promise to appear may be complied with by an appearance by counsel.

Stats 1927, p. 1851, amended

SEC. 7. Section 13 of said act is hereby amended to read as follows:

Sales to packers and by-products manufacturers.

Sec. 13. No provision of this act, except as hereinafter provided in section 21, shall be construed to prevent a grower of fruits, nuts or vegetables in the State of California from selling or delivering the same unpacked and unmarked, as a part of his crop in bulk to a packer for grading, packing or storage; or to prevent a grower or packer from manufacturing the same into any by-product, or from selling the same unpacked and unmarked to any person, firm, company, organization or corporation actually engaged in the operation of a commercial by-products factory for the sole and express purpose of being used in the State of California in the manufacture of a by-product for resale.

Same—proof

Any inspector of fruits, nuts or vegetables may require from the owner and/or shipper of such fruits, nuts or vegetables such written or other proof as he may deem necessary that they will be used only as permitted by this section, and shall hold same until satisfactory proof is given.

CHAPTER 45

An act to amend section 690 of the Code of Civil Procedure, relating to property exempt from execution or attachment.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

Stats 1927, p. 356, amended.

SECTION 1. Section 690 of the Code of Civil Procedure is hereby amended to read as follows:

690. The following property is exempt from execution or attachment, except as herein otherwise specially provided:

Property
exempt from
execution or
attachment.

1. Chairs, tables, desks and books, to the value of two hundred dollars belonging to the judgment debtor;

2. Necessary household, table, and kitchen furniture belonging to the judgment debtor, including one sewing-machine, stove, stove-pipes and furniture, wearing apparel, beds, bedding and bedsteads, hanging pictures, oil paintings and drawings drawn or painted by any member of the family, and family portraits and their necessary frames, provisions and fuel actually provided for individual or family use, sufficient for three months, and three cows and their suckling calves, four hogs and their suckling pigs, and food for such cows and hogs for one month; also one piano, one shotgun and one rifle;

3. The farming utensils or implements of husbandry of the judgment debtor, not exceeding in value the sum of one thousand dollars; also two oxen or two horses or two mules, and their harness, one cart or buggy, and two wagons, and food for such oxen, horses or mules, for one month; also all seed grain or vegetables actually provided, reserved or on hand for the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars; and seventy-five beehives; one horse and vehicle belonging to any person who is maimed or crippled, and the same is necessary in his business.

4. The tools or implements of a mechanic or artisan, necessary to carry on his trade; the notarial seal, records and office furniture of a notary public; the instruments and chest of a surgeon, physician, surveyor or dentist, necessary to the exercise of their profession, with their professional libraries and necessary office furniture; the professional libraries of attorneys, judges, ministers of the gospel, editors, school teachers and music teachers, and their necessary office furniture; including one safe and one typewriter; also the musical instruments of music teachers actually used by them in giving instructions, and all the indexes, abstracts, books, papers, maps and office furniture of a searcher of records necessary to be used in his profession; also the typewriters or other mechanical contrivances employed for writing in type, actually used by the owner thereof for making his living; also one bicycle when the same is used by the owner for the purpose of carrying on his regular business, or when the same is used for the purpose of transporting the owner to and from his place of business;

5. The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars; also his sluices, pipes, hose, windlass, derrick, cars, pumps, tools, implements, and appliances necessary for carrying on any mining operation, not exceeding in value the aggregate sum of five hundred dollars; and two horses, mules or oxen with their harness, and food for such horses, mules or oxen for one month, when necessary to be used on any whim, windlass, derrick, car pump or hoist-

Property
exempt from
execution or
attachment.

ing gear; and also his mining claim, actually worked by him, not exceeding in value the sum of one thousand dollars;

6. Two horses, two oxen or two mules, and their harness, and one cart or wagon, one dray or truck, one coupe, one hack, or carriage, for one or two horses, by the use of which a cartman, drayman, truckman, huckster, peddler, hackman, teamster or other laborer habitually earns his living; and one horse with vehicle and harness or other equipments, used by a physician, surgeon, constable or minister of the gospel, in the legitimate practice of his profession or business; with food for such oxen, horses or mules for one month;

7. One fishing boat and net, not exceeding the total value of five hundred dollars, the property of any fisherman, by the lawful use of which he earns his livelihood;

8. Poultry not exceeding in value seventy-five dollars;

9. The wages and earnings of all seamen, seagoing fishermen and sealers, not exceeding three hundred dollars, regardless of where or when earned, and in addition to all other exemptions otherwise provided by any law;

10. The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit or otherwise, that such earnings are necessary for the use of his family, residing in this state, supported in whole or in part by his labor; but where debts are incurred by any such person, or his wife or family for the common necessities of life, or have been incurred at a time when the debtor had no family residing in this state, supported in whole or in part by his labor, or incurred for personal services rendered by any employee, or former employee, the one-half of such earnings above mentioned is nevertheless subject to execution, garnishment or attachment to satisfy debts so incurred;

11. The shares held by a member of a homestead association duly incorporated, not exceeding in value one thousand dollars if the person holding the shares is not the owner of a homestead under the laws of this state;

12. All the nautical instruments and wearing apparel of any master, officer, or seaman of any steamer or other vessel;

13. All fire engines, hooks and ladders, with the carts, trucks and carriages, hose buckets, implements, and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this state;

14. All arms, uniforms, and accoutrements required by law to be kept by any person, and also one gun, to be selected by the debtor;

15. All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers, and appurtenances belonging to the jail and public offices belonging and appertaining to any county of this state; and all cemeteries, public squares, parks, and places, public buildings, town halls, markets, buildings for the use of fire

departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this state;

Property
exempt from
execution or
attachment.

16. All material not exceeding one thousand dollars in value, purchased in good faith for use in the construction, alteration or repair of any building, mining claim or other improvement as long as in good faith the same is about to be applied to the construction, alteration or repair of such building, mining claim or other improvement;

17. All machinery, tools and implements, necessary in and for boring, sinking, putting down and constructing surface or artesian wells; also the engines necessary for operating such machinery, implements, tools, etc., also all trucks necessary for the transportation of such machinery, tools, implements, engines, etc.; *provided*, that the value of all the articles exempted under this subdivision shall not exceed one thousand dollars;

18. All moneys, benefits, privileges, or immunities accruing or in any manner growing out of any life insurance, if the annual premiums paid do not exceed five hundred dollars, and if they exceed that sum a like exemption shall exist which shall bear the same proportion to the moneys, benefits, privileges, and immunities so accruing or growing out of such insurance that said five hundred dollars bears to the whole annual premiums paid;

19. Shares of stock in any building and loan association to the value of one thousand dollars;

20. All money received by any person, a resident of the state as a pension from the United States government, or as a pension or retirement salary from the state, or any county, city, or city and county, or any public board or boards whether the same shall be in the actual possession of such pensioner, or deposited, loaned or invested by him.

21. All money held, controlled or in process of distribution by the state or a city, county, city and county or other political subdivision of the state, derived from contributions from the state or such city, county, city and county, or other political subdivision, or by any officer or employee thereof for retirement or pension purposes or the payment of death benefits.

No article, however, or species of property, mentioned in this section is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon. Exceptions.

CHAPTER 46.

An act to add a new section to the Political Code to be numbered 2087, relating to exhibitions by the adjutant general of equipment, animals and property of the national guard.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 2087 and to read as follows:

Demonstrations of property of national guard

2087. The adjutant general may exhibit at such times and places as he may see fit, the equipment, animals and property of the national guard and give demonstrations thereof with the aid of such personnel as may be selected therefor and all expense in relation thereto shall be paid from state funds.

CHAPTER 47.

An act to add a new section to the Political Code to be numbered 1929, relating to the composition, organization, duties, training control and government of the national guard of California.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 1929 and to read as follows:

Organization and government of the national guard.

1929. The composition, organization, duties, training control and government of the adjutant general's department, the inspector general's department, judge advocate general's department, ordnance department, quartermaster corps, coast artillery, field artillery, cavalry, infantry, tank corps, air corps and all other departments, branches and organizations of the national guard as may hereafter be organized shall in all respects conform to the provisions of and be the same as provided by the national defense act as amended.

CHAPTER 48.

An act to amend section 9 of an act entitled "An act to regulate and license the business of producing, refining and distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license

taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 9 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," is hereby amended to read as follows:

Stats. 1923.
p 574,
amended

Sec. 9. If any distributor shall fail, neglect or refuse to file reports herein provided, the state board of equalization, immediately after such time has expired, shall proceed to inform itself as best it may regarding the matters and things required to be set forth in such statement, and, from such information as it is able to obtain, shall make a statement showing such matters and things and shall determine and fix the amount of license tax due to the state from such distributor for such quarter, and shall add to the amount of such license tax a penalty of twenty-five per cent thereof, and shall deliver such statement to the state controller who shall proceed to collect the amount of such license tax with the penalty added thereto, together with interest on the whole thereof at the rate of seven per cent per annum from the date upon which such statement should have been filed together with any penalty for delinquent payment that may have accrued by reason of section 4 of this act but the penalty for delinquent payment shall not apply to or be charged against the penalty provided for in this section for failure to furnish a report and the distributor is thereafter stopped from complaining of the amount thereof.

Fixing tax
where no
return is
made

Additional
penalty

Upon request of the state controller, it shall be the duty of the attorney general to commence and prosecute to final determination in any court of competent jurisdiction an action at law to collect any tax herein imposed which is delinquent and all penalties and interest accrued.

Duty of
attorney
general

CHAPTER 49.

An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said dis-

tricts," approved May 1, 1911, by amending sections 4, 5 and 6 of said act, relative to the mode of nomination and election of elective officers of such water districts.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

Stats. Ex.
Sess 1911,
p. 95,
amended.

SECTION 1. Section 4 of an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of water works, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, is hereby amended to read as follows:

Board of
directors to
be elected

Sec. 4. At an election to be held within such water district under the provisions of this act and the laws governing general elections not inconsistent herewith, the municipal water district thus organized shall proceed within ninety days after its formation to the election of a board of directors consisting, if there are no municipalities within the boundaries of said district, of five members. In all cases where the boundaries of such water district include any municipality or municipalities, said board of directors, in addition to said five directors to be elected as aforesaid, shall consist of one additional director for each one of said municipalities within such municipal water district, each such additional director to be appointed by the mayor of the municipality for which said additional director is allowed; and if there be any unincorporated territory within said water district, of one additional director, to be appointed by the said board of supervisors. Any director so appointed need not be an elector or resident of said district. All directors, elected or appointed, shall hold office until the election and qualification or appointment and qualification of their successors. The term of office of directors elected under the provisions of this act shall be four years from and after their election; *provided*, that the directors first elected after the formation of the district shall hold office only until the election and qualification of their successors as hereinafter provided. The term of office of directors appointed by said mayor or mayors or by said board of supervisors shall be six years from and after the date of appointment. Directors to be first appointed under the provisions of this act shall be appointed within ninety days after the formation of the district. The election of directors of such municipal water district shall take place in the same year in which electors for the office of President of the United States shall be voted for in the State of California, and the first directors elected shall hold only until an election is held in such year after the formation of the district, and thereafter directors shall be elected every fourth year in the same manner as county officers are required to be elected by the general laws of this state. Said elections shall be known as general water district elections,

Additional
directors.

Term of
office

Time of
election

and all other elections which may be held by authority of this act, or of the general laws, shall be known as special water district elections.

SEC. 2. Section 5 of said act is hereby amended to read as follows:

Stats Ex
Sess 1911,
p 95,
amended
Mode of
selection of
officers.

Sec. 5. (1) The mode of nomination and election of all elective officers of such water district to be voted for at any water district election, and the mode of appointment of a director or directors by said mayor or mayors or by said board of supervisors shall be as follows, and not otherwise.

(2) The mode of nomination of all elective officers of such water district shall be the same as that prescribed by the general laws of this state for the nomination of county officers, except that such nomination shall be had at the same time as that at which county supervisors are nominated in the years in which electors for the office of President of the United States shall be voted for. The method of having the name of the candidate placed on the ballot shall be the same method as that provided by the general laws of this state for the placing of the name of a candidate for a county office on the ballot, and the primary election provided by law to be held in such years in which electors for the office of President of the United States are voted for shall be the first water district election held in such year.

Nomination
of candidates.

(3) The registration which shall entitle an elector to vote at such water district election shall be the same registration as that employed at the primary election held in said county at said time, and for the purpose of registering voters who shall be entitled to vote at such election the county clerk or registrar of voters shall be authorized, and he hereby is authorized, to cause to be printed or stamped with a rubber stamp upon the affidavits of registration used in any county in which there is a municipal water district an additional line to that required under the general laws of this state, which shall read substantially as follows: "Elector of the ----- Municipal Water District, Yes—No," and in the registration of such electors he shall cross off the word "Yes" or "No" so as to indicate whether or not the elector is or is not an elector of said municipal water district.

Registration
of electors

(4) In case the boundary line of a municipal water district crosses the boundary line of a county election precinct only those electors within such municipal water district and within such precinct who are registered as being electors of the municipal water district shall be permitted to vote, and for that purpose the county clerk or registrar of voters is hereby empowered to provide two sets of ballots within such precincts, one containing the names of candidates for office in said municipal water district, and the other not containing such names, and it shall be the duty of the election officers in such precincts to furnish only those persons registered as electors of such municipal water district with the ballots upon which are

Two forms of
ballot within
one precinct

printed the names of the candidates for office in said municipal water district.

Water
district
election

(5) The said water district election shall be held at the same time as, and as a part of, the county primary election, and the names of candidates for elective offices in said water district shall be printed upon the primary election ballot in all precincts embraced within said municipal water district, except as hereinabove provided, in the same manner as the names of nonpartisan officers are required by the general laws of this state to be printed upon primary election ballots at such primary election; and all general laws of the State of California are hereby made applicable to the conduct of such elections, the counting of ballots, the canvass thereof by the board of supervisors of the county in which such elections are held, and the certification of the results thereof and the issuance of election certificates to the successful candidates.

Second water
district
election.

(6) In the event that after the first election it becomes necessary to hold a second water district election to accomplish the election of a candidate or candidates as hereinabove and in the general laws of this state provided, then a second water district election shall be held at the same time as, and as a part of, the general election held on the first Tuesday in November in each year in which electors for the office of President of the United States are voted for, and such second water district election shall be conducted in the same manner as, and in all respects in the way provided for the election of nonpartisan officers of the county or of a supervisorial district, and the vote thereat shall be counted, canvassed, certified to, and the successful candidate shall have issued to him a certificate of election in the same manner as that provided by the general laws of this state for the conduct, canvass and certification of candidates for a county office or office of a supervisorial district at such election, and as a part of the general state election held within the county at such time.

Stats Ex
Sess 1911,
p. 100,
amended
Conduct of
elections

SEC. 3. Section 6 of said act is hereby amended to read as follows:

Canvass of
returns

Sec. 6. The provisions of the law relating to the qualification of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections, so far as they may be applicable, shall govern all water district elections, except as in this act otherwise provided; *provided*, that the board of supervisors shall canvass the returns of the election or elections held to select the first board of directors, as herein provided, within ten days thereafter, and that in the case of the elections held to select the first board of directors the second election shall take place four weeks after the first election held for that purpose, and the board of supervisors shall canvass the vote cast at such elections within the time prescribed by law for the canvass of votes cast at a general election; *and provided, further*, that the board of directors of a municipal

water district shall meet as a canvassing board and duly proceed to canvass the returns within seven days after any water district bond election.

In counties in which municipal water districts are located the county clerk or registrar of voters is hereby given authority, and he hereby is authorized to have printed upon the official ballots provided for voters at the primary elections and the general elections in this act above specified a separate column in the same form as that provided by the general laws for nonpartisan officers, which column shall be headed "Municipal Water District," with a subheading "For members of the Board of Directors—Vote for -----," and beneath which shall appear the names of the candidates for the office of member of the board of directors of such municipal water district, with appropriate blank spaces for the writing in of the names of the proper number of candidates if desired by the voters, and with a voting square placed opposite to each space. The ballots thus provided shall be furnished by the election officers only to those electors within their respective precincts who shall appear on the register as duly registered electors of the municipal water district, and in precincts which lie partly within such municipal water district and partly without the board of election shall be supplied with two kinds of ballots by said county clerk or registrar of voters, one of which shall contain the matters hereinabove set forth for the use of electors of such municipal water district, and the other of which shall be without such column containing the names of candidates for the office of member of the board of directors, and which shall be furnished to those electors who are registered as not being electors of the municipal water district and who are electors of the precinct.

Form of
ballots

CHAPTER 50.

An act granting certain tidelands and submerged lands of the State of California to the city of Laguna Beach upon certain trusts and conditions.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

SECTION 1. There is hereby granted to the city of Laguna Beach, a municipal corporation of the State of California, and to its successors, all of the right, title and interest of the State of California, held by the State of California by virtue of its sovereignty, in and to all of the tidelands and submerged lands, whether filled or unfilled, bordering upon, under, and situated below the ordinary high-tide line of the Pacific ocean, or of any harbor, estuary, bay or inlet, which are within the corporate limits of said city, to be forever held by the city of

Tidelands
granted to
city of
Laguna
Beach in
trust

Laguna Beach and by its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

Uses.

(a) That none of said lands shall be used or devoted to any purposes other than public park, parkway, highway, playground, or public recreation or enjoyment, the establishment, improvement and conduct of a harbor and the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation; and the city of Laguna Beach, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever; *provided, however*, that nothing herein contained shall be so construed as to prevent the use or granting of easements, franchises or leases for limited periods, or rights of way in, under, over or across said tidelands or submerged lands for power, telephone, telegraph or cable lines or landings, sewage disposal conduits and other sewage works, wharves and other public uses and purposes consistent with the trusts upon which said lands are held.

Improvement

(b) That such lands devoted to the conduct of a harbor shall be improved by the city of Laguna Beach without expense to the state and such harbor shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or any of the utilities, structures or appliances mentioned in paragraph (a) no discrimination in rates, tolls or charges, or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by the city of Laguna Beach or by its successors.

(d) The absolute right to fish in the waters of the Pacific ocean over said tidelands and submerged lands, with the right of convenient access to said waters over said lands for such purpose is hereby expressly reserved to the people of the State of California.

CHAPTER 51.

An act authorizing and empowering the state director of finance to grant and convey to any person, firm, private, municipal or public utility corporation an easement over and across certain real properties of the State of California known as the Napa State Hospital property and the Silverado trail,

in the county of Napa, State of California, and to impose conditions, limitations, restrictions and reservations on the use thereof and to prescribe the consideration therefor.

[Approved by the Governor April 6, 1929 In effect August 14, 1929]

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

SECTION 1. The state director of finance is hereby authorized and empowered for and on behalf of and in the name of the State of California to grant and convey to any person, firm, corporation, municipal corporation or public utility corporation an easement over and across those certain real properties of the State of California, known as the Napa State Hospital property and the Silverado trail in the county of Napa, State of California, and along such route and subject to such conditions, limitations, restrictions and reservations, and for such actual valuable consideration as the director of finance shall impose and prescribe.

Grant of easement across state property

SEC. 2. The director of finance is hereby authorized and empowered for and on behalf of and in the name of the State of California to execute and deliver to said person, firm, corporation, municipal corporation or public utility corporation and give a sufficient grant of easement and to execute and deliver any and all other instruments and to do any and all other acts and things necessary to effectuate the purposes of this act.

Director of finance to execute grant

CHAPTER 52.

An act to amend section 8 of "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 8 of said act is hereby amended to read as follows:

Stats. 1927, p. 1145, amended

Sec. 8. When all parties defendant to the action have answered, or have been served with summons, and their default entered, the plaintiff or any party defendant to the action whose default has not been so entered, may, upon five days' notice to the parties, except defendants in default, move the court to set the action for trial. If, upon the hearing for such motion, a trial by jury or by the court without

Setting case for trial.

Appointment
of referees

a jury is not demanded by the defendants, or any of them, or by the plaintiff, such trial shall be deemed to be waived, and the court must appoint three disinterested persons referees, to ascertain the compensation to be paid to such defendants so waiving trial by a jury, or by the court without a jury. Such referees must be residents of the municipality where such improvement is to be made, and over the age of twenty-one years, and must take and file with the court an oath to discharge their duties faithfully and impartially. If any of such referees fails to qualify, or resigns, or is removed by order of court, or is or becomes unable to act, the vacancy so created shall be filled by the court.

CHAPTER 53.

An act to amend sections 1 and 4 of the act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees; and to repeal the act approved April 7, 1911, known as the direct primary law; and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said direct primary law; and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913; and amended and approved May 29, 1917; and amended and approved April 8, 1919; and amended and approved May 31, 1927.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

Stats 1917,
p. 1341,
amended.

SECTION 1. Section 1 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors for President and Vice President of the United States, and providing for the election of party county central committees; and to repeal the act approved April 7, 1911, known as the direct primary law; and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said direct primary law; and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913; and amended and approved May 29, 1917; and amended and approved April 8, 1919; and amended and approved May 31, 1927, is hereby amended to read as follows:

Section 1. Words and phrases where used in this act shall, unless such construction be inconsistent with the context, be construed as follows: Definitions.

1. The words "primary election," any and every primary nominating election provided for by this act.

2. The words "August primary election," the primary election held in August to nominate candidates to be voted for at the ensuing November election or to elect members of a party central committee or delegates to a party convention.

3. The words "May presidential primary election," any such primary election, held in May of each year of the general November election at which electors of President and Vice President of the United States are to be chosen, as shall provide for the indication of preference in the several political parties for party candidates for President of the United States through the election of delegates to national party conventions.

4. The word "election," a general state, county, city or city and county election as distinguished from a primary election, recall election, or special election.

5. The words "November election," either the presidential election, or the general state, county, or city and county election held in November of each even numbered year.

6. The words "judicial officer," any justice of the supreme court, justice of a district court of appeal, judge of the superior court, justice of the peace, or justice of such inferior court as the Legislature may establish in any county, township, incorporated city or town, or city and county; and the words "judicial office," the office filled by any of the above judicial officers.

7. The words "school officer," the superintendent of public instruction and the superintendent of schools of a county or city and county; and the words "school office," the office filled by any of the above school officers.

8. The words "county officer," any officer elected within the boundaries of any county or city and county except a member of the state board of equalization, judge of the superior court, justice of the peace, member of the state Senate or Assembly or a member of the house of representatives of the congress of the United States or a member of any party county central committee or delegate to a state convention from a holdover senatorial district; and the words "county office," the office filled by any county officer. The words "township officer," any such county officer as is elected within the boundaries of any judicial township that is now or may be hereafter provided by law; and the words "township office," the office filled by any township officer.

9. The word or words "political party," "party," "political organization," or "organization," a political party or organization of electors which has qualified, as hereinafter provided, for participation in any primary election; and such party or organization shall be deemed to have so qualified when one or both of the following conditions have been complied with:

Qualification
as political
party.

(a) If at the last preceding November election at which a governor was elected there was polled for any one of its candidates who was the candidate of such party only for any office voted on throughout the state, at least three per cent of the entire vote of the state, or for any one of its candidates who was the joint candidate of such party and any other party for any office voted on throughout the state, at least six per cent of the entire vote of the state; or

(b) If on or before a day which shall be the seventy-fifth day before any primary election it shall appear to the secretary of state as a result of examining and totaling the statement of registered electors and their political affiliations transmitted to him by the county clerks as required by section 4 of this act that registered electors, equal in number to at least one per cent of the entire vote of the state at the last preceding November election at which a governor was elected, have declared their intention to affiliate with such political party or organization; or

(c) If on or before a date which shall be the seventy-fifth day before any primary election there shall be filed with the secretary of state a petition signed by registered qualified electors of the state, equal in number to at least one per cent of the entire vote of the state at the last preceding November election at which a governor was elected, declaring that they represent a political party or organization, the name of which shall be stated therein, which party said electors desire to have participate in such primary election; such petition shall be circulated, signed, verified and the signatures of the registered electors thereon shall be certified to and transmitted to the secretary of state by the county clerks substantially as provided by the constitution and the Political Code for initiative petitions; *provided*, that each page of said petition shall bear a caption in eighteen point black face type, which caption shall be the name of the party or organization followed by the words "Petition to participate in the primary election"; *provided, further*, that no electors or organization of electors shall assume a party name or designation which shall be so similar to the name of an existing party or organization as to mislead voters.

Construction

This statute shall be liberally construed, so that the real will of the electors shall not be defeated by any informality or failure to comply with all the provisions of this law.

Powers and
duties of
election com-
missioners
and registrar
of voters

In each county and city and county in this state, having a registrar of voters or registrar of voters and a board of election commissioners, the powers conferred and the duties imposed in this statute upon a county clerk and his deputies, and other officers, in relation to matters of election and polling places, shall be exercised and performed by such registrar of voters or his deputies, or registrar of voters or his deputies and board of election commissioners; and all nominating papers, list of candidates, expenses, and oaths of office, required by this

statute to be made to or filed with county clerks, shall be made to or filed with the registrar of voters.

2. All candidates nominated at a primary election for elective public offices shall be nominated by direct vote at such election held in accordance with the provisions of this act; *provided*, that electors of President and Vice President of the United States shall be nominated as provided in subdivision two of section 24 of this act. This act shall not apply to recall elections or to special elections to fill vacancies; nor to the nomination of officers of municipalities, counties, or cities and counties whose charters provide a system for nominating candidates for such officers; nor the nomination of officers for any district not formed for municipal purposes; nor to the nomination of freeholders to be elected for the purpose of framing a charter; nor to the nomination of officers for cities of the fifth and sixth classes, nor to the nomination of school district officers.

[See Stats
1917,
p. 1343.]
Nomination
of candidates

3. The August primary election shall be held at the legally designated polling places in each precinct on the last Tuesday in August, for the nomination of all candidates to be voted for at the ensuing November election. The day of the August primary election and the day of the May presidential primary election are hereby declared to be holidays within the meaning of section 10 of the Political Code. Any person entitled to vote at such August or May primary elections shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made, on account of such absence, from his usual salary or wages. Any primary election other than the August primary election, or May presidential primary election shall be held on Tuesday, three weeks next preceding the election for which such primary election is held.

[See Stats.
1913,
p. 1382]
August
primary.

Legal
holidays.

SEC. 2. Section 4 of said act is hereby amended to read as follows:

Stats 1917,
p. 1344,
amended

Sec. 4. On the twenty-fifth day before the first Tuesday in May, in those years in which a President of the United States is elected, and on the eightieth day before the last Tuesday in August, on the twenty-fifth day before the last Tuesday in August, and on the twenty-fifth day before the date of the November election, in each even-numbered year, the county clerk or registrar of voters of each county, or city and county, shall transmit a statement to the secretary of state of the total number of electors registered in his county between the first day of January next preceding and a date in each instance five days preceding the date of transmission of such statement as herein provided for, together with the number so registered under each of the several political affiliations, and also the number declining or failing to declare such affiliation.

Statement of
electors
registered

Notice of
offices to
be filled

At least seventy days before the time of holding the August primary election in 1918 and biennially thereafter, the secretary of state shall prepare and transmit to each county clerk and to the registrar of voters in any city and county a notice in writing designating all the offices, except township offices, for which candidates are to be nominated at such primary election, together with the names of the political parties qualified to participate in such election.

Publication
of notices

2. Within ten days after receipt of such notice such county clerk or registrar of voters in any city and county shall publish once in each week for two successive weeks in not more than two newspapers published in such county, or city and county, so much thereof as may be applicable to his county, including a statement of the township offices in the county for which candidates are to be nominated, and a statement of the number of members of the county central committee to be elected by each political party in each supervisorial or assembly district, as the case may be, according to the provisions of subdivision four of section 24 of this act.

3. In the case of primary elections other than the August primary elections the city clerk or secretary of the legislative body of the political subdivision for which such primary election shall be held shall cause one publication of such notice to be given, such publication to be not more than forty and not less than fourteen days before such primary election.

Repeals

SEC. 3. All acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 54.

An act to carry into effect the provisions of section 16 of article thirteen of the constitution of the State of California relating to assessment and taxation of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages and any legal or equitable interest therein, by amending sections 3617, 3627, 3628, 3629, 3648, 3649, and 3650 of the Political Code, all relating to revenue and taxation, to comply with the provisions of the aforesaid section 16 of article thirteen.

[Approved by the Governor April 6, 1929. In effect immediately.]

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

Stats 1925,
p 11,
amended.
Definitions

SECTION 1. Section 3617 of the Political Code is hereby amended to read as follows:

3617. Whenever the terms mentioned in this section are employed in this title, they are employed in the sense hereafter affixed to them.

First—The term "property" includes money, notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, and any legal or equitable interest therein,

dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. Definitions

Second—The term “real estate” includes:

1. The possession of, claim to, ownership of, or right to the possession of land.
2. All mines, minerals, and quarries in and under the land, all timber belonging to individuals or corporations, growing or being on the lands of the United States, and all rights and privileges appertaining thereto.
3. A mortgage, deed of trust, contract or other obligation by which a debt is secured, when land in this state is pledged as security for the payment and discharge thereof, shall, for the purpose of assessment and taxation, be deemed and treated as an interest in the land so pledged.
4. Improvements.

Third—The term “improvements” includes:

1. All buildings, structures, fixtures, fences, and improvements erected upon or affixed to the land, except telephone and telegraph lines.
2. All fruit, nut bearing, or ornamental trees and vines, not of natural growth, except date palms under eight years of age, fruit and nut bearing trees under four years of age, grape vines under three years of age and all immature forest trees which have been planted on lands not previously bearing merchantable timber, or planted, or of natural growth, upon lands from which original growth timber stand to the extent of seventy per cent of all trees over sixteen inches in diameter have been removed; *provided*, that forest trees or timber shall be considered mature for the purpose of this section at such time, after forty years from the time of planting or removal of the original timber as above provided, as a board consisting of a representative from the state board of forestry, a representative from the state board of equalization and the county assessor of the county in which the timber is located, shall by a majority thereof so determine.
3. Alfalfa, after the first year's planting.

Fourth—The term “personal property” includes everything which is the subject of ownership not included within the meaning of the term “real estate” or “improvements.”

Fifth—The term “value” and “full cash value” mean the amount at which the property would be taken in payment of a just debt from a solvent debtor. In determining the “actual value” of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, and any legal or equitable interest therein, the assessor shall not take into account the existence of any custom or common method, if any, of assessing any other class or classes of property at less than the full cash value thereof.

Sixth—The terms “credits,” and “solvent credits” mean those solvent debts, including contracts for the sale of personal property whereby title is vested in the vendor until payment of the purchase price specified in the contracts, not

secured by mortgage or trust deed, owing to the persons, firm, corporation, or association assessed. The term "debt" means those unsecured liabilities owing by the person, firm, corporation, or association assessed to bona fide residents of this state, or firms, associations or corporations doing business therein; but credits, claims, debts, and demands due, owing or accruing for or on account of money deposited with savings and loan corporations or with building and loan associations, the principal place of business of which is located in this state, shall, for the purpose of taxation be deemed and treated as an interest in the property of such corporation, and shall not be assessed to the creditor or owner thereof.

Seventh—The term "situs" for notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, and any legal or equitable interest therein, for the purpose of taxation under the provisions of this code, shall be the domicile of the owner or claimant thereof, regardless of the physical presence of instruments evidencing the same; *provided*, that any notes, debentures, deeds of trust, mortgages, solvent credits and any legal or equitable interest therein, not otherwise exempt under the laws of this state, owing to a person, association, copartnership or corporation, having its domicile outside of this state but arising out of business transacted in California, regardless of the place where such notes, debentures, solvent credits, deeds of trust, mortgages and any legal or equitable interest therein are payable and of the physical presence of instruments evidencing such indebtedness, shall have their situs at the place of business within this state where such notes, debentures, solvent credits, deeds of trust, mortgages and any legal or equitable interest therein are managed or controlled.

Stats 1927,
p 399,
amended
Value for
taxation

SEC. 2. Section 3627 of the Political Code is hereby amended to read as follows:

3627. All taxable property must be assessed at its full cash value, except that all notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, and any legal or equitable interest therein of the classes taxable under the provisions of section 16 of article thirteen of the constitution of this state, shall be assessed at their actual value as the same is defined in section 3617 of this code. In determining the actual value of shares of capital stock there shall be deducted the actual value of property located in or having its situs in this state of the corporation by which such shares of capital stock are issued. Land and improvements thereon shall be separately assessed. Cultivated and uncultivated land of the same quality and similarly situated shall be assessed at the same value.

Stats 1927,
p 399,
amended
Property—
where and
how assessed

SEC. 3. Section 3628 of the Political Code is hereby amended to read as follows:

3628. Except as otherwise provided in the constitution of this state, all taxable property shall be assessed in the county, city, city and county, town, township, or district in which it

is situated. Land shall be assessed in parcels, or subdivisions, not exceeding six hundred forty acres each and tracts of land containing more than six hundred forty acres which have been sectionized by the United States government, shall be assessed by sections or fractions of sections. Land sold by the state for which no patent has been issued, shall be assessed the same as other land, but the owner shall be entitled to a deduction from such assessed valuation in the amount due the state as principal upon the purchase price. The assessor must, between the first Mondays in March and July of each year, ascertain the names of all taxable inhabitants, and all the property in his county subject to taxation, except such as is required to be assessed by the state board of equalization and must assess such property to the persons by whom it was owned or claimed, or in whose possession or control it was, at twelve o'clock meridian of the first Monday in March next preceding; but no mistake in the name of the owner or supposed owner of real property shall render the assessment thereof invalid, nor shall anything herein release any person, firm, corporation or association from their duty to file the statement required by law. In assessing notes and solvent credits and equitable or legal interests therein, not secured by mortgage, deed of trust, contract or other obligation, where land situated within this state is pledged as security therefor, a deduction from the assessed value shall be made of such debts including notes, unsecured by mortgage, deed of trust, contract or other obligation, where land situated within this state is pledged as security therefor, as may be owing by such person, firm, corporation or association to bona fide residents of this state

SEC. 4. Section 3629 of the Political Code is hereby amended to read as follows:

Stats 1925,
p. 14,
amended

3629. The assessor must exact from each person a statement, under oath, setting forth specifically all the real and personal property not exempt from taxation owned by such person, or in his possession, or under his control, at twelve o'clock meridian on the first Monday in March, and it is hereby required that such person shall file such statement with the assessor between the first Mondays in March and July of each year and at any time during, before or after such dates furnish such information or records for examination as may be required by the assessor to make a proper assessment; *provided, however*, that no assessment shall hereafter be rendered invalid by reason of the failure of the assessor to demand or secure the statement required by this section prior to the making thereof. Such statement shall be in writing, showing separately:

Statement of
property
subject to
taxation

1. All property belonging to, claimed by, or, in the possession or under the control or management of such person.

2. All property belonging to, claimed by, or in the possession or under the control or management of any firm of which such person is a member.

Statement of
property
subject to
taxation.

3. All property belonging to, claimed by, or in the possession or under the control or management of any corporation of which such person is president, secretary, cashier, or managing agent.

4. The county in which such property is situated, or in which it is liable to taxation, and, if liable to taxation in the county in which the statement is made, also the city, town, township, school district, road district, or other revenue districts in which it is situated.

5. An exact description of all lands, in parcels or subdivisions, not exceeding six hundred forty acres each, and the sections and fractional sections of all tracts of land containing more than six hundred forty acres, which have been sectionized by the United States government, improvements and personal property, including all vessels, steamers, and other water craft; and all notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, and any legal or equitable interests therein, and deposits of money, gold dust, or other valuables, and the names of the persons with whom such deposits are made, and the places in which they may be found.

6. All solvent credits, unsecured by mortgage, deed of trust, contract or other obligation where land situated within this state is pledged as security therefor, due or owing to such person, or any firm of which he is a member, or due or owing to any corporation of which he is president, secretary, cashier, or managing agent. Whenever one member of a firm, or one of the proper officers of a corporation, has made a statement showing the property of the firm or corporation another member of the firm, or another officer, need not include such property in the statement made by him; but his statement must show the name of the person or officer who made the statement in which such property is included and he must furnish such information or records to the assessor as may be required for examination between the first Monday of March and the first Monday in July and at any time during, before or after such dates.

7. All debts, unsecured by mortgage, deed of trust, contract, or other obligation where land situated within this state is pledged as security for payment therefor, owing by such person, firm or corporation to bona fide residents of this state, which the debtor asks to have deducted in whole or in part from the said solvent credits. No debts shall be deducted unless the statement shows the amount of such debts, stated under oath, in such detail as may be required by the assessor. All information required or furnished upon a statement required as provided by this section shall be held secret by the assessor and such statement shall not constitute a public document or be open to public inspection.

Stats. 1927,
p. 400,
amended.

SEC. 5. Section 3650 of the Political Code is hereby amended to read as follows:

3650. The assessor must prepare an assessment book, with appropriate headings, as directed by the state board of equalization, in which must be listed all property within the county, and which shall show under the appropriate heads:

Contents of
assessment
book.

1. The name and post-office address, if known, of the person to whom the property is assessed.

2. Land, by township, range, section, or fractional section; and when such land is not a congressional division, or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, not exceeding in any tract six hundred forty acres, locality, and the improvements thereon. When any tract of land is situated in two or more school, road or other revenue districts of the county, the part in each such district must be separately assessed. The improvements to be assessed against the particular section, tract, or lot of land upon which they are located; city and town lots, naming the city or town, and the number of the lot and block, according to the system of numbering in such city or town, and the improvements thereon.

3. All property within the limits of an incorporated city or town shall be assessed in an assessment book separate and distinct from the assessment book containing the assessment of property situated outside the limits of such incorporated city or town; or, if but one assessment book is used, then in a separate and distinct part of such book; *provided*, that all property assessed shall be arranged on the assessment book by elementary school districts, as such districts are legally formed and exist on the first Monday in March of each year; *provided, further*, that where any school district embraces property situated both within and without the limits of an incorporated city or town, such property shall be assessed and kept separate and distinct on the assessment book.

4. All personal property, showing the number, kind, amount, and quality; but a failure to enumerate in detail such personal property does not invalidate the assessment.

5. The cash value of real estate.

6. The cash value of improvements on such real estate.

7. The cash value of improvements on real estate assessed to persons other than the owners of the real estate.

8. The actual value of all notes, debentures, shares of capital stock, bonds, deeds of trust, mortgages, and any legal or equitable interest therein, exclusive of money; in entering notes there shall be entered the net amount after allowing proper deductions for debts as provided in section 3628 of this code.

9. The actual value of all solvent credits and any legal or equitable interest therein; in entering solvent credits there shall be entered the net amount after allowing proper deductions for debts as provided in section 3628 of this code.

10. The cash value of all other personal property, and money. In listing money the assessed value thereof shall in

all cases be placed upon a separate line from the other personal property.

11. Taxable improvements owned by any person, firm, association, or corporation, located upon land exempt from taxation, shall, as to the manner of assessment, be assessed as other real estate upon the assessment book. No value shall, however, be assessed against the exempt land, nor under any circumstance shall the land be charged with or become responsible for the assessment made against any taxable improvements located thereon.

12. The school, road, and other revenue districts in which each piece of property assessed is situated.

13. The total value of all property, exclusive of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages, and any assessable legal or equitable interest therein.

14. Such other things as the state board of equalization may require.

Retroactive
operation.

SEC. 6. The provisions of this act shall be retroactive as to all assessments made on or after noon of the first Monday of March, 1929; *provided*, that no informality or irregularity in the assessment or tax roll for the current year shall render any assessment or tax thereunder invalid or void. If any provision in this act is invalid the Legislature hereby declares that had it known of the invalidity of the portion at the time of this enactment it would have passed the remainder of this act without the invalid portion and that it is the intention of the Legislature that the remaining provision of this act operate in the event of the invalidity of any provision hereof.

Constitution-
ality.

Effective
date

SEC. 7. Inasmuch as this is an act to carry into effect the provisions of section 16 of article thirteen of the constitution of the State of California relating to the taxation of notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, mortgages and any legal or equitable interest therein and subject to the provisions of said section, this act shall be effective immediately upon the passage thereof and signature by the governor.

Pol. C. 1872,
vol. 2, p. 10,
amended.

SEC. 8. Section 3648 of the Political Code is hereby amended to read as follows:

Assessment
of property
concealed,
etc.

3648. Any property wilfully concealed, removed, transferred, or misrepresented by the owner or agent thereof, to evade taxation, upon discovery must be assessed at not exceeding ten times its value, and the assessment so made must not be reduced by the board of supervisors; *provided*, that property taxable under the provisions of subsection four of section 16 of article thirteen of the constitution of the State of California and section 3627a of the Political Code of the State of California is not subject to the provisions of this section.

Pol. C. 1872,
vol. 2, p. 10,
amended.

SEC. 9. Section 3649 of the Political Code is hereby amended to read as follows:

3649. Any property discovered by the assessor to have escaped assessment for the last preceding year, if such property is in the ownership or under the control of the same person who owned or controlled it for such preceding year, may be assessed at double its value; *provided*, that property taxable under the provisions of subsection four of section 16 of article thirteen of the constitution of the State of California and section 3627a of the Political Code of the State of California is not subject to the provisions of this section.

Assessment
of property
not taxed
in previous
year

CHAPTER 55.

An act to amend section 751 of the Political Code, relating to the supreme court and providing for appointment, employment and compensation of the chief deputy clerk and deputy clerks of the supreme court of the State of California and for the salaries and expenses incurred by said court under the provisions hereof, and repealing section 756 of said code.

[Approved by the Governor April 6, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 751 of the Political Code is hereby amended to read as follows:

Stats. 1909,
p. 575,
amended
Clerk of
supreme
court
and deputies

751. There shall be appointed by the clerk of the supreme court six deputy clerks of the supreme court; and there shall likewise be appointed, in addition thereto, a chief deputy clerk of said supreme court who shall act as clerk of the supreme court, in the absence of said clerk. The chief deputy clerk and deputy clerks of the supreme court shall be civil executive officers. The supreme court shall have power and authority to fix and pay the compensation of such officers.

All salaries and expenses incurred under the provisions of this section by said court shall be paid from the funds appropriated for the use of said court, when approved by the order or orders of said court, and audited as required by law.

Salaries

SEC. 2. Section 756 of the Political Code is hereby repealed.

Stats 1927,
p 950,
repealed.

CHAPTER 56.

An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said dis-

tricts," approved May 1, 1911, as amended, by amending section 12 thereof, relating to the general powers of the district.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

Stats 1925,
p. 101,
amended

SECTION 1. Section 12 of an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition or construction by said districts of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, as amended, is hereby amended to read as follows:

General
powers of
municipal
water
districts.

Sec. 12. Any municipal water district incorporated as herein provided, shall have power:

1. To have perpetual succession;
2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;
3. To adopt a seal and alter it at pleasure;
4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the district, necessary to the full exercise of its powers;
5. To acquire, or contract to acquire, water works or a water-works system, waters, water rights, lands, rights and privileges, and construct, maintain and operate conduits, pipe lines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a water-works plant or system for the benefit of the district, and to complete, extend, add to, repair, or otherwise improve any water works or water-works system acquired by it as herein authorized;
6. To lease of and from any person, firm, or public or private corporation, with the privilege of purchasing or otherwise, existing water works or a water-works system, and to carry on and conduct water works or a water-works system; also to sell water under the control of the district to municipalities, and to other public corporations within the district, and to the inhabitants of such municipalities and of other territory within the district, for use within said district, without any preference, and it may, whenever there is a surplus of water above that which may be required by such consumers within said district, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or other consumers;
7. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to

supply the district or any portion thereof with water, whether such property be already devoted to the same use, or otherwise, and may condemn any existing water works or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the district shall have the same rights, powers and privileges as a municipal corporation;

General
powers of
municipal
water
districts

8. To borrow money and incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or property thereof;

9. To cause taxes to be levied for the purpose of paying any obligation of the district in the manner hereinafter provided;

10. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers;

11. In case of condemnation proceedings the board shall proceed in the name of the district;

12. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the district, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them.

CHAPTER 57.

An act to amend section 848 of the Code of Civil Procedure, relating to service of summons outside of county.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 848 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1909.
p. 355,
amended
Service of
summons
outside of
county

848. The summons can not be served out of the county wherein the action is brought except in the following cases:

1. When the action is upon the joint contract or obligation of two or more persons, one of whom resides within the county;

2. When the action is brought against a party who has contracted in writing to perform an obligation or has incurred

a wage debt at a particular place, and resides in a different county, in which case the summons may be served in the county wherein he may be found;

3. When the action is for injury to person or property, and the defendant resides in a different county, in which case summons may be served in the county wherein he may be found;

4. In all cases where the defendant was a resident of the county when the action was brought, or when the obligation was incurred, and thereafter departs therefrom, in which event he may be served wherever he may be found;

5. In actions for forcible entry and detainer, or to enforce and foreclose liens on, or to recover the possession of, personal property situate within the county.

CHAPTER 58.

An act to amend section 1492 of the Code of Civil Procedure, relating to notice to creditors.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

Stats 1921,
p 106,
amended
Proof of
notice to
creditors

SECTION 1. Section 1492 of the Code of Civil Procedure is hereby amended to read as follows:

1492. A copy of the notice and an affidavit showing its due publication must be filed with the clerk; and final distribution shall not be decreed unless it be shown that notice to creditors has been duly given.

CHAPTER 59.

An act to amend sections 310 and 310a of the Penal Code, relating to flags of the United States and of this state.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

Stats 1917,
p 43,
amended
Flag defined

SECTION 1. Section 310 of the Penal Code is hereby amended to read as follows:

310. (a) The word "flag" as used in this section and in section 310a of this code includes every flag, standard, color, or ensign authorized by the laws of the United States or of this state, and every picture or representation thereof, of any size, made of any substance, or represented on any substance evidently purporting to be any such flag, standard, color or ensign of the United States or of this state, and every picture or representation which shows the design thereof.

(b) The provisions of this section and of section 310a of this code shall be so interpreted and construed as to effectuate their general purpose to make uniform the laws of the state which enact them. Construction

(c) Whenever by the provisions of this code or of any statute of this state, the use of the flag of the United States or of this state or of any picture or representation of such flag is made penal or unlawful, such code or statute shall not apply to any act permitted by the statutes of the United States or of this state or by any regulations of the United States army or navy nor shall it be construed to apply to newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant or commission of appointment to office, ornamental picture, article of jewelry or stationery for use in correspondence, on any of which is printed, painted or placed said flag with no design or writing thereon, and disconnected from any advertisement. Use of flags and representations thereof.

SEC. 2. Section 310a of the Penal Code is hereby amended to read as follows: Stats 1919, p. 147, amended.

310a. Whoever, in any manner for exhibition or display places or causes to appear any word, figure, mark, picture, design, drawing or any advertisement of any nature, upon any flag, as defined in section 310 of this code, of the United States or of this state; or shall expose to public view any such flag upon which is printed, painted or otherwise placed or to which is attached, appended, affixed, or annexed any word, figure, mark, picture, design, drawing or any advertisement of any nature, or whoever exposes to public view, manufactures, sells, exposes for sale, gives away or has in possession for sale or to give away or for use for any purpose, any article or substance, being an article of merchandise or a receptacle of merchandise or article or thing for carrying or transporting merchandise upon which is printed, painted, attached or otherwise placed a representation of any such flag, standard, color or ensign to advertise, call attention to, decorate, mark or distinguish the article or substance on which so placed; or publicly mutilates, defaces, defiles or tramples any such flag is guilty of a misdemeanor. Desecration of flags.

CHAPTER 60.

An act relating to the publication of textbooks and teachers' manuals of the studies prescribed for the elementary schools.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 61.

An act relating to the composition of boards of education of consolidated school districts.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto

CHAPTER 62

An act relating to the retirement of teachers in schools for the blind, schools for the deaf and in special classes maintained for the deaf, the hard of hearing, the blind, or the semi-sighted.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 63.

An act relating to the attendance of pupils attending school in a district other than the district in which they reside.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 64.

An act to provide for the change of name of irrigation districts.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

Change of
name of
irrigation
district

SECTION 1. Whenever any irrigation district in this state has been organized under the California irrigation district act under the same name as that of another irrigation district theretofore organized in this state, the board of directors of the last organized irrigation district shall, by a resolution duly adopted by said board, change the name of said irrigation district. Said resolution shall be spread in full upon the minutes of said board and a certified copy of the same shall be recorded in the office of the county recorder in each of the counties in which any portion of the land in such irrigation district is located, and a copy sent to the state engineer and a copy to the California bond certification commission.

CHAPTER 65.

An act amending section 6 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to municipal courts.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 6 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, is hereby amended to read as follows:

Stats. 1925,
p. 650,
amended.

Sec. 6. The municipal court in a city or a city and county of the first class shall be constituted and the judges, officers and attaches thereof, shall receive compensation as follows:

Titles of
1st class.
Judges, etc.

(a) There shall be twelve judges, each of whom shall receive six thousand dollars per annum, payable in equal monthly installments;

(b) There shall be one clerk to be appointed by the judges of the court;

(c) The clerk shall appoint the following:

One chief deputy clerk; one cashier and head bookkeeper; one messenger; five registry clerks; ten assistant registry clerks; twelve court clerks; twelve copyists.

CHAPTER 66.

An act to amend section 2552 of the Political Code, relating to the board of state harbor commissioners.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 2552 of the Political Code is hereby amended to read as follows:

Stats 1925,
p. 372,
amended

2552. The annual salary of the president of the board shall be five thousand dollars (\$5,000); and the annual salaries of each of the other two commissioners shall be three thousand dollars (\$3,000); the salaries of the secretary and the attorney

Salaries of
harbor com-
missioners,
etc.

shall be fixed by the board, with the approval of the director of finance. The board shall fix the compensation of the other employees. Said salaries and compensation shall be paid out of the San Francisco harbor improvement fund. No ex officio officer nor consulting engineer shall receive any compensation, except traveling and other incidental expenses. The president shall be chief executive officer of the board and supervise the conduct of the dock system and the state belt railway and all other departments of the harbor business.

CHAPTER 67.

An act to add a new section to the Political Code to be numbered 539d, relating to the printing of legislative bills and constitutional amendments prior to the convening of the Legislature.

[Approved by the Governor April 6, 1929. In effect August 14, 1929.]

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

New section

SECTION 1. A new section is hereby added to the Political Code to be numbered 539d and to read as follows:

Printing
of legislative
bills

539d. The secretary of the Senate, in the case of members and members-elect of the Senate, and the chief clerk of the Assembly, in the case of members and members-elect of the Assembly, are hereby authorized and directed to order and cause to be printed at the state printing office prior to the convening of any session of the Legislature all legislative bills and constitutional amendments members and members-elect of the Senate or Assembly, as the case may be, certify in writing they intend to introduce at such session of the Legislature. The superintendent of the state printing is hereby ordered to print the same, the cost thereof to be paid out of the appropriation for legislative printing.

CHAPTER 68.

An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended, and to add two new sections to said act, to be numbered sections 8 and 9, relating to revocation of certificates and definitions of terms used in said act.

[Approved by the Governor April 6, 1929 In effect August 14, 1929]

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

Stats 1901,
p 641,
amended.

SECTION 1. Section 1 of an act entitled "An act to regulate the practice of architecture, as amended," is hereby amended to read as follows:

Section 1. The governor of the state shall appoint ten persons to constitute a board, which shall be known as California state board of architectural examiners. Five members of said board shall be residents of the northern district of California, and shall constitute the northern district board, for the examination of applicants for certificates to practice architecture in the State of California and for the performance of such other duties as may be provided for in this act. The other five members of said state board shall be appointed from the southern district of California, and shall constitute the southern district board for the examination of applicants for certificates to practice architecture in this state and for the performance of such other duties as may be provided for in this act. The northern district shall consist of all that portion of the state north of the northerly lines of the counties of San Luis Obispo, Kern and San Bernardino; and the southern district shall consist of all that portion of the state south of the northerly lines of the said three counties.

California
state board of
architectural
examiners
created

Said California state board of architectural examiners shall be appointed as follows: Five members shall be selected from the membership of the northern California chapter or chapters of the American Institute of Architects or other similar association of architects, two of whom shall be designated to hold office for two years. Five members shall be selected from the membership of the southern California chapter or chapters of the American Institute of Architects or other similar association of architects, two of whom shall be designated to hold office for two years. All appointees shall be members in good standing, of their respective organizations. Each architect so appointed shall hold office for four years, unless designated to hold office for two years. Thereafter, upon the expiration of the term of office of the members so appointed, the governor shall appoint a successor, or successors, to such outgoing member, or members, whose term of office shall have expired, to hold office for four years; *provided*, that the membership of the California state board of architectural examiners shall be composed as herein set forth. Each member shall hold over after the expiration of his term of office until his successor shall have been duly appointed and has qualified. Any vacancy occurring in the membership of said board shall be filled by the governor, for the unexpired term, in like manner. The members of the board shall serve without compensation. All expenses incurred by the board shall be paid out of the funds collected as hereinafter provided.

Appointment
and terms
of office
of members

The members of the state board of architecture in office at the time this amendment takes effect shall continue to serve as members of the California state board of architectural examiners for the respective term for which they have been appointed.

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

Stats 1901.
p. 642.
amended.

Oath of office. **Officers.** Sec. 2. The members of the California state board of architectural examiners shall, before entering upon the discharge of their duties, take and file with the secretary of state, the constitutional oath of office. Said state board shall, within thirty days from and after its appointment, meet and elect from its number a president and a vice president, one of whom shall be a resident of the northern district and the other a resident of the southern district, and the said president and vice president, in addition to serving as officers of the state board, shall be the presiding officer of his respective district board; and two secretaries, one from each district. The secretaries shall also act as treasurers. The member receiving the highest number of votes shall be secretary, and the member receiving the next highest number, assistant secretary. Said members shall hold office for two years, or until their successors shall have been duly elected and have qualified.

Stats 1901,
p 642,
amended
Rules and
regulations Sec. 3. Section 3 of said act as amended is hereby amended to read as follows:

Seal Sec. 3. The state board may adopt rules and regulations to govern its proceedings, not inconsistent with this act. It shall adopt a seal for its own use and one for each of the district boards. The seal used by the northern district board shall have the words northern district inscribed thereon, and the one for the southern district board shall have the words southern district inscribed thereon, and the secretary and assistant secretary, respectively, shall have care and custody thereof. The secretary and assistant secretary, respectively, shall keep an accurate record of all proceedings of the state board and the district boards, which shall be open to inspection by the public at all times.

Record of
proceedings **Meetings.** Six members shall constitute a quorum of the state board and three members shall constitute a quorum of the district boards for the transaction of business.

Special meetings of the California state board of architectural examiners shall be called by the secretary upon the written request of four of its members, by giving each member of said board twenty days written notice in advance, of the time and place of such meeting. District boards shall call special meetings upon the written request of two of their members made to the secretary and upon five days similar written notice to each member of the district board calling such meeting.

Organization Within thirty days after the date of its appointment, the state board shall meet to organize, elect officers as in this act provided, and to formulate and adopt a code of rules and regulations for its government in the examination of applicants for certificates to practice architecture in this state; and such other rules and regulations as may be necessary and proper, not inconsistent with this act. Said board may, from time to time, repeal or modify its rules and regulations. The board shall meet annually on the second Tuesday in April,

for the purpose of transacting such business as may lawfully come before it. The district boards shall hold their regular meetings on the last Tuesday of February, May, September and November of each year for the examination of applicants for certificates to practice architecture. The board of the northern district shall meet in San Francisco and the board of the southern district shall meet in Los Angeles. At such meetings the said boards may transact any other business that may properly come before them. The district boards may also hold other meetings at such times and places as they may elect.

Examination
of applicants

The district boards are authorized to prosecute all persons guilty of violating the provisions of this act. Said boards shall have the power to employ legal counsel for such purposes, and may also employ inspectors, special agents, investigators, and such clerical assistants as they may deem necessary to carry into effect the provisions of this act. They may also fix the compensation to be paid for such services and incur such additional expense as may be deemed necessary.

Violations
of act.

Any person shall be entitled to an examination for a certificate to practice architecture upon payment, with his application, to the secretary of the district board of a fee of fifteen dollars, which fee shall be retained by the board; should the applicant's examination prove satisfactory to said district board the secretary shall, upon payment of a further fee of ten dollars, issue to the applicant a provisional certificate, signed by the president and secretary, sealed with the seal of the district board, and directed to the California state board of architectural examiners, showing that the person therein named passed a satisfactory examination and is entitled to a certificate to practice architecture in the state, in accordance with the provisions of this act. And upon said provisional certificate being filed with the said California state board of architectural examiners, the said state board shall at its annual meeting issue a certificate to the applicant to practice architecture in this state, duly signed by its president and secretary and its seal affixed, which certificate shall contain the name of the applicant, his birthplace and age, provided no charges of dishonest practice, of deception resorted to in obtaining a certificate, of gross incompetency in the practice of architecture or of any other violation of the provisions of this act, have been filed and substantiated with the state board. Proper index and record thereof shall be kept by the state board. If the provisional certificate be issued less than sixty days before the annual meeting of the state board, then the final certificate shall not be issued until the annual meeting next succeeding. A holder of a provisional certificate may practice architecture until said annual meeting. Certificates to practice architecture shall remain in full force until revoked for cause as hereinafter provided.

Fees for
examinations

Provisional
certificate.

Certificate.

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

Stats. 1901,
p. 643,
amended.

Recordation
of
certificates

Sec. 4. Every architect shall have his provisional and final certificate recorded in the office of the county recorder of the county in which he has his principal place of business and shall pay the recorder the same fee as is charged for recording deeds, and receipts for such recording shall be filed with the district board.

Stats 1901,
p. 644,
amended.
Provisions
governing
practice of
architecture.
Penalties.

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

Sec. 5. It shall be unlawful, and it shall be a misdemeanor, punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, for any person to practice architecture in this state without a certificate, as herein provided, or to advertise or put out any sign or card or other device which might indicate to the public that he is an architect or that he is qualified to engage in the practice of architecture.

Nothing in this act shall prevent any person from making plans or drawings for his own buildings or from furnishing to other persons plans, drawings, specifications, instruments of service, or other data for buildings, if, prior to accepting employment or commencing work on such plans, drawings, specifications, instruments of service, or other data, the person so furnishing such plans, drawings, specifications, instruments of service, or data shall have fully informed such other person or persons, in writing, that he, the person proposing to furnish such plans, drawings, specifications, instruments of service, or data, is not an architect; *provided, however*, that this information shall be deemed to have been given by a structural engineer when he uses the title "structural engineer" on all instruments of service; *provided, further*, that this act shall not apply to any person in so far as such person furnishes plans, drawings, specifications, instruments of service or other data for labor and materials to be furnished by such person, either alone or with subcontractors, for store fronts, interior alterations or additions, fixtures, cabinet work, furniture, or other appliances or equipment, or for any work necessary to provide for their installation, or for any alterations or additions to any building necessary to or attendant upon the installation of such store fronts, interior alterations or additions, fixtures, cabinet work, furniture, appliances or equipment, nor shall this act be deemed to prevent any such person from advertising or putting out any sign or card or other device which might indicate to the public that such person is qualified to furnish such plans, drawings, specifications, instruments of service or data and nothing in this act shall prevent an architect from forming a partnership with persons who are not architects; *provided*, that the name of the architect shall appear as the architect on all instruments of service and that in no case shall the other members of such partnership be designated as architects; and nothing in this act shall prevent a person who is engaged in the practice

of architecture outside the State of California from preparing plans and specifications for a stipulated building or other structure within this state; *provided*, that he shall present satisfactory evidence to the board of the district in which the structure is to be erected that he is competent to practice architecture, and such board has issued to such person a temporary certificate for the stipulated structure and such person has paid to said board a fee of twenty-five dollars therefor. The word "person" as used in this section of this act shall include any person, firm of persons or corporation.

"Person,"
defined

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

Stats 1901,
p 644,
amended

Sec. 6. Every architect shall pay an annual license fee to the secretary of the board of the district of which he is a resident. The annual license fee shall be ten dollars, provided that the said California state board of architectural examiners may reduce said fee to not less than five dollars. Said fee shall be due and payable on or before the thirty-first day of January of each year and shall become delinquent on the first day of April following. And the certificates of such architects who shall fail to pay their annual license fee by the first of April following, shall be subject to revocation by said district board. The secretary of said district shall issue a receipt signed by the president and secretary of the district board, under the seal of said board, to each architect promptly upon payment of the annual license fee.

Annual fees

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

Stats 1903,
p 522,
amended

Sec. 7. On the last day of every month all fees collected by the secretary of the northern district board, under the provisions of this act, shall be paid by him into the state treasury to the credit of a special fund to be known as the California state board of architectural examiners, northern district fund, which said fund is hereby created; and, in like manner, all fees collected by the secretary of the southern district board shall be paid by him into the state treasury to the credit of a special fund to be known as the California state board of architectural examiners, southern district fund, which said fund is hereby created.

Payment of
fees into
state
treasury.

The state treasurer shall transfer to the California state board of architectural examiners, northern district fund, and to the California state board of architectural examiners, southern district fund, respectively, all moneys heretofore collected from the respective districts and now on deposit in the state treasury.

The moneys so paid into the California state board of architectural examiners, northern district fund, shall be used in the manner prescribed by law to defray the expenses of the northern district board in carrying out and enforcing the provisions of this act; and the moneys so paid into the California state board of architectural examiners, southern district

Disposition
of receipts.

fund, shall be used in the manner prescribed by law to defray the expenses of the southern district board in carrying out and enforcing the provisions of this act.

The state treasurer shall, upon receipt of written authorization from either district, transfer the whole, or any portion, of the funds of such district, to the funds of the other district.

New section.

SEC. 8. A new section, to be known as section 8, is hereby added to said act, to read as follows:

Revocation of certificates.

Sec. 8. A provisional certificate issued by a district board, or a certificate issued by the state board, may be revoked for dishonest practice, for deception resorted to in obtaining a certificate, for a failure of recordation, for a failure to pay the annual license fee prior to the delinquency date, for gross incompetency in the practice of architecture, or for any violation of the provisions of this act, which shall be determined solely by the board of the district in which the person, whose certificate is called in question, is residing or is doing business; and upon full investigation of the charges by the district board, reasonable opportunity having been given the accused to be heard in his own defense or by counsel. The vote of four members of the district board shall be sufficient to revoke a certificate. Upon the revocation of either of such certificates, it shall be the duty of the secretary of the district board to give notice of its action to the county recorder of the county in which the certificate was recorded; whereupon, the recorder shall mark the certificate of such architect, recorded in his office, "revoked." Record of revocation shall also be filed with the California state board of architectural examiners.

After the expiration of six months, the person whose certificate has been revoked may file application with a district board for a new certificate.

New section.

SEC. 9. A new section, to be known as section 9, is hereby added to said act, to read as follows:

"Architect," defined.

Sec. 9. The word architect, as used in this act, means a person who holds a certificate to practice architecture in the State of California, under authority of this act.

"Structural engineer," defined.

The words "structural engineer" as used in this act shall mean either a person who shall pass an examination to be given by three persons selected by the California state board of architectural examiners from a list of five submitted by the American Society of Civil Engineers, or other similar organization, or a person who holds a certificate or license to practice structural engineering in the State of California by authority of a state law.

CHAPTER 69.

An act to provide for the leasing by the State of California of certain tide and submerged lands; to provide the terms, conditions, purposes and restrictions of, and preference rights to, leases thereof.

[Approved by the Governor April 9, 1929. In effect August 14, 1929]

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

SECTION 1. All tide or submerged lands whether filled or unfilled bordering or fronting upon the navigable rivers, creeks, sloughs, harbors and straits of California owned by the State of California or inuring to it by virtue of its sovereignty, and not heretofore sold, granted, leased or otherwise disposed of, shall be leased by the surveyor general of this state upon the conditions and restrictions and for the purposes and uses in this act hereinafter set forth. Tide and submerged lands may be leased

SEC. 2. No tide or submerged lands shall be leased under the provisions of this act which are located within one mile of the state prison at San Quentin, or within the boundaries of the city and county of San Francisco, or the city of Oakland, or the city of Los Angeles, or within five miles of the corporate limits of said city and county or either of said cities or within the corporate limits of any other incorporated city or town, or within the jurisdiction of any harbor commission created by, or existing under, any statute of this state, or which lie beyond (outside of) any bulkhead line established by authority of the United States government, or which border or front upon the Pacific ocean. Lands within certain areas not to be leased

SEC. 3. Any person, firm or corporation desiring to lease any tide or submerged lands subject to the provisions of this act, shall first make written application to the surveyor general of this state. Said application shall be verified by the applicant, or if it be a corporation, by an officer thereof, and shall set forth the name and address of the applicant, the name and address of any person, firm or corporation, if any, then occupying, operating or using such lands, and shall contain a description of the lands which the applicant desires to lease, accompanied by a plat or survey thereof, and a statement of the term for which a lease is desired by the applicant. Said application must be accompanied by a filing fee of twenty dollars. Application to lease lands.

SEC. 4. If upon an examination of the description of the land sought to be leased, or the plat or survey thereof accompanying said application, it shall appear to the surveyor general that said description, plat or survey is insufficient, he shall forthwith, and at the expense of the applicant, survey or cause to be surveyed the lands so sought to be leased. Survey to be made by surveyor general

SEC. 5. Within thirty (30) days after the filing of any such application, or within thirty (30) days after the com- Time for approval of application

pletion of a survey made pursuant to section 4 of this act, the surveyor general shall determine whether the whole, or what part of lands specified in said application are included in the class of lands which may be leased according to the provisions of this act, and shall determine and fix the acreage thereof and endorse on such application his approval thereof with respect to all such lands (describing them) that are of a class that may be leased under the provisions of this act, and his rejection thereof as to all of such other lands.

Rent.

SEC. 6. The surveyor general shall forthwith appraise said lands and determine and establish a reasonable annual rental per acre for such lands as unimproved, or as improved by the State of California, and in the determination of which rental the surveyor general shall be controlled and guided by the values or rentals of lands of like character and similarly situated, and he shall then prepare in duplicate a lease of such lands from the state to the applicant and his, or its, successors or assigns and which lease shall be dated as of the date of the approval of such application.

Term and
renewal of
lease

SEC. 7. No lease shall be granted for a term exceeding forty (40) years from the date of the approval of the application for said lease; *provided, however*, that the surveyor general may provide in said lease for the right of renewal by the lessee for the further term of twenty-five (25) years, upon the same terms and conditions provided for in said lease.

No lease made under the provisions of this act shall embrace more than five hundred (500) acres of land to any one applicant. Said lands may be leased only for industrial uses and purposes, for the improvement and development of the navigable rivers, creeks, sloughs, harbors and straits, and the commerce thereof, or the construction and maintenance of warehouses, wharves, docks, piers and other utilities and structures necessary or convenient for the promotion and accommodation of commerce or navigation, or for other uses or purposes consistent with the trust upon which said lands are held by the State of California and which shall not interfere with navigation or commerce; *provided, however*, that during the term of such lease or any renewal thereof there shall not be removed from lands leased under the provisions of this act, any coal, oil, oil shale, gas, phosphate, sodium or other mineral deposit in such lands.

Conditions
of lease

Such lease shall by its terms provide: (a) That the lessee or his or its successors or assigns shall pay annually in advance as rental to the State of California, the amount per acre fixed by the surveyor general as above provided, for the area of tide or submerged lands leased thereby, the first of such payments to be made on or before the delivery of such lease and the remaining installments of rental to be payable annually during the continuance in force of such lease upon or before the expiration of each successive year from and after its date; and (b), that if any such annual installments of rental is not paid within thirty (30) days after the same

has become due and payable, the state acting through the surveyor general may, at its option, by written notice addressed to the lessee and delivered at his or its address as set forth in the application (or if the lessee or his or its successors or assigns shall have specified another address by a notice filed with the surveyor general, then at such other address) cancel such lease and terminate all future rights thereunder of the lessee and his or its successors or assigns; *provided, however*, that a lease hereunder shall not in any way impair, affect or cancel any wharf, pier or other franchises or any other muniment of title under which said lands are held or occupied.

SEC. 8. In the event that there shall be filed and pending before the surveyor general an application for the leasing of a parcel or parcels of land and which land is then being occupied, operated or used by someone other than such applicant, then and in that event, the surveyor general shall cause written notice to be given to the person, firm or corporation occupying, operating or using such lands of the filing of such application and if within six (6) months after the receipt of said notice the person, firm or corporation so occupying, operating or using such lands, shall file an application to lease said lands in accordance with the terms of this act, the surveyor general shall then give preference to the application of such applicant so occupying, operating or using said lands; *provided*, that if there is pending an action or proceeding affecting the title to said land, then the time within which any such occupant of said lands may file an application to lease the same shall be extended until six (6) months after the final determination of such action or proceeding.

Preference to
prior holders
of land

SEC. 9. Any lease entered into under the provisions of this act, or any renewal lease thereof, may be terminated at any time by the mutual agreement of the State of California, acting by the governor of the state and the surveyor general, and the lessee on such just and reasonable terms for compensation for improvements as may be mutually agreed upon; *provided*, that no improvements shall be removed from leased lands during the term, or upon the termination of any lease except improvements made or placed thereon by the said lessee, or his or its predecessors in interest.

Termination
of lease.

SEC. 10. Such lease when so prepared shall be forthwith signed in duplicate in the name and on behalf of the State of California by the governor, attested by the secretary of state, sealed with the great seal of the state, and when the same has been so signed, attested and sealed, the surveyor general shall forthwith give notice by registered mail to the applicant at his or its address as stated in the application, that such lease is ready in the office of the surveyor general for execution by and delivery to the applicant. Within thirty (30) days after the mailing of such notice the applicant shall sign such lease in duplicate as lessee, and pay to the State of California the installment of rental which by the terms of such lease is to be paid on or before its delivery, and upon the issuance by

Execution
and filing
of lease.

the treasurer to the applicant and the filing with the registrar of the state land office a certificate of such payment, the surveyor general shall deliver one of such executed copies to the applicant and shall file the other thereof in the state land office, and such lease shall thereupon be in full force and effect. If the applicant shall fail to sign such lease in duplicate or make such initial payment of rental within thirty (30) days after the mailing to the applicant of the notice herein provided for that such lease is ready for signature by and delivery to the applicant, the applicant shall be deemed to have waived all right to obtain such lease upon the application theretofore filed, and a lease of any tide or submerged lands covered by such application shall not thereafter be made except upon another application for lease being filed pursuant hereto.

Disposition
of rents

SEC. 11. All moneys received by the State of California under the provisions of this act from rents and fees accruing from the use of state school land shall be paid into the "school fund." All other moneys received under the provisions of this act shall be deposited in the "general fund."

Existing laws
unaffected

SEC. 12. This act shall in no wise affect an act entitled "An act to provide for leasing by the state of certain classes of submerged lands," approved June 3, 1921, nor any similar acts on the same subject, or apply to any proceedings had thereunder but is intended to and does provide an alternate procedure for the leasing of those certain classes of tide and submerged lands of the State of California authorized under this act; and it shall be in the discretion of any person, firm or corporation to proceed under the provisions of this act or of any such other act; but when any proceeding for the leasing of such lands is commenced under this act, then this act and no other shall apply to such proceeding for the leasing of such lands; and any provisions contained in any other act or acts shall not be applicable thereto. This act may be designated and referred to as the "tide and submerged land leasing act of 1929."

Title of act

CHAPTER 70.

An act creating the department of agriculture fund, specifying what moneys are to be credited to this fund, providing that all moneys remaining in certain special funds at the time this act takes effect shall be credited to said fund, providing that separate record of income and disbursements be kept of all moneys accruing to this fund and providing for a revolving fund.

[Approved by the Governor April 9, 1929 In effect August 14, 1929.]

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

Department
of agricul-
ture fund
created.

SECTION 1. There is hereby created in the state treasury a fund to be known as the "department of agriculture fund," which fund shall consist of all moneys collected by the depart-

ment of agriculture under the provisions of the acts enumerated in the schedule annexed hereto.

SEC. 2. Upon the date this act takes effect all moneys in the standard apple fund, fruit and vegetable certification fund, stallion registration board contingent fund, meat hygiene fund, cattle protection fund, state fish exchange fund, upholstered furniture inspection fund, division of weights and measures fund, produce dealers license fund, and terminal weighing fund shall be by the state controller transferred to and the same shall become a part of the department of agriculture fund and the funds from which said moneys have been transferred shall be and are hereby abolished and any appropriations payable from the funds so abolished shall be payable from the department of agriculture fund.

Transfer of moneys in specific funds to department of agriculture fund

SEC. 3. The department of agriculture fund shall be held subject to the uses of the director of agriculture. to be expended by him according to law in carrying out the provisions of the several acts enumerated in the schedule annexed hereto; *provided, however*, that the expenditures from said fund for the enforcement of any one of the acts enumerated in the schedule annexed hereto shall not exceed the amount of moneys collected under said act and credited to said fund; *provided, further*, that five per cent of the gross receipts collected under the state fish exchange act shall be remitted, monthly, to the credit of the general fund of the state treasury; *provided, further*, that of the moneys hereby transferred from the terminal weighing fund to the department of agriculture fund, a sum equal to the unexpended balance of the appropriation of twenty-seven thousand five hundred dollars heretofore made from the general fund and credited to the terminal weighing fund, shall continue to be available for the purpose of carrying out the provisions of the California terminal weighing act, but shall be repaid into the general fund as soon as possible from the surplus funds accruing from the operation of said act.

Expenditure of fund

Exceptions

SEC. 4. The director of the department of agriculture shall keep a separate record of the classes and sources of income credited to the department of agriculture fund under the provisions of this act, and shall keep a separate record of the disbursements from said fund.

Record of credits and disbursements

SEC. 5. A sum not to exceed twenty-five thousand dollars may, upon approval of the department of finance, be withdrawn from the department of agriculture fund to be used as a revolving fund by the department of agriculture for the purpose of carrying out the provisions of this act.

Revolving fund.

Schedule

SCHEDULE

Chapter number and approval date of act.	Title or short title of act.
690—June 3, 1921	The California standard apple act.
562—May 17, 1927	The California fruit and vegetable certification act.
732—June 3, 1921	The California meat inspection law.
677—May 1, 1911	An act to regulate the public service of stallions and jacks in the State of California.
725—June 3, 1921	The hide and brand law.
803—June 1, 1917	State fish exchange act.
641—June 7, 1915	An act defining mattresses; regulating the making, remaking, and sale thereof; prohibiting the use of unsanitary and unhealthy materials therein; requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act.
405—May 10, 1927	An act to regulate the manufacture and sale of upholstered furniture; providing for the labeling of the same, providing for the licensing of persons manufacturing, selling, or repairing upholstered furniture; and creating the upholstered furniture inspection fund.
802—May 27, 1927	The California terminal weighing act.
860—June 1, 1927	An act to provide for the bonding, licensing, regulation and supervision of produce dealers engaged in the handling, receiving or selling of farm products and to create a produce dealers' license fund to define the purpose of the act and the terms used therein; to define the powers and duties of the state director of agriculture with reference thereto; to provide for

the keeping of certain records concerning the sale of farm products; to provide for the revocation of produce dealers' license; to declare certain acts to be offenses and to fix the penalties therefor; and to repeal all conflicting acts or parts of acts.

CHAPTER 71.

An act to amend sections 4, 6 and 9 of an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended.

[Approved by the Governor April 10, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 6 of an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended, is hereby amended to read as follows:

Stats. 1927
p. 945,
amended.

Sec. 6. The fish and game commission will furnish to each person to whom a license or a permit has been issued under the provisions of this act metallic tags inscribed with the letters "C. F. & G. C." Each applicant shall pay to the fish and game commission for such tags the actual cost of said tags. One of each of said tags shall be affixed to each domesticated trout or other domesticated fish raised under the provisions of this act and transported, sold or offered for sale and said tag shall remain so affixed until said domesticated trout or other domesticated fish has been prepared for consumption; *provided, however*, that any citizen of this state to whom a license or permit is issued under the provisions of this act may adopt a symbol or brand for identifying and marking domesticated trout or other domesticated fish raised under the provisions of this act and transported, sold or offered for sale by such person, which such symbol or brand shall be of such design that it can be perforated in the tail of any such fish.

Tags.

Symbols or
brands.

Such symbol or brand shall be registered with the fish and game commission in the name of the person submitting the same, and when so registered said fish and game commission

shall issue a permit to such person so registering the same, which permit shall authorize the use thereof for marking fish in lieu of the tags referred to in this section, and such symbol or brand shall be perforated in the tail of each domesticated trout or other domesticated fish raised under the provisions of this act and transported, sold or offered for sale by such person. The fish and game commission shall not register more than one symbol or brand of one design, and after such symbol or brand has been so registered no other person than the one to which such permit is issued, shall use the same. No person shall destroy or obliterate any such symbol or brand so perforated in the tail of any such fish until the same has been prepared for human consumption.

The possession of domesticated trout or other domesticated fish without either such tag being affixed thereto or such symbol or brand being perforated in its tail as provided in this act, shall be a violation of this act. Only tags furnished by the fish and game commission under the provisions of this act shall be used, and no tags shall be used more than once, and only symbols or brands registered as herein provided shall be used, and no person shall use any symbol or brand, or perforate any symbol or brand in the tail of any fish, unless such symbol or brand shall have first been registered as provided in this act.

Stats. 1917,
p. 942,
amended.

Sec. 2. Section 9 of said act is hereby amended to read as follows:

Sale or possession of domesticated fish.

Sec. 9. Any person may buy, sell or have in possession for sale for use as food at any season of the year any trout, or other domesticated fish, artificially propagated and kept; *and provided, also*, that the same is tagged or marked for identification as hereinbefore provided. The tag shall be removed only by the consumer, and when removed shall be destroyed.

Stats. 1917,
p. 841,
amended.

Sec. 3. Section 4 of said act is hereby amended to read as follows:

Granting of license.

Sec. 4. Upon the receipt of said application the state board of fish and game commissioners shall make an examination of the land and waters described in the said application. All the expenses of the said examination shall be borne by the applicant. If it shall appear that the aforesaid artificial body of water or private hatchery has been constructed and screened according to the provisions of this act and the application is in other respects proper and reasonable, the said fish and game commission shall grant to such applicant a license to propagate and raise domesticated trout or other domesticated fish mentioned in the application and to possess said domesticated trout or other domesticated fish during the entire calendar year. The license shall be posted or displayed in a conspicuous place on the land described in the application and shall expire on the last day of December in each year at midnight.

Upon obtaining a permit from the fish and game commission domesticated trout or other domesticated fish raised in a regularly licensed hatchery under the laws of any other state may be imported into this state, transported, sold or offered for sale during the entire calendar year upon the payment of a fee of five dollars per year; *provided*, that such imported domesticated trout or other domesticated fish shall be duly tagged as in this act provided and in accordance with the rules and regulations to be prescribed by the fish and game commission; *and provided, further*, that the party or parties who are to receive any such fish shall make application to the fish and game commission for a permit to import each and every shipment of such fish into this state, which application shall state the hatchery or hatcheries from which such fish are to be imported, the quantity of fish in each shipment to be received, and the name and address of the person to receive the same. No permit shall be granted for the importation of any fish except from a hatchery regularly licensed as provided in this act, and no fish shall be received by any person, firm or corporation within this state without first having obtained such permit. The permit issued under the provisions of this act to hatcheries located outside of this state shall expire on the last day of December in each year at midnight.

Permit to
import
domesticated
fish.

CHAPTER 72.

An act to amend section 1313 of the Civil Code, relating to restriction on devise for charitable uses.

[Approved by the Governor April 10, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1313 of the Civil Code is hereby amended to read as follows:

1313. No estate, real or personal, shall be bequeathed or devised to any charitable or benevolent society or corporation, or to any person or persons in trust for charitable uses, except the same be done by will duly executed at least thirty days before the decease of the testator; and if so made at least thirty days prior to such death, such devise or legacy and each of them shall be valid; *provided*, that no such devise or bequest shall collectively exceed one-third of the estate of the testator, leaving legal heirs, and in such case a pro rata deduction from such devises or bequests shall be made so as to reduce the aggregate thereof to one-third of such estate; and all dispositions of property made contrary hereto shall be void, and go to the residuary legatee or devisee, next of kin, or heirs, according to law; *and provided, further*, that bequests and devises to or for the use or benefit of the state, or any municipality, county or political subdivision within the state, or any institution

Stats. 1925,
p. 264,
amended

Restriction
on devise for
charitable
uses

Exceptions

belonging to the state, or belonging to any municipality, county or political subdivision within the state, or to any educational institution which is exempt from taxation under section 1a of article thirteen or section 10 of article nine of the constitution of the State of California and statutes of this state enacted thereunder, or for the use or benefit of any such educational institution, are excepted from the restrictions of this section; *provided, however*, that nothing in this section contained shall apply to bequests or devises made by will executed at least six months prior to the death of a testator who leaves no parent, husband, wife, child or grandchild, or when all of such heirs shall have by writing, executed at least six months prior to his death, waived the restriction contained herein.

CHAPTER 73.

An act to amend section 1576 of the Penal Code, relating to salaries of prison employees.

[Approved by the Governor April 10, 1929. In effect August 14, 1929.]

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

Stats 1907,
p. 586,
amended
Powers and
duties of
prison
directors.

SECTION 1. Section 1576 of the Penal Code is hereby amended to read as follows:

1576. It shall be the duty of the directors to determine the necessary officers and employees of the prisons other than those of the wardens and clerks, specifying their duties severally, and fixing their salaries; *provided, however*, that the salary of such officer or employee so fixed shall not in any case from and after the date this act becomes effective be less than the sum of one hundred dollars per month to and including June 30, 1930, and that thereafter the salary of such officer or employee so fixed shall not in any case be less than the sum of one hundred ten dollars per month; to prescribe rules and regulations for the government of the prisons, and to revise and change the same from time to time as circumstances may require, and to board and lodge the officers and employees, or allow them a money commutation in lieu thereof; *provided*, the warden may make temporary rules, in cases of emergency, to remain in force until the succeeding meeting of the board. At least three of the directors shall visit the prisons once in each month, and oftener if necessary, at such times as they may select. The directors shall audit all claims for supplies, services, and expenses of officers and employees, and all other demands against the prison.

Second—To enter or cause to be entered on their journal by the clerks all official acts which shall be signed by at least three members of the board.

Third—On or before the first day of December of each year to report to the governor the condition of the prisons, together with detailed statements of receipts and expenditures, and such suggestions concerning the prisoners as may appear to be necessary and expedient.

Fourth—The board of directors shall also adopt rules and regulations not inconsistent with the constitution and the laws of the State of California for the government of the board, and may change the same at their pleasure.

Fifth—The board of directors shall have power to establish an office in San Francisco, and employ a secretary.

CHAPTER 74.

An act to amend section 307 of the Civil Code, relating to corporations.

[Approved by the Governor April 10, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 307 of the Civil Code is hereby amended to read as follows:

307. All elections must be by ballot, and every stockholder shall have the right to vote in person or by proxy the number of shares standing in his name, as provided in section 312 of this code, for as many persons as there are directors to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit. The provisions of this section so far as it relates to cumulative voting, shall apply to all corporations and associations organized under, and existing by virtue of, the laws of this state, and having a capital stock or shares of stock, and no election for directors of any corporation or association organized under, and existing by virtue of, the laws of this state, shall be valid, if the right of a stockholder to cumulate his shares as herein provided shall be denied. In corporations having no capital stock, each member of the corporation may cast as many votes for one director as there are directors to be elected, or may distribute the same among any or all the candidates. In any case the director receiving the highest number of votes shall be declared elected.

The provisions of this section, so far as it relates to cumulative voting, shall not apply to literary, religious, scientific, social or benevolent societies, having no capital stock or shares unless it shall be so provided in their by-laws or rules, nor to cooperative corporations formed for agricultural purposes or for the purpose of marketing or manufacturing agricultural products where it is expressly prohibited in their by-laws.

Stats. 1927,
p 1019,
amended
Elections—
cumulative
voting

Exceptions

CHAPTER 75.

An act to amend section 4300e of the Political Code, relating to fees of justices of the peace.

[Approved by the Governor April 10, 1929. In effect August 14, 1929.]

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

Stats 1919,
p. 471,
amended.
Fees of
justices of
the peace.

SECTION 1. Section 4300e of the Political Code is hereby amended to read as follows:

4300e. Justices of the peace, except as otherwise provided by law, shall charge for all services to be performed by them in civil actions the following fees:

For filing the complaint, or other first paper, four dollars, to be paid before complaint is filed, and to include all proceedings before trial and all services to be performed in a judgment by default or for the trial of either a question of law or fact, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, entry of judgment, issuance of execution thereon, and other proceedings supplemental thereto;

For filing the papers transmitted from another court, and all proceedings thereon, four dollars, to be paid by the party making the motion for the change of venue before the transmitted papers are filed;

For certificate and transmitting transcript and papers on appeal, one dollar;

For copies of papers on docket, per folio, ten cents;

In cases before a justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought for all services rendered, including the making up and transmission of the transcript and papers shall receive one dollar; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him;

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents;

For taking depositions, per folio, fifteen cents;

For issuing a commission to take testimony, fifty cents;

For all services connected with the posting of estrays, one dollar;

For issuing a transcript of the docket, one dollar;

For issuing an abstract of judgment, one dollar;

For certifying a copy of any paper, record, or proceeding in his office, twenty-five cents;

For receiving and filing an abstract of judgment rendered by a justice of another jurisdiction and for subsequent services based thereon, four dollars;

For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in all cases;

For issuing each process, writ, order or paper required by law to be issued not otherwise in this article provided for, twenty-five cents;

For administering an oath or affirmation not otherwise in this article provided for, twenty-five cents;

For each certificate or affidavit not otherwise in this article provided for, twenty-five cents;

For taking and approving a bond or undertaking, including the justification of sureties, fifty cents.

CHAPTER 76.

An act to amend section 1581 of the Code of Civil Procedure, relating to powers and duties of executors and administrators.

[Approved by the Governor April 10, 1929 In effect August 14, 1929]

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

SECTION 1. Section 1581 of the Code of Civil Procedure is hereby amended to read as follows:

1581. The executor or administrator must take into his possession all the estate of the decedent, real and personal, and collect all debts due to the decedent or to the estate. For the purpose of bringing suits to quiet title, or for partition of such estate, the possession of the executors or administrators is the possession of the heirs or devisees; such possession by the heirs or devisees is subject, however, to the possession of the executor or administrator, for the purpose of administration, as provided in this title. After notice to all persons interested in an estate, given in such manner as may be directed by the court or a judge thereof, the court may authorize the executor or administrator to continue the operation of the decedent's business to such an extent and subject to such restrictions as may seem to the court to be for the best interest of the estate and those interested therein.

C. C. P.
1872,
p. 419,
amended.
Possession of
decedent's
estate

CHAPTER 77.

An act to amend section 1386 of the Code of Civil Procedure, relating to the administration of decedent's estates.

[Approved by the Governor April 10, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1386 of the Code of Civil Procedure is hereby amended to read as follows:

C. C. P.
1872,
p. 363,
amended

Relatives
entitled to
have letters
revoked in
certain
cases

1386. The surviving husband or wife, when letters of administration have been granted to a child, parent, brother or sister of the intestate; or any of such relatives, when letters have been granted to any other of them, may assert his prior right, and obtain letters of administration, and have the letters before granted revoked in the manner prescribed in the three preceding sections. The court may in its discretion, refuse to grant letters of administration to any such person who has had actual notice of the first application and an opportunity to contest the same.

CHAPTER 78.

An act to amend section 1304 of the Code of Civil Procedure, relating to notice of application for probate of will.

[Approved by the Governor April 10, 1929. In effect August 14, 1929.]

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

Stats 1923,
p 241,
amended.
Notification
of time for
probate of
will

SECTION 1. Section 1304 of the Code of Civil Procedure is hereby amended to read as follows:

1304. Copies of the notice of the time appointed for the probate of the will must be addressed to the heirs of the testator and the devisees and legatees named in the will at their places of residence, if known to the petitioner, and deposited in a post office within this state, with the postage thereon prepaid, at least ten days before the hearing. A copy of the same notice must in like manner be mailed to the person named as executor, if he be not the petitioner; also, to any person named as co-executor not petitioning. If one's place of residence be not known, such copy of notice shall be addressed to him at the county seat of the county where the proceedings are pending. Proof of mailing the copies of the notice must be made at the hearing. Personal service of copies of the notice at least ten days before the day of hearing is equivalent to mailing.

CHAPTER 79.

An act to amend section 1307 of the Code of Civil Procedure, relating to the contest of a will.

[Approved by the Governor April 10, 1929. In effect August 14, 1929.]

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

Code Amdts
1873-74,
p 357,
amended
Who may
contest wills

SECTION 1. Section 1307 of the Code of Civil Procedure is hereby amended to read as follows:

1307. Any person interested may appear and contest the will.

CHAPTER 80.

An act to create a game refuge for quail in Marin county.

[Approved by the Governor April 10, 1929 In effect August 14, 1929.]

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

SECTION 1. A game refuge for the purpose of preserving and protecting quail in Marin county is hereby created and to have the following metes and bounds: Beginning at a point on the southeasterly line of the lands of Ludwig B. Freudenthal, as the same is described in book one hundred fifty-eight of official records on page two hundred sixty-one, of Marin county records, and at a point which is twenty feet above mean high tide of the Pacific ocean, and running thence northeasterly and northwesterly along the southeasterly line of said Ludwig B. Freudenthal tract to a point on the southerly line of the "Mesa road," thence northeasterly and along the southerly line of Mesa road to the westerly line of the road leading from the town of Bolinas to Sausalito, thence southeasterly and along the southerly line of the county road leading through the town of Bolinas to the landing wharf at the entrance of Bolinas bay, and twenty feet above mean high tide, thence southwesterly, westerly and northwesterly and along a line which is twenty feet above mean high tide to the point of beginning.

Quail refuge
in Marin
county.

SEC. 2. Every person who shall hunt, take, pursue, kill, destroy or have in his possession within such game refuge any quail whatsoever is guilty of a misdemeanor, punishable by fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment.

Penalties for
hunting quail
therein

CHAPTER 81.

An act confirming and validating the formation or organization and existence of irrigation districts.

[Approved by the Governor April 10, 1929. In effect August 14, 1929]

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

SECTION 1. In all cases where the board of supervisors of any county in this state has purported to form or organize an irrigation district under any law or laws of this state, and such purported formation or organization has been completed for a period of one year previous to the taking effect of this act, and such irrigation district has acted or functioned as a district for a period of one year previous to the taking effect of this act, all acts and proceedings taken for the pur-

Validation of
proceedings
for formation
of irrigation
districts.

pose of forming or organizing such district are hereby legalized, validated and declared to be sufficient, and such irrigation district is hereby declared to be duly formed and organized under its appropriate name as of the time of its purported formation, with boundaries as shown or indicated in the order of said board of supervisors, and shall have all the rights and privileges and be subject to all the duties and obligations of a duly formed or organized irrigation district.

CHAPTER 82.

An act relating to the issuance of vacation permits to work to certain minors.

[Approved by the Governor, April 10, 1929 In effect August 14, 1929]

NOTE—See volume containing School Code and acts supplemental thereto

CHAPTER 83.

An act to amend section 1592 of the Code of Civil Procedure, relating to investment of moneys of estate pending settlement.

[Approved by the Governor April 10, 1929 In effect August 14, 1929.]

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

Stats 1927,
p. 796,
amended
Investments
pending set-
tlement of
estate.

SECTION 1. Section 1592 of the Code of Civil Procedure is hereby amended to read as follows:

1592. Pending the settlement of any estate, on the petition of any person interested therein, and upon good cause shown therefor, the court may order any money in the hands of the executors or administrators to be invested for the benefit of the estate in securities of the United States or of this state.

Hearing.

Upon filing such petition, the clerk must fix the day for the hearing thereof, and give notice of the said hearing of at least ten days by a notice posted at the courthouse in the county where the court is held.

CHAPTER 84.

An act to amend section 137 of the Civil Code, relating to alimony, support and maintenance and costs of suit in actions for divorce and permanent support and maintenance.

[Approved by the Governor April 10, 1929 In effect August 14, 1929.]

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

Stats. 1927,
p. 441,
amended.

SECTION 1. Section 137 of the Civil Code is hereby amended to read as follows:

137. When an action for divorce is pending, the court may, in its discretion, require the husband or wife, as the case may be, to pay as alimony any money necessary to enable the wife, or husband, to support herself and her children, or to support himself and his children, as the case may be, or to prosecute or defend the action. When the husband or wife wilfully deserts the wife or husband, as the case may be, or when the husband or wife has any cause of action for divorce as provided in section 92 of this code, he or she may, without applying for divorce, maintain in the superior court an action against her or him for permanent support and maintenance of himself or herself or of himself and children, or of herself and children. When the husband wilfully fails to provide for the wife, she may, without applying for divorce, maintain in the superior court an action against him for permanent support and maintenance of herself or of herself and children. During the pendency of any such action the court may, in its discretion, require the husband or wife, as the case may be, to pay as alimony any money necessary for the prosecution of the action and for support and maintenance, and execution may issue therefor in the discretion of the court. The court, in granting the husband or wife permanent support and maintenance of himself or herself, or of himself and children or herself and children, in any such action, shall make the same disposition of the community property and of the homestead, if any, as would have been made if the marriage had been dissolved by the decree of a court of competent jurisdiction. The final judgment in such action may be enforced by the court by such order or orders as in its discretion it may from time deem necessary, and such order or orders may be varied, altered, or revoked at the discretion of the court.

Alimony, permanent and temporary support, and costs of prosecution.

CHAPTER 85.

An act to amend the California irrigation district act, approved March 31, 1897, by adding thereto a new section to be numbered 35a, defining the term "assessment book," and by amending section 42 thereof, relating to the publication of the delinquent list.

[Approved by the Governor April 10, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the California irrigation district act, to be numbered section 35a and to read as follows:

Sec. 35a. The term "assessment book" as used in this act is hereby defined to include any substantial record showing the data required by this act, whether in the form of a bound

New section

"Assessment book," defined

volume or volumes or on cards so arranged and kept as to provide a record of the assessments.

Stats 1897,
p 268,
amended.
Duty of
collector.

SEC. 2. Section 42 of said act is hereby amended to read as follows:

Delinquent
list and
notice

Sec. 42. On or before the first day of February, except as provided in section 41e hereof, the collector must publish the delinquent list, which shall contain the names of the persons and a description of the property delinquent, and the total amount of the assessments, penalties and costs due thereon. He must append to and publish with the delinquent list a notice, that unless the assessments delinquent, together with penalties and costs accrued thereon, as shown in the list, are paid, the real property upon which such assessments are a lien will be sold at public auction. The publication must be made three times; to wit, once a week for three successive weeks, in a newspaper published in the county in which the property delinquent is situated; *provided, however*, that only such lands as may be situated in such county shall be set forth in such publication; *and provided, further*, that if any property assessed to the same person or corporation shall lie in more than one county, then such publication may be made in any county in which any portion of such property may lie. The publication must designate the time and place of the sale. The time of sale must be not less than twenty-one nor more than twenty-eight days from the first publication, and the place must be at some point designated by the collector, within the district, or it may be at the office of the district if said office is not within the district; *provided, however*, that if there should occur any error in the publication of the notice of the sale of the delinquent property, or the delinquent list, which might invalidate a sale made thereunder, and such error is discovered prior to sale thereunder, the collector shall at once republish the notice of the sale of the property affected by such error, making such republication conform to the provisions of this law, and the time of sale designated in such republication must not be less than twenty-one nor more than twenty-eight days from the first republication; and the place of sale must be at some point designated by the collector within the district, or it may be at the office of the district if said office is not within the district, and stated in such republication.

Publication

Lands.

Day of sale.

Republica-
tion

CHAPTER 86.

An act to amend section 1587 of the Penal Code, relating to the treatment of prisoners.

[Approved by the Governor April 10, 1929 In effect August 14, 1929.]

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

Stats. 1923,
p. 321,
amended.

SECTION 1. Section 1587 of the Penal Code is hereby amended to read as follows:

1587. In the treatment of the prisoners the following Treatment of prisoners.
general rules shall be observed:

First—Each convict shall be provided with a bed of straw Beds.
or other suitable material, and sufficient covering of blankets,
and shall be supplied with garments of coarse, substantial
material, of distinctive manufacture, and with sufficient plain
and wholesome food of such variety as may be most conducive
to good health.

Second—No punishment shall be inflicted except by the Punishment
order and under the direction of the wardens.

Third—The warden shall keep a correct account of all Property of convicts
money and valuables upon the prisoner when delivered at the
prison, and shall pay the amount, or the proceeds thereof, or
return the same to the convict when discharged or to his legal
representative in case of his death; and in the case of the death
of such convict without being released, if no legal representa-
tive shall demand such property within five years, the same
shall be paid into the state prison fund.

Fourth—The rules and regulations prescribing the duties Rules and regulations
and obligations of the prisoners shall be printed and hung up
in each cell and shop.

Fifth—Entitled to money, etc., upon discharge. Each Entitled to money, etc. upon discharge.
convict, when he leaves the prison, shall be supplied with the
money taken from him when he entered, and which he has
not disposed of, together with any sum which may have been
earned by him for his own account, allowed to him by the
state for good conduct or diligent labor, or may have been
presented to him from any source; and, in case the prisoner
has not funds sufficient for present purposes, he shall be
furnished with ten dollars in money, a suit of clothes, cost-
ing not more than ten dollars, and his fare by the cheapest
route to the place where sentenced from, if the prisoner desires
to return there, or to any other place of the same cost for
transportation; and he shall be entitled, if he so elect, to
immunity from having his hair cut, or from being shaved, for
three calendar months immediately prior to his discharge. It
shall not be lawful for the officers of the prison to furnish,
or permit to be furnished, to any one, for publication, the
name of any prisoner about to be discharged.

Insane convicts. When the warden, and such other officers Insane convicts
as may be designated by the directors to act with him in such
cases, shall be of opinion that any convict is insane, they shall
make proper examination, and if they remain of the opinion
that such person is insane, the warden shall certify the fact
to the superintendent of one of the state asylums for the
insane, and shall forthwith send such convict to said asylum
for care and treatment. If at the expiration of the term of
sentence the insane convict is still in the insane asylum, he
shall be allowed to remain there until discharged cured. It
shall be the duty of the warden, also, to send to the directors a
copy of such certificate, and thereafter a statement as to his
subsequent acts regarding the said insane convict. And it shall

be the duty of the superintendent of the insane asylum to receive such insane convict and keep him until cured. It shall be his duty, upon receipt of such insane convict, to notify the directors of the fact giving name, date, and where from, and from whose hands received. When, in the opinion of the superintendent, such insane convict is cured of insanity, it shall be his duty to immediately notify the directors thereof; and it shall be his duty also to notify the warden of the prison from whence he was received, who shall immediately send for, take, and receive the said convict back into the prison, the time passed at the asylum counting as a part of such convict's sentence.

Discharge of
insane
convicts, pro-
ceedings

Discharge of insane convict, proceedings. Before discharging any convict who may be insane at the time of the expiration of his sentence, the warden shall first give notice, in writing, to a judge of the superior court of the county in which the state prison may be located, over which he has control, of the fact of such insanity; whereupon said court shall forthwith make an order, and deliver the same to the sheriff of said county, commanding him to remove such insane convict and take him before said court. Upon the receipt of such order, it shall be the duty of said sheriff, to whom it is directed, to execute, and return the same forthwith to the court by whom it was issued, and thereupon the said court shall cause proper examination to be made by medical experts, and if it shall satisfactorily appear that such convict is insane said court shall order him to be confined in one of the insane asylums.

Duty of
warden.

The sheriff shall receive the same compensation as for transferring a prisoner to the state prison, and to be paid in the same manner. If any judge, after having been notified by the warden, shall neglect to cause such order to be made, as herein provided, or any such sheriff shall neglect to remove such insane convict, as required by the provisions of this section, it shall be the duty of the warden to cause such insane convict to be removed before a superior court of a county in which the state prison is located, in charge of an officer of the prison, or other suitable person, for the purpose of examination; and the cost of such removal shall be paid out of the state treasury, in the same manner as when removed by the sheriff, as in this title provided.

CHAPTER 87.

An act to validate the Golden Gate bridge and highway district, confirm its boundaries and all proceedings relative to the formation and incorporation thereof.

[Approved by the Governor April 10, 1929 In effect August 14, 1929.]

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

SECTION 1. All proceedings heretofore taken and had under the act approved May 25, 1923, as amended, and commonly known and described as the bridge and highway district act, for the formation and incorporation of the Golden Gate bridge and highway district, and all acts and proceedings of the boards of supervisors of the counties comprising such district, and all of the acts of the secretary of state and of other public officers in connection therewith, leading up to and including the issuance of a certificate of incorporation of said Golden Gate bridge and highway district on the third day of December, 1928, by the secretary of state, and also the boundaries of said Golden Gate bridge and highway district, as set forth and described in said certificate of incorporation, are hereby legalized, ratified, confirmed, and validated for all purposes, and the power to incorporate such district is hereby acknowledged, granted, ratified, confirmed, and declared, and the said district is hereby declared to be and shall be a legal and valid public corporation of the State of California.

Incorporation of Golden Gate bridge and highway district.

Validation.

CHAPTER 88.

An act to add a new section to the Penal Code, to be numbered 626t, relating to cats in fish and game districts designated by law as game refuges.

[Approved by the Governor April 12, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section to be numbered section 626t is hereby added to the Penal Code to read as follows:

New section

626t. All cats found within the limits of any fish and game refuge shall be considered and classed as predatory animals and subject to all the provisions of law relating to the destruction or killing of such animals, and the board of fish and game commissioners, their deputies and employees are hereby empowered, authorized and directed to kill all such cats so found within the limits of such fish and game districts; *provided, however,* that the provisions of this section are not applicable to any cat while it is in or at the residence of its owner or upon the grounds of the owner adjacent to such residence.

Cats within fish and game refuges.

CHAPTER 89

An act to amend section 1 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to what constitutes an employment agency and extending the law to cover farm labor contractors engaged in securing workers for others for a valuable consideration.

[Approved by the Governor April 12, 1929 [in effect August 14, 1929.]

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

Stats. 1927,
p. 550,
amended.

SECTION 1. Section 1 of an act entitled "An act regulating private employment agencies, providing for a license for the operating thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, is hereby amended to read as follows:

Terms
defined.

Section 1. When used in this act the following terms are defined as herein specified:

"Person."

The term "person" means and includes any individual, company, society, firm, partnership, association, corporation, manager, contractor, or subcontractor, or their agents or employees.

"Employment
agency" and
"agency."

The term "employment agency" or "agency" means and includes the business of conducting, as owner, agent, manager, contractor, subcontractor, or in any other capacity an intelligence office, domestic or commercial employment agency, theatrical employment agency, motion picture employment agency, teachers' employment agency, general employment bureau, shipping agency, nurses' registry, farm labor agency, or any other agency or office for the purpose of procuring or attempting to procure employment or engagements for persons seeking employment or engagements, or for the registration of persons seeking to procure or retain such employment or engagement, or for giving information as to where and of whom such help, employment or engagement may be procured, or for providing such work or engagements, where a

fee or other valuable consideration is exacted, or attempted to be collected, directly or indirectly, for such services, whether such business is conducted in a building or on the street or elsewhere. The term further means and includes any person, firm, partnership, corporation, service bureau, or organization, or club, or school, or any agent or attorney thereof, that shall, by advertisement or otherwise, offer, as one of its main objects or purposes, to procure employment for any person who shall pay for its services, or that collects dues, tuition, or membership or registration fees of any sort whatsoever where the main object of the person paying the same is to secure employment; *provided*, that nothing in this act shall be construed to include a nonprofit organization or corporation, organized for the purpose of economic adjustment, civic betterment and the giving of vocational guidance and placement to its members; and in which none of the directors, officers or employees thereof receive any profit other than a nominal salary for services performed for the organization or corporation; and in which no fee is charged for employment services other than a membership fee or dues entitling the person paying the same to full participation and benefits of the organization or corporation; and in which such membership fees or dues charged are used solely for maintenance of the organization or corporation; *provided, further*, that all organizations and corporations charging membership fees or dues and engaged in furnishing employment to their members must, in order to be exempt from the provisions of this act under this section, file, on or before the first day of April of each year, with the commissioner of the bureau of labor statistics, a copy of their by-laws and constitutions, together with a sworn statement setting forth their place of business, the names and addresses of their officers, directors and employees and the salaries they receive, and showing also the various benefits furnished to members of such organization or corporation and the membership fees and dues charged or collected by such organization or corporation from its members.

The term "theatrical employment agency" means and includes the business of conducting an agency, bureau, office or any other place for the purpose of procuring or offering, promising or attempting to provide engagements for circus, vaudeville, theatrical or other entertainments or exhibitions or performances, or of giving information as to where such engagements may be procured or provided, whether such business is conducted in a building, or on the street or elsewhere.

"Theatrical
employment
agency"

The term "motion picture employment agency" means and includes the business of conducting an agency, bureau, office or any other place for the purpose of procuring or offering, promising or attempting to provide engagements for or employment in motion pictures, or in connection with the motion picture industry, or of giving information as to where such engagements or employment may be procured or provided,

"Motion
picture
employment
agency"

whether such business is conducted in a building or on the street or elsewhere.

“Theatrical engagement.”

The term “theatrical engagement” means and includes any engagement or employment of a person as an actor, performer or entertainer in a circus, vaudeville, theatrical or other entertainment, exhibition or performance.

“Motion picture engagement.”

The term “motion picture engagement” means and includes any engagement or employment of a person as an actor, actress, director, scenario or continuity writer, camera man or in any other capacity in which employment concerned with the making of motion pictures may be offered or secured for the employee.

“Emergency engagement.”

The term “emergency engagement” means and includes an engagement which has to be performed within twenty-four hours from the time when the contract for such engagement is made.

“Fee.”

The term “fee” means and includes any money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by any person conducting an employment agency of any kind under the provisions of this act. Such term includes any excess of money received by any such person over what has been paid out by him for the transportation, transfer of baggage, or board and lodging for any applicant for employment. Such term also includes the difference between the amount of money received by any such person who furnished employees, performers or entertainers for circus, vaudeville, theatrical or other entertainments, exhibitions or performances, and the amount paid by him to the said employees, performers or entertainers whom he hires or provides for such entertainments, exhibitions or performances. It also includes the difference between the amount of money received, or to be received, by such person who furnishes farm laborers to others for a valuable consideration and the amount paid by him to the said farm laborers he hires or provides.

“Privilege.”

The term “privilege” means and includes the furnishing of food, supplies, tools or shelter to contract laborers, commonly known as commissary privileges.

“Registration fee.”

The term “registration fee” means and includes any charge made, or attempted to be made, for registering or listing an applicant for employment, or for letter writing, cost of photograph, or film showing of applicant, charge for costume, or any other charge of like nature, made, or attempted to be made, without having a bona fide order for the placement of said applicant in a position.

“Commissioner.”

The term “commissioner of labor” or “commissioner” means the commissioner of the bureau of labor statistics.

Gender and number

Terms used in the masculine gender include the feminine and neuter and the singular number includes the plural and the plural the singular.

CHAPTER 90.

An act to amend section 2 of an act entitled "An act relating to cold storage, the regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the state board of health in relation thereto," approved June 13, 1913, as amended, relating to the securing of licenses to operate cold storage and refrigerating warehouses and plants; the payment of fees for such licenses; and the disposition of such fees.

[Approved by the Governor April 12, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 2 of an act entitled "An act relating to cold storage, the regulation of refrigerating warehouses, the disposition or sale of food kept or preserved therein, and defining the duties of the state board of health in relation thereto," approved June 13, 1913, as amended, is hereby amended to read as follows:

Stats. 1913, p. 769, amended.

Sec. 2. Any person, firm or corporation desiring to operate a cold storage or refrigerating warehouse wherein shall be stored "articles of food" for a period exceeding thirty days, shall make application in writing to the state board of health for that purpose, stating the location of its plant or plants. On receipt of the application the state board of health shall cause an examination to be made into the sanitary condition of said plant or plants and if found to be in a sanitary condition and otherwise properly equipped for the business of cold storage, the state board of health shall cause a license to be issued authorizing the applicant to operate a cold storage or refrigerating warehouse for and during a period of one year.

Application for license to operate cold storage plant.

The license shall be issued upon payment by the applicant of a license fee to the state board of health for each and every warehouse or plant operated by applicant under the provisions of this act for all cold storage or refrigerating warehouses or plants having a capacity of ten thousand cubic feet, or less, a fee of fifteen dollars. For all cold storage or refrigerating warehouses or plants having a capacity of more than ten thousand cubic feet and less than fifty thousand cubic feet, a fee of thirty dollars. For all cold storage or refrigerating warehouses or plants having a capacity of more than fifty thousand cubic feet, and less than one hundred thousand cubic feet, a fee of forty dollars. For all cold storage or refrigerating warehouses or plants having a capacity of one hundred thousand cubic feet or more, a fee of fifty dollars.

License fees

Capacities of plants

The secretary of the state board of health shall keep a full and correct account of all fees received under the provisions of this act, and shall, at least once each month, deposit all such fees collected with the state treasurer for credit to the general fund of the state; provided, however, that nothing in

Exceptions

this act contained shall apply to cold storage or cold storage or refrigerating plants or warehouses as herein defined which are maintained or operated by restaurants, hotels, or exclusively retail establishments not storing articles of food for other persons.

CHAPTER 91.

An act to amend section 8 of an act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925.

[Approved by the Governor April 12, 1929. In effect August 14, 1929.]

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

Stats 1925,
p. 925,
amended

SECTION 1. Section 8 of an act entitled "An act to promote the development of the California egg industry, to prohibit the sale of eggs unfit for human food, to prevent deception in the sale of eggs, to protect the consuming public in the matter of quality and weight, and to encourage greater consumption of eggs by regulating and standardizing the grading, classification and labeling of all eggs displayed for sale; providing penalties for the violation of the provisions of this act, and repealing all acts and parts of acts in conflict herewith," approved May 23, 1925, is hereby amended to read as follows:

Penalties

Sec. 8. Every person who violates any of the provisions of this act shall be guilty of a misdemeanor and upon conviction for the first offense shall be punished by a fine of not less than ten dollars nor more than one hundred dollars; for the second offense a fine of not less than fifty dollars nor more than two hundred dollars; for the third and subsequent offense by a fine of not less than one hundred dollars nor more than three hundred dollars or by imprisonment in the county jail for not less than thirty days nor more than ninety days. All fines collected for violation of this act shall be paid to the county treasurer of the proper county, who shall remit one-half of said amount to the state treasurer of the State of California for credit to the general fund of the state.

Disposition
of fines

CHAPTER 93.

An act to amend section 683 of the Civil Code, relating to joint tenancy.

[Approved by the Governor April 12, 1929. In effect August 14, 1929.]

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

Civ. C. 1872,
p. 181,
amended.
Joint inter-
est defined

SECTION 1. Section 683 of the Civil Code is amended to read as follows:

683. A joint interest is one owned by several persons in equal shares, by a title created by a single will or transfer, when expressly declared in the will or transfer to be a joint tenancy, or by transfer from a sole owner to himself and others, or from tenants in common to themselves, or to themselves and others, when expressly declared in the transfer to be a joint tenancy, or when granted or devised to executors or trustees as joint tenants. No joint tenancy shall be created except as herein provided.

How created

CHAPTER 94.

An act remising, releasing and quitclaiming to the regents of the University of California the properties in the county of Los Angeles which were heretofore transferred to and vested in said the regents of the University of California by an act entitled "An act repealing sections 1, 2 and 3 of an act entitled 'An act to establish a branch state normal school,' approved March 14, 1881, abolishing the branch of the state normal school at Los Angeles, transferring its properties to the regents of the University of California, providing for the establishment of a branch of the University of California at Los Angeles, continuing regular normal school training courses and providing an appropriation for the support and maintenance thereof," approved May 23, 1919, and all other properties, real, personal, and mixed, connected therewith or appurtenant thereto, and authorizing said the regents of the University of California to hold, sell, lease or otherwise deal with the same and to dispose of proceeds realized from said holding, selling, leasing, or otherwise dealing with the same, and repealing all acts or parts of acts in conflict with this act.

[Approved by the Governor April 12, 1929 In effect August 14, 1929.]

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

Conveyance
of properties
to regents of
U. of C.

SECTION 1. The State of California hereby unconditionally remises, releases, quitclaims, and confirms to the regents of the University of California all of the properties transferred

to and vested in said the regents of the University of California by an act of the Legislature of the State of California, entitled "An act repealing sections 1, 2 and 3 of an act entitled 'An act to establish a branch state normal school,' approved March 14, 1881, abolishing the branch of the state normal school at Los Angeles, transferring its properties to the regents of the University of California, providing for the establishment of a branch of the University of California at Los Angeles, continuing regular normal school training courses and providing an appropriation for the support and maintenance thereof," approved May 23, 1919, and all other properties of every kind, real, personal, and mixed, located thereon, connected therewith or appurtenant thereto, and particularly frees and discharges the said properties from all limitations, conditions, and reservations specified or imposed by or withheld in the said act of May 23, 1919. Said the regents of the University of California are hereby given full power and authority to sell, lease or otherwise deal with or dispose of the said properties, either as a whole or in several parts, and to receive the sale price or other proceeds.

Powers of regents.

SEC. 2. The proceeds of any letting, selling, leasing, or other disposition of the said properties, or any of them, shall be applied by the regents of the University of California in the due execution of their trust for university purposes, as follows: One hundred fifty thousand dollars of such proceeds shall be set aside to be used for the construction and equipment of a building on the university campus at Westwood, California, to be known as the sub-tropical horticultural building and to be used for the teaching of sub-tropical horticulture; one hundred twenty-five thousand dollars of such proceeds shall be set aside for the construction and equipment of buildings at the citrus experiment station and graduate school of tropical agriculture, at Riverside, California; any moneys remaining shall be applied by the regents of the University of California for university purposes within the county of Los Angeles.

Disposition of proceeds

SEC. 3. Among the properties hereby released, remised, quitclaimed, and confirmed to said the regents of the University of California are those certain lots, pieces, and parcels of land in the city of Los Angeles, county of Los Angeles, State of California, more particularly described as follows, to wit: Beginning at the southwest corner of lot two hundred twenty-three of Westmoreland park tract as said lot and tract are delineated and so designated on the map of Westmoreland park tract, sheet number two, filed in map book sixteen at page seventy-six records of Los Angeles county, said corner being the intersection of the easterly line of Heliotrope drive and the northerly line of Monroe street in the city of Los Angeles, State of California; thence north eighty-nine degrees forty minutes forty-five seconds east eight hundred eighty-nine and eighty-one hundredths (889.81) feet along the northerly line of Monroe street to the westerly line of Vermont avenue as said

Properties conveyed

Description

Description. avenue exists since the widening thereof, thence north no degrees four minutes thirty seconds west one thousand two hundred fifty-four and forty-seven hundredths (1254.47) feet along the westerly line of Vermont avenue to the southerly line of Willow Brook avenue, said intersection of the westerly line of Vermont avenue and the southerly line of Willow Brook avenue being south eighty-nine degrees forty minutes forty-five seconds west ten (10) feet from the northeast corner of lot one of tract number twelve hundred six as said lot and tract are delineated and so designated on the map of tract number twelve hundred six, filed in map book eighteen at page one, records of Los Angeles county; thence south eighty-nine degrees forty minutes forty-five seconds west along the southerly line of Willow Brook avenue eight hundred eighty-nine and ninety-nine hundredths (889.99) feet to the easterly line of Heliotrope drive, said intersection of the southerly line of Willow Brook avenue and the easterly line of Heliotrope drive being the northwest corner of lot fifty-three of Westmoreland park tract as said lot and tract are delineated and so designated on said map of Westmoreland park tract, filed in map book ten at page one hundred thirty-three, records of Los Angeles county; and thence south no degrees five minutes no seconds east one thousand two hundred fifty-four and forty-seven hundredths (1254.47) feet along the easterly line of Heliotrope drive to the northerly line of Monroe street and the point of beginning; comprising the same lots, pieces or parcels of lands in the city of Los Angeles, county of Los Angeles, State of California, acquired from C. T. Crowell and Ella G. Crowell to the State of California by deed dated June 11, 1912, and recorded June 28, 1912, in book five thousand sixty-six of deeds at page two hundred eighty-two, records of Los Angeles county; from Henry C. Jensen and Emma M. Jensen and C. T. Crowell and Ella G. Crowell to the State of California, by deed dated August 6, 1913, and recorded September 26, 1913, in book five thousand five hundred seventy-eight of deeds at page one hundred thirteen, records of Los Angeles county; and from C. T. Crowell, trustee, and Ella G. Crowell to State of California by deed dated June 12, 1912, and recorded June 28, 1912, in book five thousand sixty-seven of deeds at page one hundred seventy-seven, records of Los Angeles county, excepting the ten-foot strip along the easterly edge of the property acquired for the widening of Vermont avenue by judgment number one hundred seventy-one thousand six hundred one in the superior court of the State of California, city of Los Angeles, a municipal corporation, plaintiff, versus H. H. Clark, et al., defendants, dated July 21, 1928, and recorded July 27, 1928, in book seven thousand one hundred nine at page three hundred sixty-four, official records of Los Angeles county.

Repeal.

SEC. 4. All acts, or parts of acts, in conflict with this act are hereby repealed.

CHAPTER 95.

An act to add a new section to the Political Code to be numbered 4089, relating to the destruction of unsold county bonds.

[Approved by the Governor April 12, 1929 In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 4089 and to read as follows: New section

4089. Whenever, at any time after two years subsequent to the date of any election, heretofore or hereafter held, at which an issue of any bonds for county purposes has or shall have been authorized, there remain in the possession of any county any of the bonds so voted at said election to be issued, which have not been sold and disposed of, and the sale and disposal of such bonds shall be deemed by the board of supervisors of such county to have become inexpedient, and that their destruction is desirable, said board of supervisors may give notice of its intention to destroy such bonds by a notice published for one week in a newspaper of general circulation published and circulated in said county; such notice shall specify the time and place of such intended destruction, and the reason alleged therefor, together with a general description of the character and amounts of said bonds. The time so specified for the destruction of said bonds shall be at least one week after the date of completion of such publication. It shall thereupon be lawful for said board of supervisors, at the time and place so specified and in accordance with the terms of said notice, publicly to destroy said bonds. No further or other issue of bonds in place of those thus destroyed shall be made by such county, or its board of supervisors, unless again authorized by a vote of the people as provided by law. Unsold county bonds
Notice of intention to destroy
Public destruction of bonds

 CHAPTER 96.

An act to amend section 31 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the state's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of

the provisions hereof and to repeal the 'California fruit and vegetable standardization act,' approved May 23, 1925," approved June 2, 1927.

[Approved by the Governor April 12, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 1876,
amended.

SECTION 1. Section 31 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the state's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California fruit and vegetable standardization act,' approved May 23, 1925," approved June 2, 1927, is hereby amended to read as follows:

Head lettuce

Sec. 31. Head lettuce, when being packed, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container shall conform to the following standard:

Standards.

Head lettuce shall not be leafy without head formation and shall be free from slime or decay affecting leaves within the head, free from seed stems or stem rot which are apparent on external examination, internal insect injury, and from serious damage caused by bursting or freezing; *provided*, that not more than ten per cent, by count, of the heads in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Damage caused by bursting shall not be considered serious unless the head is burst open. Damage caused by freezing shall not be considered serious when it affects only the wrapper leaves and/or not exceeding three outer head leaves.

Packing

Head lettuce, when packed, shall be virtually uniform in size, tightly packed, and shall contain either two dozen, two and a half dozen, three dozen, three and a half dozen, four dozen, five dozen, seventy-five or ninety heads of lettuce per crate with a slight bulge of crates when lidded.

"Virtually uniform,"
defined

Virtually uniform in size shall mean a variation in any container of not more than ten per cent of heads of one standard size more or less than the size as marked; *provided*, that each crate of three and one-half dozen count shall have each layer arranged with four rows of three, four, four and three heads.

Count.

In case of packed head lettuce there shall be the same numerical count of regularly arranged heads, in each layer, and no heads shall be placed outside of the regular arrangement of three uniform flat layers, excepting that in the case of sizes smaller than five dozen a bridge of from three to six

heads shall be permitted, but the heads in such bridge shall be included in the count as marked.

Both iced and dry packed lettuce shall be considered as packed, in both open and closed containers.

In addition to the markings required by section 9 of this act, all crates of head lettuce, when packed, shall be plainly and conspicuously stamped or stenciled on the outside thereof, in figures not less than one-half inch in height, with the exact number of heads contained therein; *provided*, that in the case of ten per cent of the crates in any lot the contents may vary not more than three heads from the count as marked.

Additional
marking re-
quirements

Ice packed lettuce shall be in standard container number thirty-seven established in section 11 of this act; *provided*, that other sized containers may be used if conspicuously marked in letters not less than one-half inch in height "irregular container." No standard containers are established for lettuce which is loose or dry packed.

Standard
containers

CHAPTER 97.

An act to amend section 2 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the state's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California fruit and vegetable standardization act,' approved May 23, 1925," approved June 2, 1927, and to amend said act by adding a new section to be numbered 30b, relating to the packing of cauliflower.

[Approved by the Governor April 12, 1929. In effect August 14, 1929]

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

SECTION 1. Section 2 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the state's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California fruit and vegetable standardization act,' approved May 23, 1925," approved June 2, 1927, is hereby amended to read as follows:

Stats. 1927,
p. 1845,
amended.

Standards
for fruits,
nuts, and
vegetables

Sec. 2. To promote the development of the California fruit, nut and vegetable industry, and to prevent deception in the packing, marking, shipping or sale of fruits, nuts and vegetables for state, interstate or foreign commerce, there are hereby created and established certain standards and standard containers for apricots, apples, avocados, berries, cherries, citrus fruits, dates, grapes, peaches, pears, oriental persimmons, plums and fresh prunes, "Wonderful" pomegranates, quinces, walnuts, artichokes, cantaloupes, carrots, cauliflower, head lettuce, melons, onions, potatoes, sweet potatoes and tomatoes.

New section.

SEC. 2. A new section is hereby added to said act, to be numbered 30b and to read as follows:

Standards
for cauliflow-
er and
broccoli

Sec. 30b. Cauliflower and broccoli, when being packed or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container shall conform to the following standard:

Heads of cauliflower and broccoli shall not be excessively discolored, spreading, ricey or fuzzy and shall be free from serious damage caused by freezing, sunburn, rots, worms or other insects; *provided*, that when packed in pony crates heads shall be properly trimmed and tightly packed; *provided further*, that not more than ten per cent, by count, of the heads in any one lot may be below these requirements but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause; *provided, further*, that no container shall have more than twenty per cent, by count, of heads which are below these requirements.

Terms
defined

Properly trimmed shall mean that the number of jacket leaves shall be limited to those necessary to protect the head. Excessively discolored shall mean that the head is of distinctly abnormal color. Excessively spreading shall mean a separation of the main divisions of the curd, when affecting twenty per cent of the entire surface, which gives that part of the head a distinctly open or soft texture. Excessively ricey shall mean an abnormal growth of the stems of the smaller flower clusters, when affecting twenty per cent of the entire surface, producing a distinctly loose or granular appearance of that part of the curd. Excessively fuzzy shall mean a pronounced elongation of the individual flowers of the curd, when affecting one-half of the entire surface.

Additional
marking re-
quirements

In addition to the markings required by section 9 of this act, all packed crates of cauliflower and broccoli, shall be plainly and conspicuously marked on the outside thereof in figures not less than one-half inch in height, with the exact number of heads contained therein; *provided*, that the contents of a pony crate may vary not more than one head from the count as marked; *provided, further*, that the contents of a standard crate may vary not more than two heads from the count as marked; when such variation, in either case, does not occur in more than five per cent of the containers in any one lot.

Count

CHAPTER 98.

An act to amend section 24 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the state's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California fruit and vegetable standardization act,' approved May 23, 1925," approved June 2, 1927.

[Approved by the Governor April 12, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 24 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the state's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California fruit and vegetable standardization act,' approved May 23, 1925," approved June 2, 1927, is hereby amended to read as follows:

Stats. 1927
p. 1868,
amended

Sec. 24. Fresh pears, when being packed, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or sub-container, shall conform to the following standard:

Standards
for fresh
pears.

Fresh pears shall be properly developed and mature but not overripe, not seriously misshapen, shall be free from cuts or skin breaks, serious bruises, black end, San Jose scale, codlin moth larvae, mold, decay, and from serious damage caused by scab or other diseases, hard end, limb rubs, frost, hail, codlin moth larvae or other insects, and in the case of packed pears shall be virtually uniform in size; *provided*, that not more than ten per cent, by count, of the pears in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause; *provided, further*, that pears which fail to meet these requirements only because of serious damage caused by hail may be packed, shipped or sold if the container in which they are placed is plainly and conspicuously marked, in letters not less than one-half inch in height, with the words "hail marked."

Bartlett pears shall not be considered mature unless at the time of picking the color of the skin between the lenticels is of a noticeably lighter green than that of the lenticels themselves and the average pressure test of not less than ten repre-

Bartlett
pears.

sentative pears of the lot does not exceed twenty-three pounds; *provided, however*, that if pears show a distinctly yellowish green color at the time of picking they shall be considered mature if the average pressure test of not less than ten representative pears of the lot does not exceed twenty-five pounds; *provided, further*, that pears which show a distinctly yellow color at the time of picking shall be considered mature regardless of the pressure test. The pressure test shall be determined by means of a fruit pressure tester measuring in pounds the force required to push a rounded plunger five-sixteenth of an inch in diameter into the flesh of the fruit to a depth of five-sixteenths of an inch. The skin from the areas tested, but little of the underlying flesh, shall previously be removed. Two such determinations are to be made on each specimen selected as a sample and the average of all individual readings from the sample shall be considered as the pressure test of the lot. Pressure test readings shall be made on opposite sides, and approximately at the widest portion of the cross section of the fruit at right angles to the core. Sunburned or very highly colored areas shall be avoided in making pressure tests.

Sizes

During the first ten days after the beginning of shipments of Bartlett pears from any district or section, any Bartlett pears, from such district or section, which are smaller than two and one-fourth inches in diameter shall not be considered as properly developed.

Damage.

Damage caused by scab in any pear shall not be considered serious unless the spots cover an aggregate area of more than one-half inch in diameter. Damage caused to any pear by hard end which can be detected by external examination shall be regarded as serious. Damage caused in any pear by other diseases, limb rubs, or frost shall not be considered serious unless it causes a waste of ten per cent by weight of the fruit. Damage to any pear caused by hail shall not be considered serious unless it affects an aggregate area of more than one-half inch in diameter, or is more than one-fourth of an inch in depth. Damage to any pear caused by thrip mark, blister mite or other superficial blemishes due to insects, shall not be considered serious unless it affects ten per cent of the surface of the fruit or causes a depression one-fourth of an inch in depth. Damage caused to any pear by superficial well healed codlin moth "stings" shall not be considered serious, but any unhealed "stings" or holes caused by codlin moth larvae shall be considered serious.

"Virtually uniform in size," defined

"Virtually uniform in size" shall mean, in the case of packed pears, a variation of not more than one-half of an inch in diameter, when measured through the widest portion of cross section between the fruits in any one container, in sizes packed 135 or less in a standard pear box, and a variation of not more than three-eighths of an inch in diameter in any smaller sizes. When packed in layers there shall be approximately the same numerical count in each layer throughout a container or subcontainer having straight sides.

In addition to the markings required by section 9 of this act, all containers of fresh pears, when packed, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of variety, if known, and when not known the words "unknown variety"; the net weight and the approximate number of fruits in the container or sub-container, which number shall be within four of the true count; *provided*, that in lieu of the approximate number of fruits, the numerical description of pack may be used. When two or more varieties are packed or placed in a container they shall be labeled "mixed varieties."

Additional
marking re-
quirements

Containers in which the fruit in the top or outer layer only is placed in regular compact arrangement shall be labeled "face and fill" in lieu of the approximate number of fruits.

Containers

Containers of fresh pears which are not packed shall not be required to show any markings, excepting in the case of hail marked fruit, as hereinbefore specified.

Packed fresh pears shall be in standard containers numbers 5, 6, 7, 16, 17B, 17C, or 23 established in section 11 of this act; *provided*, that other sized containers may be used if conspicuously marked in letters not less than one-half inch in height "irregular container." Container number 17B shall be standard only when used with three pads or cushions. No standard containers are established for loose fresh pears which are not packed.

CHAPTER 99.

An act to amend section 369b of the Penal Code, relating to shipping cattle without unloading or feeding them.

[Approved by the Governor April 12, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 369b, of the Penal Code is hereby amended to read as follows:

Stats 1905,
p 672,
amended

369b. Any officer, agent or conductor of any company or person operating any railroad in this state, who in carrying and transporting horses, cattle, sheep, swine or other animals in carloads, confines the same in cars for a longer period than thirty-six consecutive hours, without unloading for rest, water and feeding, into properly equipped pens for a period of at least five consecutive hours, is guilty of a misdemeanor. In estimating such time of confinement, the period during which animals have been confined without such rest on connecting roads from which they are received, must be computed. In case the owner or person in charge of such animals refuses or neglects to pay for the care and feed of the animals so rested, the company or person operating such railroad may charge the expense thereof to the owner or consignee and retain a lien upon the animals therefor until the same is paid.

Railroad
companies
transporting
cattle, etc.,
without un-
loading for
water, rest
and feeding

Charges a
lien upon
animals

CHAPTER 100.

An act to amend section 646 of the Civil Code, relating to regulation of and deposits required by building and loan associations and similar corporations, associations or societies organized under the laws of any other state or territory or of any foreign country, carrying on business within this state.

[Approved by the Governor April 12, 1929 In effect August 14, 1929]

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

Stats. 1923,
p 268,
amended

Entry of
certain
foreign
corpora-
tions into
California
conditions
precedent

Compliance
with code
provisions
and Stats
1911, p 607,
as amended

Certificate of
authority

Deposit with
state com-
missioner

Supervision.

SECTION 1. Section 646 of the Civil Code is hereby amended to read as follows:

646. No building and loan association or other corporation, association or society organized under and by virtue of the laws of any other state or territory or of any foreign country, for the purpose of conducting and carrying on a business of a character similar to that authorized by this title, or whose by-laws, rules, prospectus, contracts or methods of business provide for the conducting or carrying on the business of accumulating the periodical payments or savings of its shareholders, members or investors in the manner of building and loan associations, or as authorized and provided in this title, shall enter the State of California for the transaction of business or for selling its bonds, debentures, certificates, shares of stock, shares of membership, contracts or other similar securities or shall sell any of its bonds, debentures, certificates, shares of stock, shares of membership, contracts or other similar securities or otherwise transact any of its business of a character similar to that authorized by this title, without first complying with all the requirements of the laws of this state relative to building and loan associations as defined in this title and in an act entitled "The building and loan commission act," approved April 5, 1911, and acts amendatory thereof and supplemental thereto, and until such building and loan association, corporation or society has applied for and received from the building and loan commissioner a certificate of authority or license to transact business in this state as required of building and loan associations organized under the laws of this state, and without having deposited with the building and loan commissioner the money or securities hereinafter in this section required for the transaction of such business within this state. Every such foreign building and loan association, corporation or society transacting business in this state of a character similar to that authorized by this title, or in such a manner as might lead the public to believe that its business is that of a building and loan association, shall become subject to the supervision of the building and loan commissioner, and shall conduct all its business in accordance with the statutes governing building and loan associations organized under the laws of this state.

Every building and loan association, and every other corporation, association or society organized under and by virtue of the laws of any other state or territory or of any foreign country, for the purpose of conducting and carrying on a business of a character similar to that authorized by this title, or whose by-laws, rules, prospectus, contracts or methods of business provide for the conducting or carrying on the business of accumulating the periodical payments or savings of its shareholders, members or investors in the manner of building and loan associations, or as authorized and provided in this title, desiring to enter the State of California for the transaction of business or for selling its bonds, debentures, certificates, shares of stock, shares of membership, contracts, or other similar securities, must first deposit with the building and loan commissioner not less than fifty thousand dollars in lawful money of the United States or in bonds of the United States or of the State of California, or of any county, municipality or school district of said state, or of any public utility corporation, or of any irrigation district in said state, the bonds issued by which district are legal investments for savings banks or any notes or bonds secured by mortgage or deed of trust payment of which is guaranteed by a policy of mortgage insurance, or mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight, title two, part four of division first of the Civil Code or in lieu thereof promissory notes secured by first mortgages or deeds of trust upon unencumbered real estate located within this state, satisfactory to the building and loan commissioner, all duly assigned or endorsed in blank, to be held by him as a guarantee fund for the protection and indemnity of residents of the State of California who shall invest in any of its bonds, debentures, shares, contracts, agreements or other securities, or with whom it shall do business.

Deposit of funds or securities with building and loan commissioner.

Minimum

With the consent of the building and loan commissioner any of the securities deposited as herein provided may be withdrawn at any time upon the substitution and deposit of others of form and character herein specified and of like or greater net value, so long as the aggregate net convertible value of all equals or exceeds the amount named herein. The fund thus created is not to be foreclosed or realized upon except for the liquidation of a final judgment in favor of residents of California who were investors in any of the above mentioned securities of such foreign association, corporation or society, and then only after certified proof thereof has been filed with the custodian.

Change of securities

Except as above provided, securities deposited as herein specified shall not be withdrawn until satisfactory proof of the liquidation of all liabilities to residents of California, approved by the building and loan commissioner, shall be filed with the custodian, when all may then be withdrawn.

Withdrawal requirement

Penalty.

Any person who shall be found in the state, as principal, agent, solicitor, or in any other capacity, soliciting or conducting the business of selling, disposing of, or taking or soliciting subscriptions for the sale of any of the forms of bonds, debentures, shares, contracts, agreements or other securities of any such foreign company, corporation or association which has not complied with all the requirements of this section and which is not at that time the lawful holder of a license to transact business in this state, issued by the building and loan commissioner, and then in force, shall be deemed guilty of a misdemeanor, punishable, upon conviction, by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment in the county jail for not less than one month nor more than twelve months, or by both such fine and imprisonment.

CHAPTER 101.

An act to provide for the impounding and utilization of the waters of the American river for flood control, river flow control and equation, domestic use, irrigation, reclamation, power development, or any one or more of such or other public uses; authorizing the state department of finance to acquire for the state property useful in connection therewith; defining the powers and duties of state officers and departments and of public and private agencies in relation thereto; authorizing the leasing of property of the state for any one or more of such uses and specifying certain terms and conditions to which said lease shall be subject, and declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor April 12, 1929 In effect immediately]

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

Purpose
of act

SECTION 1. It is the purpose of this act to provide for the development of a unit in a general program looking towards the conservation, development, utilization, and regulation of the water resources of the state for the purposes of flood control, river flow control and equation, domestic use, irrigation, reclamation, power development, and other public uses.

Acquisition
of damsite on
American
river.

SEC. 2. The state department of finance is hereby empowered to acquire for the State of California land determined by the state engineer to be necessary for the construction, operation and maintenance of a dam on the American river at a site to be selected by the state engineer upon and adjoining the property of Folsom Prison which dam may be constructed to create a reservoir to impound and utilize the waters of the river for the purposes of flood control, river flow control and equation, domestic use, irrigation, reclamation, power development, or any one or more of such or other public uses.

SEC. 3. The state department of finance is further empowered, in its discretion, to lease for a good and proper consideration to any one or more private persons, firms or corporations, or to any political subdivision or subdivisions of the state, land now owned by the state as a part of Folsom Prison property, and other lands that may be hereafter acquired, or any part of said land or lands, as the site for the construction of the dam mentioned or described in section 2 of this act, also for storage area, for the purpose of constructing, operating and maintaining said dam as a part of a reservoir and its necessary complementary works for impounding the waters of said American river and of a capacity and construction adequate, as determined by the state engineer or other expert adviser that shall be empowered by the state department of finance so to determine, to efficiently, economically and safely carry out the purpose or purposes of such reservoir as set out in sections 1 and 2 of this act; *provided*, that no such lease or leases shall be executed except upon the condition that the State of California shall at the time of such execution or prior thereto acquire satisfactory title in fee simple to all of the lands which may constitute the whole of the site of said dam.

Lease of
dam site

SEC. 4. Any lease executed under the authority of this act shall be for a period not to exceed fifty years, and shall be for such consideration and upon such conditions as may be determined by the state department of finance; *provided*, however, that in addition to any other provisions such lease shall contain in substance the following:

Terms, con-
sideration
and condi-
tions of
lease.

(a) The lessee or lessees shall acquire within a period of time specified in the lease such other land as may be necessary to complete said reservoir and its complementary works as may be determined by the state department of finance as necessary for the purpose of said reservoir and its complementary works hereinabove stated in this act. The plans and specifications for such works and their construction, operation and maintenance shall be subject to the approval of the state officers authorized by law to approve and supervise such works and their operation; *provided*, that the final approval of the adequacy of said reservoir and works for said purposes shall rest with the state department of finance. The lessee or lessees shall undertake to operate said works efficiently, economically, and continuously for and during the period of the lease in conformity with the provisions thereof and with the laws of the state. Said lease shall contain such appropriate provisions for termination, forfeiture and possession, in the event of noncompliance by the lessee with the terms thereof, as may be deemed advisable by the state department of finance for the proper and necessary protection of the state. Said lessee or lessees shall not sell, transfer, or assign such lease or any rights or privileges thereunder except as therein provided:

(b) That the production, generation, transmission, delivery or furnishing of electricity for light, heat or power and the diversion, development, storage, supply and distribution, sale

or furnishing of water for irrigation, municipal, domestic or other beneficial use, through or incident to the use of said dam, reservoir, or complementary works, at wholesale or retail, shall be subject to regulation by the railroad commission of the State of California as to service and rates and in all other respects as to the furnishing of similar service or the delivery of a similar commodity by a privately owned public utility;

(c) That the works and improvements constructed on said leased lands and other property useful in connection with said project, or such of said works, improvements or property as may be specified in said lease, may be acquired by the State of California or any of said political subdivisions at such time, in such manner, for such compensation, and subject to such conditions as may be specified in said lease. Said lease, in the discretion of the state department of finance, may provide for the operation of said works and property by the lessee after the termination of said lease, pending the acquisition of such works, improvements or property, or any thereof, by the state or said political subdivisions.

Duty of
state officers

SEC. 5. It shall be the duty of the state engineer and other state officers to render expert assistance to the state department of finance in the determination of questions of an engineering or other nature.

"Political
subdivision"
defined.

SEC. 6. The term political subdivision, as used in this act, is hereby defined to mean and include any municipal corporation, city, county, city and county, public board, municipal utility district, public utility district, irrigation district, water district, flood control district, reclamation district, lighting district or other public corporation or public quasi corporation having authority to contract for the purchase, sale or use of water, water power or electric energy, but shall not include any privately owned public utility.

Time limit.

SEC. 7. Any lease entered into under the powers conferred by this act shall be executed on or before December 31, 1930.

Urgency
measure.

SEC. 8. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace and safety within the meaning of section 1, article four, of the constitution of the State of California, and as such it shall take effect immediately.

The following is a statement of facts constituting such necessity:

The immediate prosecution of the work contemplated by this act is necessary for the early correction of the present saline conditions now existing in the Sacramento river, of which the American river is a tributary, and which are detrimental to agriculture and industry depending upon the Sacramento river.

It is imperative also that the flood conditions which are now a yearly occurrence on the Sacramento and American rivers and which constitute a grave menace to the cities of Sacra-

mento and North Sacramento should be obviated as speedily as possible in order that the lives and property of inhabitants thereof may be secure.

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

NOTE.—See Stats. 1927, p. 954.

CHAPTER 102.

An act to amend section 1 of an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, as amended, relating to statements of candidates.

[Approved by the Governor April 12, 1929 In effect August 14, 1929]

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

SECTION 1. Section 1 of an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, as amended, is hereby amended to read as follows:

Stats 1927,
p 1214,
amended

Section 1. Every candidate who is voted for at any public election held within the state shall, within fifteen days after the day of holding such election, file, as hereinafter provided, an itemized statement, showing in detail all moneys paid, loaned, contributed, or otherwise furnished to him, or for his use, directly or indirectly, in aid of his election, and all money contributed, loaned, or expended by him, directly or indirectly by himself or through any other person, in aid of his election. Such statement shall give the names of the various persons who paid, loaned, contributed, or otherwise furnished such moneys in aid of his election, and the names of the various persons to whom such moneys were contributed, loaned or paid, the specific nature of each item, the service performed, and by whom performed, and the purpose for which the money was expended, contributed or loaned. If the candidate seeks to avoid the responsibility of any illegal payment made by any other person in his behalf, he shall set out such illegal payment and disclaim responsibility therefor. Candidates for office to be filled by the electors of the state, or of any political division thereof greater than a county, and for members of the Senate and Assembly, representative in congress, or members of the

Statement of
campaign
contributions
and
expenses.

state board of equalization, shall file their statements in the office of the secretary of state. Candidates for all other offices shall file their statements in the office of the clerk of the county wherein the election is held, and within which the duties of the office for which the candidate is voted for are to be exercised. Candidates shall also file a copy of said statement with the recorder of the county or city and county in which he resides.

No fee or charge whatsoever shall be collected or made by any officer herein specified for filing any statement required to be filed under the provisions of this act. Vouchers must be filed for all expenditures, except in the case of sums under five dollars.

CHAPTER 103.

An act to amend section 30 of an act entitled "An act to provide for and regulate primary elections, and provide a method for choosing the delegates for political parties to state conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the direct primary law and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 13, 22, 23, and 24 of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to statement of expenses by candidates.

[Approved by the Governor April 12, 1929. In effect August 14, 1929.]

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

Stats. 1917,
p. 1385,
amended.

SECTION 1. Section 30 of an act entitled "An act to provide for and regulate primary elections, and provide a method for choosing the delegates for political parties to state conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the direct primary law and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 13, 22, 23, and 24 of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, is hereby amended to read as follows:

Statement of
campaign
expenses
and con-
tributions.

Sec. 30. Every person who shall be a candidate for nomination to any elective office shall make in duplicate, within fifteen days after the primary election, a verified statement, setting forth each and every sum of money contributed, disbursed, expended or promised by him, and, to the best of his

knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure his nomination. This statement must show in detail all moneys paid, loaned, contributed, or otherwise furnished to him directly or indirectly in aid of his nomination, together with the name of the person or persons from whom such moneys were received; and must also show in detail, under each of the subdivisions of section 29 of this act, all moneys contributed, loaned, or expended by him directly or indirectly by himself or through any other person, in aid of his nomination, together with the name of the person or persons to whom such moneys were paid, or disbursed. Such statement must set forth that the affiant has used all reasonable diligence in its preparation, and that the same is true and is as full and explicit as he is able to make it. Within the time aforesaid the candidate shall file one copy of said statement with the officer with whom his nomination papers were filed and one copy of said statement with the recorder of the county or city and county in which he resides.

No officer shall issue any certificate of nomination to any person until such statement as herein provided has been filed and no other statement of expenses shall be required except that provided herein, and no fee or charge whatsoever shall be made or collected by any officer for the verifying, filing, or recording of such statements or a copy thereof.

CHAPTER 104.

An act to amend sections 1919, 1927, 1954, 1983, 2077, 2081 and to repeal sections 1913, 1928a, 1928b, 1928c, 1928d, 1929, 1930, 1931, 1932, 1932½, 1933, 1934½, 1962 and 1968 of the Political Code, all relating to the national guard.

[Approved by the Governor April 12, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 1919 of the Political Code is hereby amended to read as follows:

Stats 1917,
p. 303,
amended.

1919. All acts of congress and all rules and regulations for the government of the national guard, including the national defense act, as amended, articles of war, national guard regulations and courts martial manual, so far as the same are not inconsistent with rights reserved to the State of California and guaranteed under the constitution of the State of California, constitute the rules and regulations for the government of the national guard.

Application
of U S
laws, rules
and regula-
tions.

SEC. 2. Section 1927 of the Political Code is hereby amended to read as follows:

Stats. 1921,
p. 1694,
amended.

Officers and
employees in
adjutant
general's
department

1927. The adjutant general's department shall consist of one brigadier general who shall be either commissioned in the adjutant general's department or detailed from officers of other arms of the service and such other officers as may be prescribed by the national defense act of June 3, 1916, and the various amendments thereto. The brigadier general shall be chief of the department and his designation shall be the adjutant general, State of California. The adjutant general will be appointed by and hold office at the pleasure of the governor or until his successor is appointed and qualifies; *provided*, that the qualifications for the appointment to the grade of brigadier general in the adjutant general's department shall be the same as prescribed in section 1934 of this code for a general officer. All officers in the adjutant general's department shall be appointed by the governor, taking into consideration the recommendation of the adjutant general, and, with the exception of the adjutant general, shall hold their positions until they have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for other legal cause; *provided*, that the officers of the adjutant general's department that are to be assigned to brigades shall be appointed as provided for other staff officers in section 1957 of this code.

Stats 1921,
p. 1206,
amended.

Examination
of officers

SEC. 3. Section 1954 of the Political Code is hereby amended to read as follows:

1954. Before receiving a commission, or before being commissioned to a higher grade as a result of promotion, every officer of the national guard must have passed such tests as to his physical, moral and professional fitness as the President of the United States shall prescribe. The examination to determine such qualifications for commission shall be conducted by a board of three commissioned officers appointed by the secretary of war from the regular army or the national guard or both.

Stats 1921,
p. 1208,
amended
Transfers

SEC. 4. Section 1983 of the Political Code is hereby amended to read as follows:

1983. Enlisted men may be transferred upon their own application from one organization to another in accordance with the national guard regulations from time to time promulgated by the militia bureau of the United States or of the commander in chief. The transfers of enlisted men from one organization to another will be in the grade of private unless a vacancy for the grade held at time of transfer exists in the new organization.

Stats. 1921,
p. 1218,
amended.
Travelling
expenses.

SEC. 5. Section 2077 of the Political Code is hereby amended to read as follows:

2077. Whenever an officer of the national guard is detailed for special duty in any matter relating to the national guard, by order of the commander in chief, he shall be allowed the base pay provided for his grade by the pay tables of the United States army and actual traveling expenses. An enlisted man similarly detailed shall be allowed two dollars per day and actual traveling expenses. Whenever an officer or enlisted man of the United States army or navy, detailed by the war or

navy department for service with the national guard of California, is detailed by the commander in chief of this state for special duty involving travel not specially directed by the war or navy department, said officer or enlisted man shall be allowed his actual traveling expenses, but no per diem.

SEC. 6. Section 2081 of the Political Code is hereby amended to read as follows:

Stats. 1915,
p. 674,
amended

2081. The adjutant general and the commanding and supply officers of all organizations of the national guard and naval militia of California and such other officers and employees as may be required so to do by the adjutant general must give such bonds and security as may be required and within the time prescribed by the adjutant general to secure the state for loss on account of the misuse or misapplication of any state, company property or funds or property of the United States issued by the state. Said bonds must be conditioned upon the faithful performance of all duties, and accounting for all property and moneys, including company funds, of which the adjutant general, commanding or other officers or employees shall be custodians. Where a bonding company is required or given as surety the cost of bonds may be paid from the state allowance to commanding officers for such officers and in all other cases from the appropriation for the support of the adjutant general and national guard; *provided*, that the premium on the bond required to be furnished by any officer of the national guard or naval militia of California detailed or appointed to disburse United States funds may be paid to such officer upon proper claim from such military fund as the adjutant general may direct. The amounts of such bonds shall be as follows: The adjutant general in the sum of ten thousand dollars, commanding and supply officers, two thousand dollars, and employees, in a sum deemed adequate by the adjutant general. Any officer who is accountable for any federal, state or company funds or property who fails or neglects to deliver over such funds or property to the person designated by proper authority to relieve such officer, shall be held responsible and shall be charged with all shortages both of funds and property not covered by the receipt obtained by such officer from the person to whom he shall have delivered over such property. Quartermasters and supply officers shall be held accountable and responsible for all property issued to the headquarters to which they are attached, or with which they are on duty. All moneys including company funds, of which the commanding officer or other officer or employee is the custodian, shall be deposited in a United States national bank or a responsible bank duly incorporated under and by virtue of the laws of the State of California.

Bonds of
officers.

Responsi-
bility for
shortages.

Deposits of
money.

SEC. 7. Sections 1913, 1928*a*, 1928*b*, 1928*c*, 1928*d*, 1929, 1930, 1931, 1932, 1932½, 1933, 1934½, 1962 and 1968 of the Political Code are hereby repealed.

Repealed.

CHAPTER 105.

An act to add a new section to the Political Code of the State of California to be known as section 3627c, relating to taxation.

[Approved by the Governor April 12, 1929. In effect August 14, 1929.]

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

New section

SECTION 1. A new section is hereby added to the Political Code to be numbered 3627c, to provide as follows:

Tax or
penalty
not to be
imposed.

3627c. No tax or penalty provided in section 3627a of this code for the tax imposed therein, shall be levied upon or apply to any property therein provided to be taxed by reason of failure of such property, if any, to be returned, declared or taxed prior to the calendar year 1929; nor shall any penalty under the provisions of said section 3627a of this code apply to any such property for failure to make return thereof until after the first Monday in July, 1930.

CHAPTER 106.

An act to amend section 1936 of the Political Code, relating to the powers of the adjutant general.

[Approved by the Governor April 12, 1929. In effect August 14, 1929.]

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

Stats 1927,
p 787,
amended

SECTION 1. Section 1936 of the Political Code is hereby amended to read as follows:

Acquisition
of rifle
range and
camp sites

1936. The adjutant general in the name of the people of the State of California, with the consent and approval of the state department of finance, may lease, purchase, condemn or receive by donation and dedication, camp sites and rifle ranges for use by the national guard, which are hereby declared to be public uses.

Procedure
for condem-
nation.

The adjutant general is hereby authorized, in the name of the people of the State of California, to condemn under the provisions of the Code of Civil Procedure of the State of California relating to eminent domain any lands which he is by law authorized to purchase or acquire for the use of the national guard; and in that event said adjutant general shall declare in writing that public interest and necessity require the purchase or acquisition by the state of the improvement for which said land is required, and that the land described in such declaration is necessary therefor. Upon filing such declaration with the state department of finance said declaration shall be prima facie evidence (a) of the public necessity of such proposed public improvement; (b) that such property

is necessary therefor; and (c) that such proposed public improvement is planned or located in the manner which will be most compatible with the greatest good and the least private injury.

CHAPTER 107.

An act to amend section 4 of an act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people," approved March 24, 1909.

[Approved by the Governor April 12, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 4 of an act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the acquisition by the board of state harbor commissioners, of a necessary area for a tidal basin, for wharves, docks, piers, harbors and appurtenances, in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of state officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this act to a vote of the people," approved March 24, 1909, is hereby amended to read as follows:

Stats 1909,
p. 714,
amended.

Sec. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be sold by the state treasurer at public auction to the highest bidder for cash, in such parcels and numbers as said state treasurer shall determine; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered for sale, and he may by public announcement at the place and time fixed for the sale, for good and sufficient cause, continue such sale as to the whole of the bonds offered or any part thereof offered, to such time and place as he may select, not exceeding, however, sixty days. Due notice of the time and place of sale of all bonds, and of the postponement of sale thereof, must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles,

Sale of bonds
at public
auctions.

Publication
of notice
of sale.

Disposition
of proceeds
of sale

and by one publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. The costs of such publication shall be paid out of the "San Francisco harbor improvement fund" in the same manner as other claims against said fund are paid. The proceeds of the sale of such bonds shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "India basin fund," and must be used exclusively for the acquisition of the area described in the act referred to in section 1 hereof. Claims upon said fund shall be presented to the state controller for payment and paid by said controller in the same manner as claims are presented for payment and paid by said controller from out of the "San Francisco harbor improvement fund."

CHAPTER 108.

An act to amend section 4 of an act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said fund; to define the duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people," approved June 16, 1913.

[Approved by the Governor April 12, 1929. In effect August 14, 1929.]

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

Stats. 1913,
p 1123,
amended

SECTION 1. Section 4 of an act entitled "An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the board of state harbor commissioners of wharves, piers, state railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of said bonds; to define the duties of state officers in relation thereto; to make an appropriation of five thousand dollars for the expense of printing said bonds; and to provide for the submission of this act to a vote of the people," approved June 16, 1913, is hereby amended to read as follows:

Sale of
bonds.

Sec. 4. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such

parcels and numbers as said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the board of state harbor commissioners, and approved by either the governor of the state or mayor of the city and county of San Francisco, who shall only approve the same when in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent increased burden on harbor receipts; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and he may, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof, offered, to such time and place as he may select. Before offering any of said bonds for sale the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The cost of such publication shall be paid out of the San Francisco harbor improvement fund in the same manner as other claims against said fund are paid. The proceeds of the sale of such bonds except such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "third San Francisco seawall fund" and must be used exclusively for the construction of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith on the water front of the city and county of San Francisco. Claims upon said fund shall be presented to the state controller for payment and paid by said controller in the same manner as claims are presented for payment and paid by said controller from out of the San Francisco harbor improvement fund. The amount that shall have been paid at the sale of said bonds as accrued interest on the bonds sold shall be, by the state treasurer, immediately after such sale, paid into the treasury of the state and placed in the "third San Francisco seawall sinking fund."

Publication
of notice
of sale.

Disposition
of proceeds.

CHAPTER 109.

An act to amend section 1469 of the Code of Civil Procedure, relating to setting aside estates not exceeding two thousand five hundred dollars in value.

[Approved by the Governor April 12, 1929. In effect August 14, 1929.]

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

Stats 1927,
p 501,
amended

Administra-
tion of small
estates

SECTION 1 Section 1469 of the Code of Civil Procedure is hereby amended to read as follows:

1469. If a deceased person leave a widow or minor child or minor children, and upon the return of the inventory of the estate of such deceased person it shall appear to the clerk of the court by the verified petition of the personal representative of such deceased person or of his widow or of the guardian of his minor children or of any of them, that the net value of the whole estate of said deceased over and above all liens or encumbrances of record at the date of the death of said deceased does not exceed the sum of two thousand five hundred dollars, any and all persons interested may appear on a day which shall be fixed by such clerk to show cause why the whole of said estate should not be assigned for the use and support of the family of the deceased.

Notice.

Notice thereof shall be given and proceedings had in the same manner as provided in section 1465a of this code.

Decree.

If upon the hearing, the court finds that the net value of the estate over and above all liens or encumbrances of record at the date of the death of said deceased does not exceed the sum of two thousand five hundred dollars, it shall, by decree for that purpose, assign to the widow of the deceased, if there be a widow, or if there be no widow, then to the minor children of the deceased, if there be minor children, the whole of the estate, subject to whatever mortgages, liens, or encumbrances there may be upon said estate at the time of the death of said deceased, after the payment of the expenses of the last illness of the deceased, funeral charges, and expenses of administration, and the title thereof shall vest absolutely in such widow, if there be a widow, or if there be no widow, in the minor children or child, subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the deceased, and there must be no further proceedings in the administration, unless further estate be discovered. But no widow or minor child having other estate of five thousand dollars in value, shall be entitled to such an assignment.

CHAPTER 110.

An act to amend section 1986 of the Code of Civil Procedure, relating to issuance of subpoenas and subpoenas to take depositions.

[Approved by the Governor April 12, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1986 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1907,
p. 730,
amended

1986. 1. A subpoena is issued as follows: To require attendance before a court, or at the trial of an issue therein, or upon the taking of a deposition in an action or proceeding pending therein, it is issued by the clerk of the court in which the action or proceeding is pending, under the seal of the court, or if there is no clerk or seal then by a judge or justice of such court; Subpoena,
how issued

2. To require attendance before a commissioner appointed to take testimony by a court of a foreign country, or of the United States, or of any other state in the United States, or before any officer or officers empowered by the laws of the United States to take testimony, it may be issued by the clerk of the superior court of the county in which the witness is to be examined, under the seal of such court;

3. To require attendance out of court, in cases not provided for in subdivision one, before a judge, justice, or other officer authorized to administer oaths or take testimony in any matter under the laws of this state, it is issued by the judge, justice, or other officer before whom the attendance is required.

If the subpoena is issued to require attendance before a court, or at the trial of an issue therein, it is issued by the clerk, as of course, upon the application of the party desiring it. If it is issued to require attendance before a commissioner or other officer upon the taking of a deposition, it must be issued by the clerk of the superior court of the county wherein the attendance is required upon the application of the party desiring it upon proper showing by affidavit to be filed with said clerk.

 CHAPTER 111.

An act providing for annual conventions of secondary school principals.

[Approved by the Governor, April 12, 1929 In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 112.

An act to amend section 394 of the Code of Civil Procedure, relating to the place of trial of actions or proceedings to which a county, city and county or city is a party.

[Approved by the Governor April 12, 1929. In effect August 14, 1929.]

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

Stats 1921,
p 573,
amended

Place of trial
in action to
which
county, city
and county,
or city, is
a party

SECTION 1. Section 394 of the Code of Civil Procedure is hereby amended to read as follows:

394. An action or proceeding against a county, or city and county, may be commenced and tried in such county, or city and county, unless such action or proceeding is brought by a county, or city and county, in which case it may be tried in any county, or city and county, not a party thereto. Whenever an action or proceeding is brought by a county, city and county, or city, against a resident of another county, city and county, or city, or a corporation doing business in the latter, the action or proceeding must be, on motion of either party, transferred for trial to a county, or city and county, other than the plaintiff, if the plaintiff is a county, or city and county, and other than that in which the plaintiff is situated, if the plaintiff is a city, and other than that in which the defendant resides or is doing business or is situated. Whenever an action or proceeding is brought against a county, city and county, or city, in any county, or city and county, other than the defendant, if the defendant is a county, or city and county, or, if the defendant is a city, other than that in which the defendant is situated, the action or proceeding must be, on motion of the said defendant, transferred for trial to a county, or city and county, other than that in which the plaintiff, or any of the plaintiffs, resides, or is doing business, or is situated, and other than the plaintiff county, or city and county, or county in which such plaintiff city is situated, and other than the defendant county, or city and county, or county in which such defendant city is situated; *provided, however*, that any action or proceeding against a city, county, or city and county for injury occurring therein, to person or property or person and property caused by the negligence or alleged negligence of such city, county, or city and county, or its agents or employees, shall be commenced and tried in such county, or city and county, or if a city is a defendant, in such city or in the county in which such city is situated. In any action or proceeding, the parties thereto may, by stipulation in writing, or made in open court, and entered in the minutes, agree upon any county, or city and county, for the place of trial thereof. This section shall apply to actions or proceedings now pending or hereafter brought.

Exception.

CHAPTER 113.

An act to amend section 323 of the Civil Code, relating to certificates of stock of corporations.

[Approved by the Governor April 12, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 323 of the Civil Code is hereby amended to read as follows: Stats. 1907,
p 348,
amended

323. All corporations for profit must issue certificates for shares when fully paid up, and may provide, in their by-laws, for issuing certificates prior to full payment, under such restrictions and for such purposes as their by-laws may provide; but any certificate issued prior to full payment must show on its face what amount has been paid thereon. All certificates for shares issued by a corporation authorized by its articles of incorporation to issue shares of different classes shall express upon their face the kind of shares represented by them, and contain a statement of the number of shares of each class which such corporation is authorized to issue, and a statement of the nature and extent of and preferences granted to and any restrictions imposed upon, any class or classes of shares. Every certificate for shares issued by a corporation must be signed by the president or a vice president and the secretary or an assistant secretary, or be authenticated by engraved facsimiles of the signatures of its president and secretary or by an engraved facsimile of the signature of its president and the written signature of its secretary or an assistant secretary. Before it becomes effective every certificate for shares authenticated by an engraved facsimile of a signature must be countersigned by a transfer agent or transfer clerk and be registered by an incorporated bank or trust company as registrar of transfers before issuance. Certificates
for shares,
how and
when issued

Authentica-
tion and
signatures

CHAPTER 114.

An act to amend the Penal Code of the State of California by adding thereto a section designated as number 1614a, providing for credits for good behavior to prisoners confined in a county or city jail under judgment of imprisonment in a criminal action or proceeding.

[Approved by the Governor April 16, 1929. In effect August 14, 1929]

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

SECTION 1. The Penal Code of the State of California is hereby amended by adding thereto a new section to be known as 1614a and to read as follows: New section

1614a. For each month in which a prisoner confined in a county jail or any city jail under a judgment of imprisonment in a criminal action or proceeding, appears, by the Reduction of
sentence for
good
conduct.

record, to have given a cheerful and willing obedience to the reasonable rules and regulations established by the county board of parole commissioners for the conduct of such prisoners, and that his conduct is reported by the officer in charge of the jail to be positively good, five days shall, with the consent of the county board of parole commissioners, be deducted from his term of sentence.

CHAPTER 115.

An act authorizing the state board of forestry to designate hazardous fire areas within the State of California; making it unlawful to build fires in such areas, except in camp sites established therein, and providing penalties for the violation of the provisions thereof.

[Approved by the Governor April 16, 1929. In effect August 14, 1929.]

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

Petition for designation of "hazardous fire area "

SECTION 1. Upon the written petition of the owners or authorized agents of more than fifty per cent of the land, including public land, within the exterior boundaries of any area of not less than ten thousand acres in size, upon which a fire hazard exists due to the presence of inflammable material or cover, the state board of forestry may designate such area as a "hazardous fire area," and shall declare the period during which the area shall be designated as a "hazardous fire area."

Power of state board of forestry

Campfires and camp sites

SEC. 2. It shall be unlawful for anyone to smoke or build a campfire or bonfire within a "hazardous fire area"; *provided, however,* that the state board of forestry may establish camp grounds or camp sites within such areas wherein smoking and the building of camp fires may be allowed; *provided, further,* that no such camp grounds or camp sites shall be established without the consent of the owner or authorized agent of the land upon which they are located; *and provided, further,* that no regulation under this act shall prohibit or curtail the complete possession and use of any area by the owner thereof and his authorized agents. Notices of the creation of each hazardous fire area will be given by the posting of notices at intervals not greater than one-third mile along the exterior boundaries or along roads and trails passing through such lands.

Use by owner

Notices

National forest lands

SEC. 3. Except at the places or during the period designated by regulations set up under authority of the secretary of agriculture of the United States, it shall be unlawful for any person or persons to smoke or build a camp fire upon national forest land without the written permit issued by an authorized agent of the secretary of agriculture of the United

States, or without possession of the fire fighting tools required ^{Penalty} by such permit.

SEC. 4. Any person violating any of the provisions of this act is guilty of a misdemeanor.

CHAPTER 116.

An act to amend section 3 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended.

[Approved by the Governor April 16, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 3 of an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, is hereby amended to read as follows: ^{Stats 1909, p 1029, amended}

Sec. 3. The board of fire commissioners so appointed by said board of supervisors, and their successors, shall be authorized and empowered, and it shall be their duty: ^{Powers and duties of commissioners}

1. To fix and establish the fire limits of said town or village at a distance or distances in no case greater than one-half mile from the actual limits thereof, and shall accurately describe said fire limits in writing by metes and bounds and file a copy thereof, subscribed by them, in the office of the county recorder of the county in which said town or village is situated. ^{Fire limits}

2. To make all contracts, with water companies for a supply of water and attaching hydrants or fire-plugs to the pipes, or conduits, or cisterns of such water company; to make contracts for and to purchase the engines, hose, hose carts or carriages, and other appliances for the full equipment of a fire company or department; ^{Contracts}

3. To call an election and to submit to the electors residing within said fire limits fixed by them, the question whether a tax shall be levied and raised for the purpose of establishing and equipping a fire department for the said town or village, and for protecting the same from loss by fire. ^{Election}

4. In the event of the establishment and equipment of a fire department in any unincorporated town or village, as provided for in this act, the board of fire commissioners are hereby directed and empowered, and it shall be their duty, to estimate and determine the annual amount of money required for the maintenance of said fire department for the ensuing fiscal year, and shall report the same to the board of ^{Estimates}

supervisors of the county in which said fire district is located not later than the first day of July of each year;

Election
judges.

5. To appoint judges, not less than three, and other officers, to conduct such election, and to issue certificates of election.

6. To do and perform such other acts and things as may be proper and necessary to carry out the full intent and meaning of this act.

CHAPTER 117.

An act to repeal the section 9, amended by statutes of 1907, chapter four hundred seventy-two, and amended by statutes of 1927, chapter two hundred twelve, of an act entitled "An act to appropriate money for the support of orphans, half-orphans and abandoned children," approved March 25, 1880, as amended.

[Approved by the Governor April 16, 1929 In effect August 14, 1929]

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

Sec 9,
Stats 1927,
p 380,
repealed

SECTION 1. The section 9, amended by statutes of 1907, chapter four hundred seventy-two, and amended by statutes of 1927, chapter two hundred twelve, of an act entitled "An act to appropriate money for the support of orphans, half-orphans and abandoned children," approved March 25, 1880, as amended, is hereby repealed.

CHAPTER 118.

An act to amend section 19x25 of the juvenile court law relating to probation officers in counties of the twenty-fifth class.

[Approved by the Governor April 16, 1929 In effect August 14, 1929.]

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

Stats 1925,
p 375,
amended
Counties of
25th class
salaries of
probation
officers and
assistants

SECTION 1. Section 19x25 of the juvenile court law is hereby amended to read as follows:

19x25. In counties of the twenty-fifth class there shall be one probation officer, whose salary is hereby fixed at the sum of two hundred fifty dollars per month. In counties of this class the probation officer shall perform in addition to his duties as probation officer the duties of attendance officer for the schools of the county and investigator for the board of supervisors on applications for county and state aid, without any additional compensation; *provided, however,* that he shall receive his necessary traveling and other expenses and such mileage as the board of supervisors shall fix and allow in the performance of such duties. In counties of this class the probation officer shall be allowed one assistant probation officer,

which office is hereby created, who shall act as stenographer, and whose salary is hereby fixed at the sum of one hundred dollars per month. The salary of such assistant probation officer shall be paid at the same time and in the same manner and out of the same fund as the salary of the probation officer is paid.

CHAPTER 119.

An act to amend section 4282 of the Political Code relating to the salaries, fees and expenses of officers in counties of the fifty-third class.

[Approved by the Governor April 16, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 4282 of the Political Code is hereby amended to read as follows:

4282. In counties of the fifty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, one thousand eight hundred dollars per annum; *and provided*, that in any year when a new register of voters is required by law said county clerk may appoint such number of deputy clerks as may be necessary for the convenience of registration of voters. Each of said deputies to receive the sum of fifteen cents per name for each elector registered by him.

2. The sheriff, three thousand eight hundred dollars per annum.

3. The recorder, one thousand five hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees so collected shall exceed one hundred dollars in any one month, the recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of one hundred dollars in any one month, so collected; *and provided*, that the recorder may retain for his own use all fees collected for filing and recording proofs of labor and notices of location of mining claims.

4. The auditor, six hundred dollars per annum; he may also appoint a deputy auditor, which office of deputy auditor is hereby created whose salary shall be one thousand two hundred dollars per annum payable as the salaries of all other county officers are paid.

5. The treasurer, one thousand five hundred dollars per annum.

6. The tax collector, one thousand two hundred dollars per annum, and ten per cent of all licenses collected by him.

Stats 1925,
p. 75,
amended
Counties of
53d class
(Mariposa)
Salaries and
fees of
offices and
employees
Clerk.

Sheriff.

Recorder

Auditor

Treasurer.

Collector

- Assessor 7. The assessor, one thousand nine hundred dollars per annum.
- District attorney 8. The district attorney, one thousand six hundred dollars per annum.
- Coroner 9. The coroner, such fees as are now or may be hereafter allowed by law.
- Public administrator 10. Public administrator, such fees as are now or may be hereafter allowed by law.
- Superintendent of schools 11. Superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses of visiting schools of the county.
- Surveyor 12. The surveyor, such fees as are now or may be hereafter allowed by law.
- Justices 13. Justices of the peace, one hundred fifty dollars per annum.
- Constables 14. Constables, ten dollars per month in addition to such fees as are now or may be hereafter allowed by law.
- Supervisors 15. Supervisors, each the sum of nine hundred dollars per annum, for all services performed by them, as supervisors and members of the board of equalization. They shall act as road commissioners in their respective districts and shall receive for the service of such road commissioner three dollars per day for each day's service as such road commissioner. Such compensation as road commissioner shall not exceed three hundred dollars per annum.
- Jurors 16. Grand jurors, and jurors of the superior court in civil and criminal cases shall be paid five dollars per day for each day's attendance, and for each mile actually traveled in going only, while acting as such juror, thirty cents per mile, and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

CHAPTER 120.

An act permitting state officers and state employees to attend military training encampments without deduction of pay.

[Approved by the Governor April 16, 1929 In effect August 14, 1929]

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

Attendance
of state and
political
subdivision
employees
at military
encamp-
ments

SECTION 1. All state officers and all other persons employed by the State of California, or any political division thereof, including irrigation districts, water districts and school districts or any other districts of any kind or character now in existence or hereinafter created who are members of the national guard of California or reserve officers or enlisted men in the army, navy, or marine corps reserve, shall be permitted to attend encampments of said military organizations for training, without deduction of pay, time or efficiency

rating during the period for which they shall so attend said encampments; *provided, however*, that the foregoing provisions shall not in any manner restrict or limit the usual and ordinary vacation period allowed such state officers and other persons.

CHAPTER 121.

An act to amend section 4268 of the Political Code relating to the salaries, fees and expenses of officers, and the fees and mileage of jurors in counties of the thirty-ninth class.

[Approved by the Governor April 16, 1929 In effect August 14, 1929]

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

SECTION 1. Section 4268 of the Political Code is hereby amended to read as follows:

Stats 1927.
p 347,
amended
Counties of
39th class
Salaries and
fees of
officers.

4268. In counties of the thirty-ninth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, three thousand dollars per annum, and when a great register of voters is required by law to be made, he shall receive the sum of fifteen cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election and paid from the general fund of the county; *provided*, that in any year when a primary election is held, he shall receive the sum of five hundred dollars additional, which shall be in full for all services rendered at said primary election.

County clerk

2. The sheriff, six thousand dollars per annum. The sheriff shall also receive for his own use, for serving all papers issued from justices' courts, the same fees as are now or may be hereafter allowed by law to constables for like services.

Sheriff

3. The recorder, three thousand two hundred dollars per annum.

Recorder

4. The auditor, eight hundred dollars per annum.

Auditor

5. The treasurer, two thousand five hundred dollars per annum; *and provided*, that in counties of this class the treasurer may appoint a deputy treasurer, which office of deputy treasurer is hereby created, and said deputy treasurer shall receive as compensation for such service, the sum of one thousand three hundred twenty dollars per annum, to be paid out of the county treasury in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid.

Treasurer

6. The tax collector, six hundred fifty dollars per annum

Tax collector
Assessor

7. The assessor, five thousand five hundred dollars per annum; he may also appoint one deputy assessor for four months of each year at a salary of one hundred twenty-five dollars per month, and one deputy assessor for five months of each year at a salary of one hundred twenty-five dollars per month. All fees or commissions which may heretofore have

been collected, or which may hereafter be collected, under the provisions of law and which have heretofore been allowed the county assessor for his own benefit shall hereafter be paid to the county treasurer to be deposited in the general fund of the county. The provisions of this subsection relating to the appointment of the two deputy assessors by the county assessor do not increase the compensation of a county officer and shall take effect ninety-one days after the final adjournment of the 1927 session of the Legislature.

District
attorney.

8. The district attorney, two thousand five hundred dollars per annum; and the district attorney may appoint one deputy, at a salary of six hundred dollars per annum. The deputy district attorney shall hold office at the pleasure of the district attorney. The salary of such deputy shall be paid monthly and in the same manner as salaries of county officers are now paid; and in counties of this class the district attorney is allowed and may appoint one clerk, which office is hereby created. The salary of said clerk is fixed at six hundred dollars per annum payable at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public ad-
ministrator

10. The public administrator, four hundred dollars per annum.

Superintend-
ent of
schools.

11. The superintendent of schools, two thousand seven hundred dollars per annum; and he shall receive and retain for his own use the sum of five dollars per diem for each and every day he attends the meetings of the county board of education, and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county.

Surveyor.

12. The surveyor, fifteen dollars per day when engaged in county work. He shall also receive his actual and necessary expenses when at work in the field.

Supervisors.

13. Each member of the board of supervisors shall receive for his services the sum of nine hundred dollars per annum, and the actual expenses incurred in attendance and for traveling to and from his residence to the county seat at any regular or special session of the board, and that one-twelfth of the annual salary shall be paid at the close of each monthly session of the board; and provided, further, they shall be reimbursed for necessary expenses actually incurred by attending any special session of the board. The road commissioner shall be reimbursed for all traveling, personal and other necessary expenses incurred while actually engaged in the performance of his duty upon the roads; such allowance not to exceed the sum of five dollars for each day so actually engaged, and the total amount of such allowance not to exceed the sum of three hundred dollars per annum.

Classification
of townships.

14. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of 1920, as follows: Townships

having a population of four thousand and more shall belong to and be known as townships of the first class; townships having a population of two thousand five hundred and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand five hundred shall belong to and be known as townships of the third class; townships having a population of less than one thousand shall belong to and be known as townships of the fourth class. Justices of the peace shall receive the following salaries: In townships of the first class, the sum of one thousand two hundred dollars per annum; in townships of the second class, the sum of one thousand two hundred dollars per annum; in townships of the third class, the sum of one thousand two hundred dollars per annum; in townships of the fourth class, the sum of sixty dollars per annum; payable monthly and in the same manner as salaries of county officers are paid, and shall be in full for all services; *provided, further*, that justices of the peace shall, before receiving their monthly salary file with the auditor a statement of all fees and fines received, together with the treasurer's receipt for the same. All fees and fines collected by justices of the peace shall be turned over to the county treasurer of said county; *provided*, that all fines collected for city offenses shall be turned over to the city treasurer of the city where the offense shall have been committed.

15. The constables: (a) For all services rendered by them in civil cases, they may receive and retain for their own use such fees as now or hereafter may be allowed by law, and (b) for all services rendered by them in criminal cases they shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury, and in addition constables in townships of the first class shall be allowed a salary of four hundred eighty dollars per annum; in townships of the second class, four hundred eighty dollars per annum; in townships of the third class, one thousand eighty dollars per annum; in townships of the fourth class, such fees as are now or may be hereafter allowed by law.

16. In counties of this class, the official shorthand reporter of the superior court shall receive the sum of one thousand five hundred dollars per annum as compensation for his services rendered in the reporting of criminal cases in both the superior court and the justices' courts in the county of Nevada. Said salary to be paid in monthly installments at the same time and in the same manner as other county officers' salaries are paid. For the transcription of his notes he shall receive the fees now or hereafter authorized by law. In civil cases he shall receive the fees now or hereafter authorized by law.

When it shall be necessary for such reporter to travel away from the county seat in the performance of his duty he shall receive his actual and necessary traveling and personal expenses, to be allowed and paid by the board of supervisors as are other county charges.

CHAPTER 122.

An act to amend an act entitled "An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district land; and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and levy thereof, upon the lands of the district to secure revenue for such payments, and to provide for the judicial review and determination of the validity of the proceedings in connection with such contract," approved May 5, 1917, as amended, by adding a new section thereto numbered section 10, relating to contracts of irrigation districts for construction of public works.

[Approved by the Governor April 16, 1929. In effect August 14, 1929]

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

Stats 1917,
p. 243,
amended

SECTION 1. An act entitled "An act to authorize irrigation districts to cooperate and contract with the United States under the provisions of the federal reclamation laws for a water supply, or the construction, operation or maintenance of works, including drainage works, or for the assumption by the district of indebtedness to the United States on account of district land; and to provide the manner and method of payments to the United States under such contract, and for the apportionment of assessments, and levy thereof, upon the lands of the district to secure revenue for such payments, and to provide for the judicial review and determination of the validity of the proceedings in connection with such contract," approved May 5, 1917, as amended, is hereby amended by adding thereto a new section to be numbered 10 and to read as follows:

Irrigation
district may
contract for
construction
of work.

Sec. 10. In addition to the other powers enumerated in this act, in any case where the United States or any department thereof under United States authority, is about to construct or is authorized to construct works for the benefit of any such irrigation district and such district is obligated by contract or otherwise to repay the construction cost thereof in whole or in part to the United States or such department thereof, then such irrigation district may by resolution of its board of directors enter into contract with the United States or such department therefor for the construction of such works or may submit bids for construction thereof the same as any other person or corporation could submit bids for the construction of public works, and in the event such irrigation district shall become the successful bidder for such works or any part thereof the irrigation district is authorized to cause

to be executed at the cost of the district a bond or bonds for the faithful performance of the work and to do any and all things required by the United States or such department thereof as would be required of any other successful bidder on such works, and such irrigation district shall upon the execution of such construction contract proceed with the work in the same manner and under the same laws, rules, and regulations as would apply to such irrigation district in the construction of any works which such district is authorized to construct and for the purpose of providing the necessary moneys to carry on such construction work the board of directors of such irrigation district is authorized to borrow money for a term not exceeding five years and at rates of interest to be fixed by the board of directors, not exceeding seven per centum per annum, and issue notes, warrants or other evidence of indebtedness therefor; *provided, however*, that the aggregate amount of such indebtedness shall at no time exceed one-half of the total construction cost as provided by the contract therefor; *and provided, further*, that any moneys received by such irrigation district from the United States or any department thereof under such contract shall first be applied to the retirement of such notes, warrants or other evidences of indebtedness.

CHAPTER 123.

An act to amend section 19f of the "Juvenile court law," approved June 5, 1915, as amended, relating to the probation officer and assistants in counties of the seventh class and the salaries thereof.

[Approved by the Governor April 16, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 19f of the "Juvenile court law," approved June 5, 1915, as amended, is hereby amended to read as follows: Stats 1925,
p. 280,
amended

Sec. 19f. In counties of the seventh class there shall be one probation officer and three assistant probation officers. The salaries of such officers shall be as follows: Probation officer, three thousand dollars per annum; one assistant probation officer, two thousand four hundred dollars per annum; and two assistant probation officers, one thousand nine hundred eighty dollars per annum. Counties of
7th class
salaries of
probation
officers

CHAPTER 124.

An act to amend section 2322x24 of the Political Code, relating to the county horticultural commissioner, his deputies, inspectors and clerks in counties of the twenty-fourth class.

[Approved by the Governor April 16, 1929. In effect August 14, 1929]

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

Stats 1927,
p 1100,
amended
Counties of
24th class
horticultural
commis-
sioner

SECTION 1. Section 2322x24 of the Political Code is hereby amended to read as follows:

2322x24. In the counties of the twenty-fourth class the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class there shall be allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows:

(a) One deputy county horticultural commissioner at a salary of two thousand dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed three inspectors at a salary of one hundred fifty dollars per month each during such time as actually employed and not to exceed two inspectors at a salary of one hundred twenty-five dollars per month each during the time such inspectors are actually employed, but the aggregate amount to be expended in any one year for all such inspectors shall not exceed the sum of eight thousand four hundred dollars.

CHAPTER 125.

An act to amend section 1613 of the Penal Code, providing that persons confined in the county jail under final judgment of imprisonment rendered in a criminal action may be required to labor.

[Approved by the Governor April 16, 1929. In effect August 14, 1929]

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

Pen C.
1872,
p 357,
amended
Prisoners
may be
required
to labor

SECTION 1. Section 1613 of the Penal Code is hereby amended to read as follows:

1613. Persons confined in the county jail under a final judgment of imprisonment rendered in a criminal action or proceeding, may be required by an order of the board of supervisors to perform labor on the public works or ways in the county.

"Labor on
public
works,"
defined.

The phrase "labor on the public works" as used in this section shall include among other things clerical and menial labor in the county jail or in the camps maintained for the labor of such persons upon the ways in the county.

CHAPTER 126.

An act to amend section 4246 of the Political Code, relating to the salaries, fee and expenses of officers in counties of the seventeenth class.

[Approved by the Governor April 16, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 4246 of the Political Code is hereby amended to read as follows:

Stats 1927,
p 1622,
amended
Counties of
17th class
officers and
employees

4246. In counties of the seventeenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees, and expenses, to wit:

1. County clerk, three thousand dollars per annum; *provided*, that in counties of this class there shall be, and hereby is, allowed to the county clerk, one chief deputy who shall receive a salary of two thousand four hundred dollars per annum, three deputies who shall receive a salary of one thousand eight hundred dollars per annum, and in each year in which a new and complete registration of voters is required by law, he shall appoint as many deputy registration clerks as may be necessary for the convenient registration of the voters of the county, which deputy registration clerks shall receive as compensation for their services a sum of ten cents per name for each and every voter registered by them, and also one additional deputy to compile the great register, and for mailing sample ballots, at a compensation not to exceed two hundred fifty dollars for each such registration year; *provided, further*, that in counties of this class the county clerk shall be and hereby is authorized to retain for his own use and benefit such fees or parts of fees as are now or which hereafter may be allowed to the county clerks by the laws of the United States, pertaining to naturalization of citizens and to the public lands; *provided, further*, that there shall be, and hereby is, allowed to the county clerk such extra deputy or deputies as the board of supervisors may deem necessary to properly perform the duties of said office; *provided, however*, that the total compensation of such deputy or deputies shall not exceed the sum of one thousand five hundred dollars in any one year.

Clerk

2. Sheriff, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be, and hereby is, allowed to the sheriff one under-sheriff whose salary is hereby fixed in the sum of two thousand seven hundred dollars per annum, one chief deputy who shall receive a salary of two thousand four hundred dollars per annum, three deputies, who shall be jailers, who shall each receive a salary of one thousand eight hundred dollars per annum, one deputy who shall be finger-print expert who shall receive a salary of two thousand one hundred dollars per annum,

Sheriff

two deputies who shall be court bailiffs who shall receive a salary of one thousand five hundred dollars per annum, one deputy who shall also be chauffeur who shall receive a salary of one thousand eight hundred dollars per annum, one deputy who shall be matron and stenographer and who shall receive a salary of one thousand five hundred dollars per annum, two deputies who shall be chain gang guards who shall receive a salary of one thousand five hundred dollars per annum; *provided*, that such guards may be used by the sheriff for other purposes when not required as guards; four additional deputies who shall each receive a salary of one thousand eight hundred dollars per annum; *provided*, that there shall be and hereby is allowed to the sheriff one deputy to be known as and to perform the duty of night matron, who shall receive not more than one thousand two hundred dollars per annum; *provided*, that there shall be, and hereby is, allowed to the sheriff such extra deputies as the board of supervisors may deem necessary to properly guard the outlying districts of the county; *provided*, that the total compensation of all such deputies shall not exceed the sum of three thousand six hundred dollars in any one year.

Recorder.

3. Recorder, two thousand seven hundred dollars per annum; *provided*, that in counties of this class there shall be, and is hereby allowed the recorder one deputy at a salary of one thousand five hundred dollars per annum, and one deputy who shall receive a salary of one thousand two hundred dollars per annum; *provided, further*, that there shall be, and hereby is, allowed to the county recorder such extra deputy or deputies as the board of supervisors may deem necessary to properly perform the duties of said office; *provided, however*, that the total compensation of such deputy or deputies shall not exceed the sum of one thousand two hundred dollars in any one year and as many copyists as may be required who shall receive as compensation the sum of five cents per folio for recording, copying and comparing any instrument or notice, except maps or plats, and for copies of any record or paper, five cents per folio; *provided, however*, that on instruments that are partly typewritten and partly printed, and for the recording of which the county has furnished the county recorder with books containing printed forms corresponding to such instruments, the compensation shall be two and one-half cents per folio for the entire number of folios of written and printed matter in said instrument. The salaries of all copyists herein provided for shall be paid by the county in monthly installments at the same time, and in the same manner, and out of the same fund that the salary of the county recorder is paid.

Auditor

4. Auditor, three thousand dollars per annum; *provided*, that there is hereby allowed to the auditor one chief deputy who shall receive a salary of two thousand one hundred dollars per annum, one deputy who shall receive a salary of one thousand eight hundred dollars per annum, one deputy who shall

receive a salary of one thousand eight hundred dollars per annum, one deputy for not more than ten months in each year, who shall receive a salary of one hundred ten dollars per month and four additional clerks for not more than one month in each year, who shall receive a salary of one hundred ten dollars each per month.

5. Treasurer, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the treasurer, the sum of not exceeding one thousand eight hundred dollars per annum, to be expended for the salary of a deputy. Treasurer

6. Tax collector, three thousand dollars per annum; one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, and eight deputies for not more than three months of each year, who shall each receive a salary of one hundred ten dollars per month. Tax collector

7. Assessor, three thousand dollars per annum; one chief deputy who shall receive a salary of two thousand one hundred seventy-five dollars per annum, one stenographer and roll writer for not more than nine months in each year, who shall receive a salary of one hundred twelve and fifty hundredths dollars per month, one deputy for writing plat books for not more than six months in each year, who shall receive a salary of one hundred twenty-five dollars per month, one check deputy for not more than six months in each year, who shall receive a salary of one hundred twenty-five dollars per month, three additional deputies for not more than six months in each year, who shall each receive a salary of one hundred dollars per month, one collection deputy for not more than seven months of each year at a salary of two hundred dollars per month, and, one collection deputy for not more than two months in each year, who shall receive a salary of two hundred dollars per month, twelve field deputies for not more than three months in each year who shall each receive a salary of two hundred dollars per month, one field deputy for the Bard district for not more than three months in each year, who shall receive a salary of two hundred twenty-five dollars per month; all of said field deputies shall pay their own expenses. It is hereby provided that in counties of this class, the assessor shall receive no fees or compensation for his collection of taxes on personal property, or possessory interests. Assessor

8. District attorney, four thousand dollars per annum; one chief deputy who shall receive a salary of three thousand dollars per annum, two deputies who shall each receive a salary of two thousand four hundred dollars per annum, one deputy who shall be known as "criminal investigator," who shall receive a salary of one thousand eight hundred dollars per annum, two stenographers who shall each receive a salary of one thousand five hundred dollars per annum one official reporter who shall report and transcribe all preliminary hearings required of her by the district attorney, and whose duties and compensation shall be those prescribed by section 869 of District attorney

the Penal Code; *provided*, that in counties of this class the district attorney shall devote all of his time to the duties of his office.

Coroner

9. Coroner, such fees as are now, or may be hereafter, allowed by law.

Public ad-
ministrator

10. Public administrator. Public administrator, such fees as are now, or may be hereafter allowed by law.

Superintend-
ent of
schools.

11. Superintendent of schools. Superintendent of schools, three thousand dollars per annum; two deputies who shall each receive a salary of two thousand dollars per annum, said salaries to include traveling expenses in connection with the visitation of schools; one deputy who shall receive a salary of one thousand two hundred dollars per annum; each county superintendent shall receive his actual and necessary traveling expenses, said expenses to be allowed by the board of supervisors and to be paid out of the county general fund, provided that this amount shall not exceed ten dollars per district per annum; *provided*, that in counties of this class the superintendent of schools shall receive no compensation for services as a member of the county board of education, or as ex officio secretary thereof.

Surveyor

12. Surveyor. Surveyor, one thousand five hundred dollars per annum; which shall be in full for all services required of him by the superior court or board of supervisors, or assessor. It shall be his duty on demand of the assessor, to prepare any and all maps, plats or block-books for the use of the county assessor.

Justices

13. Justices of the peace. Justices of the peace shall receive the following monthly salaries, to be paid each month, in the same manner, and out of the same fund as county officers are paid, in townships having a population of more than five thousand, one hundred dollars per month; *provided*, that if the county seat shall be situated in a township of this class, one hundred fifty dollars per month; in townships having a population of less than five thousand and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents; justices of the peace shall be allowed their necessary incidental expenses in such reasonable sums as may be fixed by the board of supervisors, according to the needs of the business of the justice's courts in each township; *provided*, that in townships where the county seat is situated, such incidental expenses shall include clerical help not to exceed seventy-five dollars per month, and in other townships having a population of more than two thousand such expenses shall include clerical help, not to exceed more than twenty-five dollars per month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of

the state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business; and to the justice of peace of the township where the county seat is situated the board of supervisors shall also furnish and equip with necessary furniture and other appliances, a suitable room in the county courthouse for holding the court of such justice.

14. Constables. Constables shall receive the following Constables monthly salaries to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them: In townships having a population of more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month; *provided*, that in counties of this class constables shall in addition to the salaries herein provided receive the fees provided in section 4300*d* of the Political Code.

15. Population of townships. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by multiplying the number of registered electors at the last general election by three and one-half. Population of townships

16. Supervisors. Each supervisor, one thousand two hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year; *provided*, *however*, that each supervisor shall be allowed his necessary traveling expenses at the rate of seven cents per mile, for each mile traveled in the county, in attending meetings of the board and performing his duties as road commissioner. Supervisors

17. Physician. County physician, seventy-five dollars per month. Physician

18. Health officer. County health officer, seventy-five dollars per month; *provided*, that in counties of this class there shall be and hereby is allowed the health officer, one deputy to be designated as dairy inspector who shall receive a salary of one hundred fifty dollars per month and transportation to be furnished him by the county, one deputy who shall receive a salary of one hundred fifty dollars per month, said deputy to pay his own expenses. Health officer

19. Live stock inspector. Live stock inspector, who shall be ex officio county veterinarian, one thousand eight hundred dollars per annum; *provided*, that in counties of this class the live stock inspector shall be and hereby is allowed one deputy who shall receive as salary six hundred dollars per annum; the county shall pay said inspector and his deputy their actual mileage or furnish them with transportation. Live stock inspector.

20. Librarian. County librarian, one thousand eight hundred dollars per annum. Librarian.

21. Jurors. In counties of this class, grand jurors and trial jurors in criminal cases shall receive as compensation for each day's attendance on the grand jury, the superior court or justice court, the sum of three dollars per day, and Jurors.

for each mile actually and necessarily traveled from their residence in attending court or grand jury, one way only, the sum of fifteen cents per mile; such mileage to be allowed but once during each session said jurors are required to attend.

(b) The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 127.

An act to amend section 2322x27 of the Political Code, relating to the salary and expenses of the horticultural commissioner, his deputies, and employees, in counties of the twenty-seventh class.

[Approved by the Governor April 16, 1929 In effect August 14, 1929]

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

Stats 1927,
p 1926,
amended.
Counties of
27th class
horticultural
commis-
sioner

SECTION 1. Section 2322x27 of the Political Code is hereby amended to read as follows:

2322x27. In counties of the twenty-seventh class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and stenographer, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows:

(a) One deputy commissioner who shall receive a salary of two thousand four hundred dollars per annum.

(b) Four inspectors who shall receive a salary of one thousand eight hundred dollars each per annum and their traveling expenses fixed at the sum of three and one-half dollars each per day while engaged in the performance of their respective duties.

(c) Six inspectors who shall receive a salary of one hundred fifty dollars each per month during the time actually employed, but the aggregate amount which may be expended in any one year for inspectors provided for in this subdivision shall not exceed the sum of ten thousand eight hundred dollars. Each of said inspectors shall also receive their traveling expenses fixed at the sum of three and one-half dollars per day while engaged in the performance of their respective duties.

(d) One stenographer who shall receive a salary of one thousand eight hundred dollars per annum and such other

stenographic assistants as the commissioner may deem necessary; *provided*, that the aggregate amount which may be expended in any one year for all stenographers shall not exceed one thousand eight hundred and seventy-five dollars.

(e) Three inspectors to be employed for a period not to exceed six months during any one year, and who shall each receive a salary not to exceed one hundred fifty dollars per month, and traveling expenses during the time actually employed, but the aggregate amount that shall be expended in any one year for the inspectors provided for in this section shall not exceed eighteen thousand four hundred fifty dollars.

CHAPTER 128.

An act to amend section 2322x18 of the Political Code, relating to the salary of the county horticultural commissioner, his deputies and inspectors, in counties of the eighteenth class.

[Approved by the Governor April 16, 1929. In effect August 14, 1929]

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

SECTION 1. Section 2322x18 of the Political Code is hereby amended to read as follows:

2322x18. In counties of the eighteenth class, the commissioner shall receive a salary of three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two deputy county horticultural commissioners, one at a salary of three thousand dollars per annum, and one at a salary of two thousand four hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed one inspector at a monthly salary of two hundred twenty-five dollars during the time actually employed, and one inspector at a monthly salary of two hundred dollars during the time actually employed, one inspector at a monthly salary of one hundred fifty dollars and three inspectors at a monthly salary of one hundred twenty-five dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed eleven thousand four hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred fifty dollars during the time actually employed and one clerk at a yearly salary of five hundred dollars during the time actually employed but the aggregate amount which may be expended in any year for such clerks shall not exceed two thousand three hundred dollars.

Stats 1927,
p. 197,
amended.
Counties of
18th class
horticultural
commis-
sioner.

CHAPTER 129.

An act to amend sections 4256 of the Political Code, relating to the salaries and fees of county officers in counties of the twenty-seventh class.

[Approved by the Governor April 16, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 4256 of the Political Code is hereby amended to read as follows:

4256. In counties of the twenty-seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, three thousand dollars per annum; and in any year when a new and complete or supplemental registration of voters is required by law to be made, he shall receive the sum of fifteen cents for each elector registered, which shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county. The county clerk shall be allowed one deputy at a salary of two thousand one hundred dollars per annum, and one deputy at a salary of one thousand five hundred dollars per annum.

The county clerk shall also be allowed one copyist at a salary of one thousand five hundred dollars per annum, and one copyist during each even numbered year at a salary of one hundred dollars per month, said deputies and copyists to be appointed by the county clerk; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk such additional assistance and copyists as the clerk may require, and whose compensation in the aggregate shall not exceed five hundred dollars in any one year.

The county clerk shall appoint all necessary deputies for the registration of voters, said deputies to be paid by the county clerk.

2. The sheriff, five thousand dollars per annum, and necessary expenses for pursuing criminals or transacting any other necessary and proper business. The sheriff shall be allowed one deputy, who shall be the jailer, at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand five hundred dollars per annum; said deputies to be appointed by the sheriff.

3. The recorder, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists

Stats
1927,
p 256,
amended
Counties of
27th class
salaries and
fees of
officers

Clerk.

Sheriff

Recorder.

who shall be appointed by the recorder of said county and shall be paid salaries and compensation as follows:

One chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, and three additional deputies for indexing and comparing, each of whom shall receive a salary of one thousand five hundred dollars per annum.

Said recorder may also appoint such copyists, not to exceed three as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their services the sum of six cents per folio for actual work done in copying any instrument to be recorded (except maps and plats) and for making copies of any records or papers.

The salaries and compensations of all deputies and copyists herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; *provided*, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as such copyists and the amount due to each for such copying. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid into the county treasurer.

4. The auditor, three thousand dollars per annum. The Auditor shall be allowed two deputies, at a salary of one thousand eight hundred dollars each per annum; said deputies to be appointed by the auditor; *provided*, that in counties of this class there shall be and is hereby allowed to the county auditor such additional clerks and assistants as the county auditor may require at a salary of not to exceed five dollars per day each, and whose compensation in the aggregate shall not exceed one thousand dollars in any one year.

As compensation for keeping records of orphan and half-orphan aid the auditor shall receive a commission of five per cent of the amount expended for such aid, said commission to be paid from the same fund as the orphan and half-orphan aid.

When required by the board of supervisors to compile an annual statistical report, the auditor shall receive three hundred dollars from the general fund of the county as compensation for compiling such report.

5. The treasurer, three thousand dollars per annum. The Treasurer shall be allowed one deputy at a salary of one thousand five hundred dollars per annum; said deputy to be appointed by the treasurer.

6. The tax collector, three thousand dollars per annum. The Tax collector shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum; said deputy to be appointed by the tax collector; *and provided, further*, that the said tax collector shall be allowed one deputy who shall hold office during the months of September, October,

November and December at a salary of one hundred twenty-five dollars per month; said deputy to be appointed by the tax collector; *provided, further*, that in counties of this class there shall be and is hereby allowed to the tax collector such additional clerks and assistants as the tax collector may require, and whose compensation shall in the aggregate not exceed five hundred dollars in any one year.

Assessor

7. The assessor, three thousand six hundred dollars per annum and necessary traveling expenses in the performance of the duties of his office; *provided*, that in counties of this class there shall be, and there hereby is allowed to the assessor the following deputies, who shall be appointed by the assessor and who shall be paid salaries as follows: One assistant assessor who shall receive a salary of two thousand four hundred dollars per annum; one deputy assessor who shall receive a salary of one thousand eight hundred dollars per annum; one deputy who shall receive a salary of one thousand six hundred twenty dollars per annum; one copyist for a period not to exceed eight months in any one year at a salary of one hundred twenty-five dollars per month; such additional deputies as may be necessary to carry on the work of his office for a length of time not to exceed three months for each deputy and the aggregate compensation to be paid all of such deputies shall not exceed the sum of six thousand fifty dollars in any fiscal year. The deputies herein provided for shall be paid at the same time and in the same manner, and out of the same fund as the salary of the county assessor is paid; *provided*, the assessor shall be allowed a draftsman who shall annually revise the plats in the office of the assessor, for which he shall receive a sum not to exceed six hundred dollars in any one year. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply to the present incumbents.

District attorney

8. The district attorney, three thousand six hundred dollars per annum. The district attorney shall be allowed one deputy at a salary of two thousand five hundred twenty dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum; also a stenographer at a salary of one thousand six hundred twenty dollars per annum; said deputies and stenographer to be appointed by the district attorney.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools

11. The superintendent of schools, three thousand dollars per annum; and shall also be allowed the compensation allowed by law for services on the board of education and actual traveling expenses when visiting in his (or her) county. The superintendent of schools shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand five hundred dollars

per annum, said deputies to be appointed by superintendent of schools.

12. The surveyor, such fees as are now or may hereafter be allowed by law. Surveyor.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in counties of the twenty-seventh class are hereby classified according to population to be determined by the board of supervisors at the time of the formation of any new judicial township or townships in the manner prescribed by section 4055 of the Political Code. Townships having a population of six thousand five hundred or more shall belong to and be known as townships of the first class. Townships having a population of less than six thousand five hundred and more than five thousand shall belong to and be known as townships of the second class. Townships having a population of less than five thousand and more than one thousand six hundred shall belong to and be known as townships of the third class. Townships having a population of less than one thousand six hundred shall belong to and be known as townships of the fourth class. Justices of the peace shall receive the following salaries for all services rendered by them: In townships of the first class, one hundred seventy-five dollars per month; in townships of the second class, one hundred twenty-five dollars per month; in townships of the third class, ninety dollars per month; in townships of the fourth class, fifty dollars per month. Classification of townships
Justices.

14. Constables in counties of this class shall receive the following salaries for all services rendered by them in criminal cases: In townships of the first class, one hundred twenty-five dollars per month; in townships of the second class, one hundred ten dollars per month; in townships of the third class, ninety dollars per month; in townships of the fourth class, fifty dollars per month; constables shall also receive for their own use and benefit, such fees as are now or may hereafter be allowed by law in civil cases. They shall also be allowed their actual expenses in conveying prisoners from place of arrest to court, and, in case of conviction, from the court to the county jail. Constables

15. Supervisors, each, the sum of one thousand eight hundred dollars per annum for all services performed by them as supervisors and as members of the board of equalization. Each supervisor shall receive mileage at the rate of twenty-five cents per each mile traveled in going to and from the meeting of the board. They shall act as road commissioners in their respective districts and shall receive for their services as such road commissioner mileage at the rate of twenty-five cents per mile for all distances actually traveled by them in the discharge of their duties as such road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of six hundred dollars for any one of the road commissioners Supervisors.

- Librarian 15a. There is created for counties of the twenty-seventh class a county librarian, who shall be appointed by the board of supervisors for a term of four years and shall receive a salary of two thousand five hundred dollars per annum; to be paid at the time and in the manner as other county officers.
- Reporter 16. The official reporter of the superior court, such fees as are now or may hereafter be allowed by law.
- Traffic officer. 16a. The county traffic officer, two thousand one hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county traffic officer three deputies which offices are hereby created. Said deputies shall be appointed by said county traffic officer and shall each receive a salary of one thousand eight hundred dollars per annum which shall be paid by said county in monthly installments at the same time in the same manner and out of the same funds as the salary of the county traffic officer is paid. Said county shall provide motorcycles or other vehicles and gasoline and oil for the purpose of propelling the same, for such traffic officer and his deputies and shall pay all of the expense of the upkeep of said machines. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law.
- Jurors 17. Juror fees shall be as follows: For attending as a grand juror, or a trial juror in the superior court, for each day's attendance, three dollars per day; for each mile he travels in attending court as such juror, fifteen cents per mile in going only.
- Public defender. 18. If at any time there shall be created and established in this state a county office designated the office of county public defender, then, and in that case, the salary to be allowed such officer in counties of this class shall be one thousand two hundred dollars per annum.
- Same. 19. The provisions of subdivision eighteen of this section shall have no force unless the office therein anticipated is created by constitutional or legislative enactment.
- Payment of salaries. 20. The salaries of all county and townships officers and their deputies shall be payable in equal monthly installments from the salary fund of the county on the first day of each month.
- Effect of act. 21. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 130.

An act to amend sections 2, 3, 5, 8, 9, 9a, 10, 11, 11a, 12, 14, 18, 20a and 20b of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a state real estate department and the office of real estate commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of real estate commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, and adding new sections to be numbered 9b, 9c, 9d, and 23, relative to the definition of real estate brokers and salesmen; providing for regulation, supervision and licensing thereof; broker's bonds; relating to sale or lease of land for colonization purposes or agricultural, rural acreage, or farm land subdivision; providing penalties for the violations of the provisions thereof.

[Approved by the Governor April 17, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 2 of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a state real estate department and the office of real estate commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of real estate commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, is hereby amended to read as follows:

Stats 1925,
p 600,
amended

Sec. 2. A real estate broker within the meaning of this act is a person, copartnership or corporation who, for a compensation, sells or offers for sale, buys, or offers to buy, lists, or solicits for prospective purchasers, or negotiates the purchase or sale or exchange of real estate, or who, for compensation, negotiates loans on real estate, leases, or offers to lease, or negotiates the sale, purchase, or exchange of leases, rents, or places for rent, or collects rent from real estate, or improvements thereon, for others as a whole or partial vocation. A real estate salesman within the meaning of this act is one who for a compensation is employed by a licensed broker to sell, or offer for sale, or to list, or to buy, or to offer to buy, or to negotiate the purchase

Real estate
broker.
defined.

Real estate
salesman,
defined

Application
of act.

or sale or exchange of real estate, or to solicit for prospective purchasers of real estate, or to negotiate a loan on real estate, or to lease, or to negotiate the sale, purchase or exchange of leases, or offer to lease, rent or place for rent, any real estate, or improvements thereon, as a whole or partial vocation. The provisions of this act, except as to sections 20a and 20b, shall not apply to anyone who shall directly perform any of the acts aforesaid with reference to his own property or, in case of corporations, through their regular officers receiving no special compensation therefor perform any of the acts aforesaid with reference to their, to wit, said corporations, own property; nor shall the provisions of this act apply to persons holding a duly executed power of attorney from the owner, nor shall this act be construed to include in any way the services rendered by an attorney at law in performing his duties as such attorney at law; nor shall it be held to include any receiver, trustee in bankruptcy, or any person acting under order of any court, nor to a trustee selling under a deed of trust. One act, for a compensation of buying or selling real estate of or for another, or offering for another to buy or sell or exchange real estate, or negotiating the purchase or sale or exchange of, or listing or soliciting prospective purchasers of real estate, or negotiating a loan on or leasing or renting or placing for rent real estate, or collecting rent therefrom shall constitute the person, copartnership or corporation making such offer, sale or purchase, exchange or lease, or negotiating said loan, or so renting or placing for rent or collecting said rent or listing or soliciting a real estate broker or salesman within the meaning of this act.

Act consti-
tuting per-
son, etc.
broker or
salesman

Lease,
defined

When a lease or leasing is referred to in this section, it shall be held to include any lease, whether such lease be the sole transaction involved, or the principal or an incidental part of the transaction involved.

Stats 1927,
p 678,
amended

SEC. 2. Section 3 of said act is hereby amended to read as follows:

State real
estate
department
created

Sec. 3. There is hereby created a state real estate department. The chief officer of such department shall be the real estate commissioner. He shall be appointed by the governor and hold office at the pleasure of the governor, and no person shall be appointed to the office of real estate commissioner who shall not have been for five years a real estate broker actively engaged in business as such in California. He shall receive an annual salary of six thousand dollars, to be paid monthly out of the state treasury upon a warrant of the controller. He shall within fifteen days from the time of notice of his appointment take and subscribe to the constitutional oath of office, and file the same in the office of the secretary of state and execute to the people of the State of California a bond in the penal sum of ten thousand dollars executed by two or more sureties, or by a surety company duly authorized to do business in this state, to be approved by the governor of the state, for the faithful discharge of the duties of his

Appointment
and term of
real estate
commis-
sioner.

office. The real estate commissioner shall have full power to regulate and control the issuance and revocation, both temporary and permanent, of the licenses to be issued under the provisions of this act, and to perform all other acts and duties provided in this act and necessary for its enforcement. The real estate commissioner shall publish or cause to be published on or about March first and November first of each year a directory or list of licensed brokers and salesmen and may publish therewith such matter as he may deem pertinent to the act, and shall mail one copy of such directory to each licensed broker upon his request therefor, without charge. The real estate commissioner may periodically issue a bulletin containing matter relating to his department, and to the act, and the administration thereof. The real estate commissioner shall employ such deputies, clerks and assistants as he may need to discharge in proper manner the duties imposed upon him by law. After qualifying as such, neither the real estate commissioner, nor any of his deputies, clerks or assistants shall be interested in any real estate company or any real estate brokerage firm, as director, stockholder, officer, member, agent or employee, or act as a broker or salesman within the meaning of this statute or act as a copartner or agent for any other such broker or brokers, salesman or salesmen. Such deputies, clerks and assistants shall perform such duties as the real estate commissioner shall assign to them. The real estate commissioner shall fix the compensation of such deputies, clerks and assistants, which compensation shall be paid monthly on a certificate of the real estate commissioner and on the warrant of the controller out of the state treasury. Each deputy shall, after his appointment, take and subscribe to the constitutional oath of office and file the same in the office of the secretary of state.

Power and duties

Directory of brokers and salesmen

Employees

SEC. 3. Section 5 of said act is hereby amended to read as follows:

Stats 1919.
p 1253.
amended
"Real estate fund"

Sec. 5. All fees charged and collected under this act shall be paid by the real estate commissioner at least once a week, accompanied by a detailed statement thereof, into the treasury of the state to the credit of a fund to be known as the "real estate fund," which fund is hereby created. All moneys which shall be paid into the state treasury and credited to the "real estate fund" are hereby appropriated to be used by the commissioner in carrying out the provisions of this act, including the payment of the salaries of the commissioner and his deputies, clerks and assistants, and the moneys credited to said fund shall remain therein. The controller shall draw his warrant on said fund from time to time in favor of the commissioner for the amounts expended under his direction, and the treasurer shall pay the same; *provided, however*, that all of the expenditures of said commissioner including his salary shall be paid only from the real estate fund. The commissioner may, with the consent of the

Appropriation

board of control, withdraw from said fund moneys to be used as a "revolving fund" where cash advances are necessary. The commissioner must account for the sum withdrawn from said "revolving fund" at any time upon demand of the board of control. It shall be the duty of the real estate commissioner **semiannually to certify** under oath to the state treasurer and secretary of state the total amount of receipts and expenditures of the real estate commissioner's department for the six months preceding. All moneys in excess of fifty thousand dollars remaining in the state treasury to the credit of the "real estate fund" at noon on the thirty-first day of December of each year shall on or before the fifteenth day of the succeeding month be transferred from said "real estate fund" to the general fund of the state.

Stats 1919,
p. 1254,
amended.
Limitation
on license

SEC. 4. Section 8 of said act is hereby amended to read as follows:

Sec. 8. No real estate license shall give authority to do any act mentioned in section 2 of this act to any person, copartnership or corporation other than those to whom said license is issued; *provided, however*, that when a license is issued to a corporation, if it desires any of its officers other than its president, to act under its license as a real estate broker, it shall be required to procure an additional license to so employ each of such officers; *and, provided further*, that when a license is granted to a copartnership, if it desires any of its members other than the one or ones through whom it is already licensed to act as a real estate broker, it shall be required to procure an additional license to so employ each of such additional members; *provided, further*, that each officer of a corporation through whom it is licensed to act as a real estate broker, and each member of a copartnership through whom it is licensed to act as a real estate broker, shall while so employed under such licenses respectively, be held and deemed to be licensed real estate brokers, but licensed only to act as such for and on behalf of the corporation or the copartnership, as officers, or members, as the case may be.

Stats 1919,
p. 1255,
amended
Application
for license

SEC. 5. Section 9 of said act is hereby amended to read as follows:

Sec. 9. Application for license as real estate broker shall be made in writing to the real estate commissioner, which application shall be accompanied by the recommendation of two real estate owners of the county in which such applicant resides or has his place of business, certifying that the applicant is honest, truthful and of good reputation, and recommending that a license be granted the applicant. If the applicant shall have resided, or shall have engaged in business for less than one year in the county from which the application is made, the same shall also be accompanied by the recommendation of two real estate owners of each of the counties where he has formerly resided or engaged in business during said period of one year prior to the filing of said application, certifying that the applicant is honest, truthful and of good

reputation and recommending that a license be granted the applicant. Where the applicant for a real estate broker's license maintains more than one place of business within the state he shall be required to apply for and procure an additional license for each branch office so maintained by him. The commissioner shall have the power to determine whether or not a broker is doing a real estate brokerage business at or from any particular location which requires him to have a branch office license. Every such application shall state the name of the person, copartnership or corporation, and the location of the place or places of business for which such license is desired.

Application for license as real estate salesman shall be made in writing to the real estate commissioner, signed by the applicant, setting forth the period of time during which he has been engaged in the business, stating the name of his last employer and the name and place of business of the person, copartnership or corporation then employing him, or in whose employ he is to enter. The application shall be accompanied by the recommendation of his employer, if employed, certifying that the applicant is honest, truthful and of good reputation, and recommending that the license be granted to the applicant.

The real estate commissioner may require such other proof as he may deem advisable of the honesty, truthfulness and good reputation of any applicant for a license, or of the officers of any corporation, or of the members of any copartnership making such application before authorizing the issuance of a license. In addition to proof of honesty, truthfulness and good reputation of any applicant for a license, the real estate commissioner must ascertain by examination that such applicant, and in case of a copartnership or corporation applicant for a broker's license that each officer, agent or member thereof through whom it proposes to act as a licensee, has appropriate knowledge of the English language, including reading, writing, spelling, elementary arithmetic, a fair understanding of the rudimentary principles of real estate conveyancing, the general purposes and general legal effect of deeds, mortgages, land contracts of sale, and leases, of the elementary principles of land economics and appraisals, and a general and fair understanding of the obligations between principal and agent, of the principles of real estate practice and the canons of business ethics pertaining thereto, as well as of the provisions of the California real estate act; *provided, however*, that the commissioner may, in his discretion, waive the examination of any applicant for a broker's license who held an unrevoked or unsuspended license on December thirty-first of the preceding year as an individual broker, an officer of a corporation, or member of a copartnership and may waive the examination of any applicant for a salesman's license who held an unrevoked or unsuspended salesman's license on December thirty-first of

Form of
application

Additional
proof.

Examination
of appli-
cants

the preceding year and who had previously qualified by passing written examination. *Provided, further,* that the commissioner shall issue without examination to any person who otherwise qualifies under section 9 of this act a temporary salesman's license, good for the remainder of the calendar year not exceeding six months from date of issuance, but the holder of such temporary license shall not be entitled after six months from date of issuance of such temporary license to further license without examination as herein provided, except that the holder of such temporary salesman's license may within said six months apply for transfer to another or other brokers.

Stats. 1923,
p 96,
amended

SEC. 6. Section 9a of said act is hereby amended to read as follows:

Bond of
applicants

Sec. 9a. All applicants for broker's license shall, in addition to such recommendations, file with the said real estate commissioner a satisfactory bond to the people of the State of California, duly executed by a sufficient surety, or sureties, to be approved by said commissioner, in the amount of two thousand dollars, said bond shall be conditioned for the honest and faithful performance by such broker and his salesmen and employees of any undertaking as a licensed real estate broker or salesman or employee of said broker at any time when licensed under this act, and the strict compliance with the provisions of this act, and the honest and faithful application of all funds received. Said bond shall be further conditioned upon the payment of all damages suffered by any person damaged or defrauded by reason of the violation of any of the provisions of this act, or by reason of the violation of the obligations of such broker as an agent, as such obligations are laid down by the Civil Code of the State of California, or by reason of any fraud connected with or growing out of any transaction contemplated by the provisions of this act. Any person who sustains an injury covered by such bond or is injured by the failure of a real estate broker his salesmen or employees to perform their duties, or to comply with the provisions of this act, or of the provisions of the Civil Code relating to the obligations of agents, shall have the right in his own name to commence such an action against said real estate broker and his sureties for the recovery of any damages sustained by the failure or omission of said real estate broker to perform his duties or obligations or any of them, or to comply with the provisions of this act or any of them. It shall be the duty of the real estate commissioner to see that such bond remains and is kept good.

Suit on
bond

Stats 1919,
p 1252,
amended

SEC. 7. A new section, to be numbered section 9b, is hereby added to said act, to read as follows:

Payment of
claim by
surety

Sec. 9b. With the consent of the real estate commissioner, and after thirty days notice to the real estate broker, given either personally or by United States registered mail to his address as it appears in the files of the real estate department, any surety upon such real estate broker's bond may

pay any claim covered by such bond, and payment so made after such notice and consent shall release the surety from his obligation under the bond to the extent of such payment.

SEC. 8. A new section, to be numbered section 9c, is hereby added to said act, to read as follows:

Stats 1919,
p 1252,
amended

Sec. 9c. When a surety upon the bond of any real estate broker desires to be released from responsibility on account of future acts or defaults of such broker, he may make application to the real estate commissioner for such relief. The commissioner must give ten days notice of the hearing of such application to such real estate broker, either personally or by United States registered mail, to such broker's address as it appears in the files of the real estate department, requiring him to furnish another good and sufficient bond. Upon the filing and approval of such other bond, the surety making the application shall be released from all future liability under his bond. In the event the broker should fail to furnish and obtain approval of such other bond, then his license shall be thereupon suspended until such other bond be furnished.

Application
of surety
for release

SEC. 9. A new section, to be numbered section 9d, is hereby added to said act, to read as follows:

Stats 1919,
p 1252,
amended

Sec. 9d. Any surety upon a broker's bond paying a claim thereon after the approval of the act shall immediately upon such payment give the real estate commissioner in writing the following information: The name and address of the broker, or former broker, the name and address of the payee, the amount of money surety has paid. Refusal of surety to promptly report such information shall justify the commissioner in refusing to accept such surety upon future bonds.

Report of
payment
of claims

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

Stats 1927,
p. 481,
amended

Sec. 10. License fees shall be as follows:

License fees.

(1) For an original broker's license the fee shall be five dollars together with an examination fee of fifteen dollars, which examination fee shall cover all examinations prior to the issuance of such original broker's license. For a renewal broker's license the annual fee shall be five dollars. For the purpose of this section, an original broker's license is defined to be one issued to a person, copartnership or corporation who did not have a broker's license on December thirty-first of the year previous to the year for which the license is issued. For the purpose of this section, a renewal broker's license is defined to be one issued to a person, copartnership or corporation who did have a broker's license unrevoked and unsuspended on December thirty-first of the year previous to the year for which such renewal license is issued. If the licensee be a corporation, the license issued to it shall entitle the president thereof, on behalf of such corporation, to engage in the business of real estate broker within the meaning of this act without the payment of any further fee. For each officer other than the president of a

licensed corporation, through whom it shall engage in the business of real estate broker, within the meaning of this act, the annual fee shall be two dollars in addition to the fee paid by said corporation. If the licensee be a copartnership, the license issued to it shall entitle one member only of said copartnership to engage on behalf of such copartnership in the business of real estate broker within the meaning of this act, said member to be designated in the application of such copartnership for a license. For each other member of such copartnership who on behalf of such copartnership engages in the business of real estate broker within the meaning of this act the annual fee shall be two dollars in addition to the fee paid by said copartnership.

(2) For an original salesman's license the annual fee shall be two dollars, together with an examination fee of three dollars, which examination fee shall cover all examinations prior to the issuance of an original salesman's license. An original salesman's license is defined to be one issued to a person who did not have a salesman's or a broker's license either individually or as an officer of a corporation, or as a member of a copartnership, on December thirty-first of the year previous to the year for which the salesman's license is issued. For the purpose of this section a renewal salesman's license is defined to be one issued to a person who had a salesman's or a broker's license either individually or as an officer of a corporation, or as a member of a copartnership, on December thirty-first of the year previous to the year for which the salesman's license is issued.

(3) For a renewal salesman's license the annual fee shall be two dollars.

(4) For a branch office broker's license the fee shall be one dollar.

(5) For change of address of licensee on the records of the department the fee shall be one dollar.

(6) The fee for transfer of a salesman's license on change of employer shall be one dollar.

The fee for all licenses shall at all periods of the year be the same as above provided. All license fees herein provided for shall be payable in advance of issuing the licenses and all examination fees shall be payable before taking the examination. All licenses shall expire on December thirty-first of each year at midnight.

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

Sec. 11. The licenses of both broker and salesman shall be prominently displayed in the office of the real estate broker, and no license issued hereunder shall authorize the licensee to do business except from the location stipulated in the license. The salesman's license shall remain in the possession of the licensed broker employer until canceled or until said licensee shall leave the employ of said broker. Immediately upon the salesman's withdrawal from the employ of

Stats 1921,
p. 1295,
amended.
Display of
license.

the broker, the broker shall return the salesman's license to the commissioner for cancellation. Notice in writing shall be given the commissioner of change of business location of broker, whereupon the commissioner shall issue a new license for the unexpired period. The change or abandonment of business location without notification to the commissioner and the issuance by him of a new license shall automatically cancel the license heretofore issued.

Each licensed broker under the provisions of this act shall be required to have and maintain a definite place of business in the State of California which shall serve as his office for the transaction of business.

Place of
business.

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

Stats 1921.
p 1295,
amended.

Sec. 11a. Each individual, firm or corporation licensed as a broker under the provisions of this act shall erect and maintain a sign in a conspicuous place on the premises to indicate that he or it is a licensed real estate broker and the name of said individual, firm or corporation shall be clearly shown thereon. The size and place of such sign shall conform to regulations that may be adopted by the real estate commissioner.

Sign at
place of
business

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

Stats 1927.
p 581,
amended

Sec. 12. The real estate commissioner may upon his own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any person, copartnership or corporation engaged in the business or acting in the capacity of a real estate broker, or a real estate salesman, within this state, and shall have the power to temporarily suspend or permanently revoke a license issued under the provisions of this act, at any time where the holder thereof, within the immediately preceding three years, while a licensee under this act, in performing or attempting to perform any of the acts mentioned herein has been guilty of:

Revocation
or suspension
of license

- (1) Making any substantial misrepresentation, or
- (2) Making any false promises of a character likely to influence, persuade or induce, or
- (3) A continued and flagrant course of misrepresentation or making of false promises through agents or salesmen, or
- (4) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto, or
- (5) Any other conduct, whether of the same or a different character than hereinabove specified, which constitutes fraud or dishonest dealing.

The real estate commissioner shall have power to suspend or revoke the license of any licensee under this act, who within three years immediately preceding has:

- (6) Procured a license under this act, for himself or any salesman, by fraud, misrepresentation or deceit, or

(7) Has been convicted of a felony, knowledge of which the commissioner did not have at the time of last issuing a license to such licensee, or

(8) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any land or subdivision thereof offered for sale, or

(9) Wilfully disregarded or violated any of the provisions of this act.

Notice

Before denying, suspending or revoking any license the said commissioner shall notify, in writing, the applicant or holder of such license of the charges against him and afford an opportunity to be heard in person or by counsel in reference thereto. Service upon the licensee or applicant of notice of hearing and of the charges against him shall be fully effected by mailing a true copy of such notice and charges by United States registered mail in a sealed envelope with postage fully prepaid thereon to the licensee or applicant at his latest address of record in the real estate department. The decision of the said commissioner in denying, suspending or revoking any license under this act shall be subject to review in accordance with the provisions of chapter one of title one of part three of the Code of Civil Procedure; and any party aggrieved by such decision of the commissioner may within ten days from the date of said decision appeal therefrom to the superior court of the State of California, in and for the county in which the person affected by such decision resides or has his place of business under the terms of this act, by serving upon the commissioner a notice of such appeal and a demand in writing for a certified transcript of all the papers on file in his office affecting or relating to such decision and all the evidence taken on the hearing and paying ten cents for each folio of the transcript and one dollar for the certification thereof. Thereupon the commissioner shall, within thirty days, make and certify such transcript, and the appellant shall, within five days after receiving the same, file the same and the notice of appeal with the clerk of said court. Upon the hearing of such appeal, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the commissioner from which the appeal is taken, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in making such decision. In suspending or revoking any license, the decision of the commissioner shall not take effect until ten days after its date. In the event of said appeal from said decision to the superior court of the State of California, the decision of the commissioner shall remain in effect pending the determination of such appeal, unless the party appealing and aggrieved by such decision

Appeal from
decision

Appeal bond

of the commissioner shall file with the judge of the superior court a bond in a sum to be fixed by said court, which bond shall be in favor of the people of the State of California and be conditioned upon the faithful performance of all the obligations of such appellant or aggrieved person as a real estate broker. Said bond shall be for the benefit of any person having real estate dealings with such appellant or aggrieved person, and any such person so dealing with the same shall have the right to commence a suit thereon in his own name against said broker and his sureties. Under the provisions of this section, the commissioner shall have power to suspend or revoke the license of a corporation as to any officer or agent acting under its license, and the license of a copartnership as to any member acting under its license, without revoking the license of such corporation or of such copartnership.

SEC. 14. Section 14 of said act is hereby amended to read as follows: Stats 1919,
p 1258,
amended.

Sec. 14. When any salesman shall be discharged by his employer for a violation of any of the provisions of section 12 hereof, a verified written statement of the facts in reference thereto shall be filed forthwith with the real estate commissioner by the employer. Notice of
discharge of
salesman.

SEC. 15. Section 18 of said act is hereby amended to read as follows: Stats 1919,
p 1259,
amended.

Sec. 18. It shall be unlawful for any licensed broker to pay any compensation for performing any of the acts herein specified to any person who is not a licensed broker, or a salesman licensed under the broker paying the compensation, and no real estate salesman shall be employed by or accept compensation from any person other than the broker under whom he is at the time licensed. It shall be unlawful for any licensed real estate salesman to pay any compensation for performing any of the acts specified in section 2 hereof to any licensee except through the broker under whom he is at the time licensed. It shall be a misdemeanor for any person, firm or corporation, whether obligor, escrow holder or otherwise, to pay or deliver to anyone a compensation for performing any of the acts specified in section 2 hereof, who shall not be known to be, or present evidence to such payor that he is a regularly licensed real estate broker at the time such compensation is earned. Punishment for said misdemeanor shall be a fine not exceeding fifty dollars for any one offense. Commissions
not to be
paid to
unlicensed
persons

SEC. 16. Section 20a of said act is hereby amended to read as follows: Stats. 1923,
p 88,
amended

Prior to the time when subdivided lands shall be offered for sale as an agricultural or rural acreage subdivision not exclusively residential, or for colonization purposes, or for poultry raising or animal husbandry, the owner, his agent, or subdivider, shall notify the real estate commissioner in writing of his intention to sell such offering. Such notice of intention shall contain the following information: The name and address of the owner; name and address of subdivider; legal description Notice to
commissioner
of coloniza-
tion subdivi-
sions

and area of land; and such other information as the owner or subdivider may desire to present.

Additional
information

After receiving such a statement the real estate commissioner may require such additional information concerning the project as he deems necessary, and for which purpose he shall be empowered to prepare a questionnaire for the owner, his agent, or subdivider, to answer. The commissioner shall be empowered to employ such expert and technical assistants as may be necessary to a proper examination of the project. The cost of such examination shall be borne by the owner or subdivider of the project on the basis of actual cost to the real estate department. An initial fee of twenty-five dollars shall accompany the answered questionnaire. The additional cost shall not exceed the rate of fifteen cents (15c) per acre if the project is situated in this state, nor more than twenty-five cents (25c) per acre if the project is situated outside of this state, which cost shall be payable upon demand of the commissioner. If the department decides to make an examination of the project, the commissioner shall make a public report thereon and is hereby authorized to publish said report. Said fees shall not be a lien upon said land, nor shall the failure to comply with the provisions of this section affect in any way the title to any of said land.

Fees and
cost of
examination

It shall be unlawful for the owner or subdivider of the project, after it is submitted to the commissioner, to materially change the set-up of such offering without first notifying the commissioner in writing of such intended change.

The state real estate commissioner, upon his own initiative may investigate any such lands being at the time of the adoption of this act offered for sale for colonization purposes or for farm acreage subdivision or for rural settlement, and may make public his findings thereon.

"Subdivided
land" and
"subdivision"
defined

For the purpose of this act the words "subdivided lands" and "subdivision" are hereby defined as land or lands divided for the purpose of sale or lease, whether immediate or future, into five or more lots or parcels.

Stats 1923,
p. 98,
amended.

SEC. 17. Section 20*b* of said act is hereby amended to read as follows:

Penalty for
false representa-
tions or other viola-
tions of act

SEC. 20*b*. Every officer, agent or employee of any company, and every other person who knowingly authorizes, directs or aids in the publication, advertisement, distribution or circularization of any false statement or representation concerning any land, or subdivision thereof offered for sale or lease, and every person who, with knowledge that any advertisement, pamphlet, prospectus or letter concerning any said land or subdivision contains any written statement that is false or fraudulent, issues, circulates, publishes or distributes the same, or shall cause the same to be issued, circulated, published or distributed, or who, in any other respect, wilfully violates or fails to comply with any of the provisions of section 20*a* of this act, or who in any other respect wilfully violates or fails, omits or neglects to obey, observe or

comply with any order, permit, decision, demand or requirement of the commissioner under section 20a in this act, is guilty of a public offense, and shall be punished by imprisonment in the county jail for a term not to exceed two years, or by a fine of not to exceed two thousand dollars, and, if a licensee of this department, he shall be held to trial by the state real estate commissioner for a suspension or revocation of his license, as in section 12 of this act provided. It shall be the duty of the district attorney of each county in this state to prosecute all violations of the provisions of this section and of section 20a of this act in the respective counties in which said violations occur, such prosecutions to be instituted, however, only upon the written request or demand of the real estate commissioner.

Duty of
district
attorney

Sec. 18. A new section, to be numbered section 23, is hereby added to said act to read as follows:

Stats 1919,
p 1252,
amended

Sec. 23. This act shall be known and cited as the "California real estate act."

Title of act

CHAPTER 131.

An act to amend sections 3, 12 and 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905, as amended, relating to the practice of pharmacy.

[Approved by the Governor April 17, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 3 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a state board to be known as the California state board of pharmacy," approved March 20, 1905, as amended, is hereby amended to read as follows:

Stats 1927,
p 154,
amended

Sec. 3. Licentiatees in pharmacy are persons who are registered as such on or before the first day of January, 1928, and who shall on or before the first day of July, 1928, have paid to the California state board of pharmacy all moneys due for renewals of registration as provided for in section 9 hereof, or are such other persons as shall be registered in accordance with the classes provided by this section.

Licentiatees

Proof of the qualifications for registration in these several classes must be made to the satisfaction of the California state board of pharmacy, substantiated by such affidavits or other evidence as may be required by said board.

Proof of
qualifica-
tions

Pharmaceutical
experience

Pharmaceutical experience as used in this act shall mean service and experience obtained after the applicant's fifteenth birthday, in a pharmacy under the personal supervision of a registered pharmacist or licentiate in pharmacy, and which shall be service and experience predominantly related to the selling of drugs, compounding physician's prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under state and federal statutes; *provided, however*, that time spent attending a school or college of pharmacy or a department of pharmacy of a university shall be counted the equivalent of pharmaceutical experience as defined in this act; *and provided, further*, that no applicant shall count as experience both college attendance and drug store experience for the same calendar month as more than the actual calendar month; *and provided, further*, that not more than thirty months of pharmacy college attendance shall be counted toward required experience.

Graduation

Graduation from a school or college of pharmacy or a department of pharmacy of a university after January 1, 1928, shall not be recognized by the California state board of pharmacy unless said school or college of pharmacy or pharmacy department of a university requires in its course a minimum of two thousand two hundred fifty hours in pharmaceutical work which includes nine hundred hours of laboratory work predominantly related to pharmaceutical chemistry for graduation.

Registration,
to whom
granted.

Registration as a licentiate in pharmacy shall be granted by the California state board of pharmacy to the following classes of persons: Class one, class two, class three, class four, class five, and class six.

Class one. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof, who shall have passed a written examination to the satisfaction of and before the California state board of pharmacy, who shall have had four years pharmaceutical experience as defined in section 3 of this act, who shall have been registered as an assistant pharmacist in this state for a period of not less than one year and who shall have graduated from a school or college of pharmacy or department of pharmacy of a university recognized by the California state board of pharmacy.

Class two. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof appearing in person before the California state board of pharmacy who shall have been registered by examination as a licentiate in pharmacy or a registered pharmacist in any other state or territory or the District of Columbia; *provided, however*, such state or territory of the United States or the District of Columbia must be one which reciprocally grants registration without examination to persons who have been registered in the State of California as licentiates in pharmacy under the terms and conditions similar

to those required in this class, who shall have graduated from a school or college of pharmacy or a department of pharmacy of a university recognized by the California state board of pharmacy who shall have had four years of pharmaceutical experience as defined by section 3 of this act.

Class three. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof; who shall have passed a written examination to the satisfaction of and before the California state board of pharmacy, who shall have had five years pharmaceutical experience as defined by section 3 of this act, who shall have been registered as a licentiate in pharmacy or a registered pharmacist and actually engaged in the practice of pharmacy and in lieu of not having been a graduate of a school or college of pharmacy or department of pharmacy of a university and in good standing in another state or territory of the United States, or the District of Columbia, before January 1, 1928, for a period of not less than five years previous to his or her application for registration; *provided, further*, that after January 1, 1933, he or she must be a graduate of a school or college of pharmacy, or a department of pharmacy of a university recognized by the California state board of pharmacy.

Class four. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in class three, who shall have been registered as a licentiate in good standing in another state or territory of the United States or District of Columbia, graduated from a recognized school or college of pharmacy or department of pharmacy of a university, and who shall have had not less than five years actual experience in the practice of pharmacy as defined in section 3, and upon passing a satisfactory written examination before the board of pharmacy of this state.

Class five. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof, who shall be registered as an assistant pharmacist in the State of California, prior to January 1, 1928, who shall have passed a written examination to the satisfaction of the California state board of pharmacy, who shall have had five years of pharmaceutical experience as defined by section 3 of this act, who shall have been registered as an assistant pharmacist for a period of two years prior to his or her application for examination as a licentiate in pharmacy.

Class six. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof, who shall be registered as an apprentice in pharmacy before the passage of this act, who shall have passed a written examination to the satisfaction of the California state board of pharmacy, who shall have had five years of pharmaceutical experience as defined by section 3 of this act, who shall have been registered as an assistant pharmacist in

the State of California for a period of two years prior to his or her application for examination as a licentiate in pharmacy.

Stats 1907,
p 768,
amended
Fraudulent
registration.

SEC. 2. Section 12 of said act is hereby amended to read as follows:

Punishment.

Compounding
and sale of
drugs by
nonregist-
tered
persons

Punishment

Disposition
of fines.

Cancellation
of registra-
tion

Inapplicable
to physicians
and whole-
salers

Proprietary
medicines

Sec. 12. Any person who shall attempt to secure, or secures registration for himself or any other person under this act by making or causing to be made any false representations, or who shall fraudulently represent himself to be registered, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding fifty days, or by both such fine and imprisonment. Any person who shall permit the compounding of prescriptions of medical practitioners, or the selling of drugs and medicines in his or her store or pharmacy, except under the direct, immediate and personal supervision of a registered pharmacist, or any person not registered who shall retail medicine, poisons or chemicals, except in a pharmacy under the direct, immediate and personal supervision of a registered pharmacist, unless the same is expressly permitted by law, or any person violating any of the provisions of this act, when no other penalty is provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine of not less than twenty dollars, and not more than one hundred dollars, or by imprisonment of not exceeding fifty days, or by both such fine and imprisonment. All fines recoverable under this act shall be paid by the magistrate receiving the same to the state board of pharmacy. Any person convicted of violating the provisions of this act the third time shall in addition to the penalties hereinbefore mentioned have his or her registration as a pharmacist canceled by the magistrate passing sentence upon the third conviction; *provided, however*, that any person having his or her license so canceled may, after the expiration of one year thereafter, make a new application for registration to the California state board of pharmacy. The board may refuse to register such applicant, or may register such applicant upon examination, or upon such terms and conditions as the board may prescribe. Nothing in this act shall apply to or interfere with any one who holds a physician's and surgeon's certificate who is duly registered as such by the state board of medical examiners or the state board of osteopathic examiners of this state, with supplying his own patients, as their physician, and by them employed as such, with such remedies as he may desire, and who does not keep a pharmacy, open shop, or drug store, advertised or otherwise, for the retailing of medicines or poisons, nor does this act apply to the exclusively wholesale business of any dealer. Nor does this act apply to registered, trade-marked, or copyrighted proprietary medicine, registered in the United States patent office. Nor to the sale of proprietary medicines, when manufactured under the supervision of a registered pharmacist in

the State of California, for which trade-marks may have been filed with the secretary of state of California, by merchants possessing a license issued by the board of pharmacy as described in section 16 of this act.

SEC. 3. Section 16 of said act is hereby amended to read as follows:

Stats 1927,
p 1140,
amended

Sec. 16. The board of pharmacy shall issue a permit to general dealers in rural districts in which the conditions, in their judgment, do not justify the employment of a registered pharmacist, and where the store of such general dealer is not less than three miles distant from the store of a registered pharmacist; which said permit shall authorize the persons or firm named therein to sell in such locality, but not elsewhere, and under such regulations and restrictions as said board may from time to time adopt, the following simple household remedies and drugs, in such manner and form as may be hereafter authorized by said board, as follows, to wit:

Permits to
rural dealers

Tincture of arnica, spirits of camphor, almond oil, distilled extract witch hazel, syrup of ipecac, syrup of rhubarb, hive syrup, sweet spirits of nitre, tincture of iron, epsom salts, rochelle salts, senna leaves, carbonate of magnesia, seidlitz powders, quinine, cathartic pills, chamomile flowers, caraway seed, chlorate of potash, moth balls, plasters, salves, ointments, peroxide of hydrogen, gum camphor, blue ointment, asafoetida, saffron, anise seed and saltpeter, and such other remedies or drugs as the board may from time to time designate.

The board shall charge an annual fee of five dollars in advance, for such permit, and it shall be unlawful for any dealer to sell any drugs or ordinary household remedies, without complying with the requirements of this section. Whenever a registered pharmacist shall establish a pharmacy within three miles by the shortest road from the place of business of such dealer, no further license shall be granted, and the license already issued shall be void; *provided*, that the following drugs, medicines and chemicals may be sold by grocers and dealers generally without restriction, viz:

Fee.

Sale without
restriction

Glauber salts, vaseline, turpentine, condition powders, cream of tartar, carbonate of soda, bay rum, essence of peppermint, ammonia, alum, castor oil, bicarbonate of soda, chloride of lime, glycerine, witch hazel, sheep dip, borax, sulphur, bluestone, copperas, flax seed, insect powder, fly paper, poultry vermifuge and all economic poisons, as that term is defined in "The California economic poison act of 1921" or any act amendatory thereof, and licensed and registered thereunder and sold in original sealed packages and labeled with the official poison labels, except the following: Arsenate of lead, arsenate of calcium, paris green, london purple and hydrocyanic acid in original sealed packages of less than one pound and labeled with the official poison labels, any economic poison containing more than two (2) per cent strychnine or ten (10) per cent elemental phosphorus, ant poisons containing more than two-tenths ($\frac{2}{10}$) of one per cent by weight of arsenic

expressed in terms of metallic arsenic, corrosive sublimate and cyanide of potassium; *provided*, that this act shall not prevent the sale of epsom salts in original packages of not less than ten pounds when plainly and properly labeled "For live stock only and not for medicinal purposes" in letters not less than one-half inch in height.

CHAPTER 132.

An act to amend section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to the sale of poisons.

[Approved by the Governor April 17, 1929. In effect August 14, 1929.]

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

Stats. 1925,
p. 137,
amended.

SECTION 1. Section 5a of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, is hereby amended to read as follows:

Schedule
"A."

Sec. 5a. The following is schedule "A" referred to in section 1, viz: Schedule "A," arsenic, its compounds and preparations, poisonous salts of barium, corrosive sublimate and other poisonous derivatives of mercury, cyanide of potassium, strychnine, hydrocyanic acid, oils of croton, rue, savin, and tansy, phosphorous and its poisonous derivatives and compounds, strophanthus or its preparations, aconite, belladonna, nux vomica, veratrum viride, their preparations, alkaloids or derivatives, ant poisons containing any of the poisons enumerated in this schedule except ant poisons which contain not to exceed two-tenths (2/10) of one per cent (1%) by weight of arsenic expressed in terms of metallic arsenic; *provided, however*, that the following shall not be included in this schedule, pills, or tablets of aloin, belladonna, and strychnine, plasters composed of aconite or belladonna, or elixir of iron quinine and strychnine or ethyl alcohol denatured in accordance with any formula approved by the internal revenue department of the federal government for external use and all economic poisons, as that term is defined in "The California economic poison act of 1921" or any act amendatory thereof, and licensed and registered thereunder and sold in original sealed packages and labeled with the official poison labels, except the following: Arsenate of lead, arsenate of calcium, paris green, london purple and hydrocyanic acid in original sealed packages of less than one pound and labeled with the official poison labels, any economic poison containing more than two (2) per cent strychnine or ten (10) per cent elemental phosphorus, ant

poisons containing more than two-tenths (2/10) of one per cent by weight of arsenic expressed in terms of metallic arsenic, corrosive sublimate and cyanide of potassium; all of which economic poisons, with the above exceptions, may be sold by dealers generally, anything in this or any other act to the contrary notwithstanding.

The following is schedule "B": Hydrochloric or muriatic acid, nitric acid, oxalic acid, sulphuric acid, bromine, chloroform, cowhage, creosote, ether, solution of formaldehyde or formaline, cantharides, cocculus indicus, all of their preparations; iodine or its tincture, oil of pennyroyal, tartar emetic and other poisonous derivatives of antimony, sugar of lead, sulphate of zinc, wood alcohol, lysol and compound solution of creosol. Schedule "B."

CHAPTER 133.

An act to amend section 59 of the "State housing act," approved June 15, 1923, as amended, relating to garages.

[Approved by the Governor April 17, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 59 of the state housing act, approved June 15, 1923, as amended, is hereby amended to read as follows: Stats 1923, p. 822, amended

Sec. 59. No automobile or other motor vehicle shall be placed or stored in an apartment house or hotel hereafter erected except under the following conditions: Garages in hotels and apartment houses

When the total space of any floor to be used for such purpose is one thousand (1000) square feet or less the enclosing walls of such space shall be of concrete, reinforced concrete, brick, stone, concrete tile or blocks, or clay tile, not less than four (4) inches thick or may be of wood studs covered on the storage room side by not less than twenty-five thirty-seconds (25/32) inch boards with one thickness of asbestos paper and one thickness of lock-jointed number twenty-six gauge galvanized iron, or such wood studs shall be covered on both sides with three-quarters ($\frac{3}{4}$) inch metal lath and plaster. The ceiling of such space shall be lathed only with metal lath and shall be well plastered not less than three-quarters ($\frac{3}{4}$) inch thick, or such ceiling may be of masonry. The floor of such space shall be of reinforced concrete or masonry not less than two (2) inches thick. Every door, window, or other opening in the walls of such space opening to any other portion of the building shall be protected in the same manner as required by this act for doors, windows, or other openings in a boiler room. Specifications.

When the total space of any such floor to be used for such purpose exceeds one thousand (1000) square feet and does not exceed four thousand (4000) square feet no compartment in such space shall exceed two thousand (2000) square feet,

unless such space conforms to the requirements for spaces exceeding four thousand (4000) square feet. The partitions and enclosing walls of such space shall be constructed as in this section provided for a space not exceeding one thousand (1000) square feet. The ceilings thereof shall be constructed of a double ceiling and each such ceiling shall be lathed only with metal lath and plastered not less than three-quarters ($\frac{3}{4}$) inch thick and shall have a space between the two ceilings of not less than six (6) inches measured vertically and the lower ceiling shall be suspended with metal; or in lieu of the metal lath and plastered ceilings such ceiling may be constructed of masonry not less than three (3) inches thick. The floor of every such space shall be of masonry not less than three (3) inches thick. Every door in any wall of such space opening to any other portion of the building and every door in any partition shall be self-closing. Every door, window, or other opening in any partition and any door, window, or other opening in any wall opening into any other portion of the building shall be protected in the same manner as required in this act for openings in a boiler room.

When the total space on any floor to be used for such purpose exceeds four thousand (4000) square feet the partitions and enclosing walls of such space shall be built of concrete, reenforced concrete, brick, stone, concrete tile or blocks, or clay tile, not less than eight (8) inches thick. The ceiling of every such space shall be of masonry not less than three (3) inches thick. The floor of every such space shall be of masonry not less than three (3) inches thick. No door or other opening leading from such storage space to any other portion of the building shall be allowed unless there is provided a vestibule with enclosed walls continuous with and of the same construction and thickness as the enclosing walls of the storage space, and the vestibule openings from the interior of the building shall be equipped with metal lined doors.

Ventilation.

Every space in a building hereafter erected in which automobiles or other motor vehicles are placed or stored shall be provided with ventilation as follows:

When the total space on any floor to be used for such purpose is four thousand (4000) square feet or less, such space shall be provided with ventilation outlets in the walls thereof.

The total areas of such ventilating outlets shall be as follows: For a space of one thousand (1000) square feet or less, two hundred (200) square inches. For each additional space of two hundred (200) square feet over one thousand (1000) square feet this area shall be increased fifty (50) square inches until the total area becomes five hundred and twenty-five (525) square inches, which shall be the maximum required for a space of not more than four thousand (4000) square feet.

The top of the ventilating outlets shall be not more than eighteen (18) inches above the floor. Such outlets shall be protected with galvanized wire or rods not less than three-eighths ($\frac{3}{8}$) inch in diameter so as to provide openings of one-half ($\frac{1}{2}$) inch mesh.

Protections of ornamental design may be used provided they are galvanized and have a strength equal to that of the rods. All protections shall be firmly anchored in or secured to their supports. All ventilating outlets shall lead directly to a free and unobstructed circulation of air; but shall not lead into inner courts.

When the total space on any floor to be used for such purpose has a floor area of over four thousand (4000) square feet, a mechanical exhaust ventilation system shall be provided. This system shall consist of power-driven exhaust fan or fans of the positive centrifugal type and shall have sufficient capacity to exhaust a quantity of air equal to not less than six times the cubic contents of such space each hour. This mechanical exhaust shall be drawn from a point not more than eighteen (18) inches above the floor line and shall be evenly distributed over the entire area in which automobiles are stored. The fan discharge shall be taken to a point above the roof of the building or to the outer air at a point not less than ten (10) feet from any window in the building or any adjoining building.

No portion of any apartment house or hotel hereafter erected shall be used as an auto repair shop or machine shop, auto salesroom, auto top and upholstering shop, accessory shop, or battery repair shop unless such space conforms to the requirements for a motor vehicle storage space in excess of four thousand (4000) square feet as provided in this section.

No portion of any apartment house or hotel hereafter erected shall be used as a paint shop or store, gasoline or oil service station or store, or vulcanizing shop.

Uses
prohibited

CHAPTER 134.

An act to amend sections 4236b, 4236c, 4236d, 4236f, 4236g, 4236h, 4236j, 4236l, inclusive, of the Political Code, relating to county and township officers in counties of the seventh class, the assistants, deputies, and other employees of said officers, and provided for the compensation of said officers and said assistants, deputies, and other employees.

[Approved by the Governor April 17, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 4236b of the Political Code is hereby amended to read as follows:

4236b. In counties of the seventh class the sheriff shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum salary; the sheriff shall also be paid fifteen cents per meal each, for all meals furnished prisoners confined in the county jail. He shall be allowed the actual and necessary expenses incurred in the performance of his official duties, including the actual

Stats 1927,
p 758,
amended
Counties of
7th class
(Sacra-
mento)
Sheriff and
assistants

and necessary expense incurred by him in recovering or searching for the body of any person meeting death through drowning; *provided*, that in counties of this class, there shall be, and there is hereby allowed the sheriff, the following deputies, jailers and bailiffs, to be appointed by said sheriff, which positions are hereby created, and the salaries of each are hereby fixed as follows: One deputy, who shall act as undersheriff, at a salary of two thousand seven hundred dollars per annum; one deputy, who shall act as chief criminal deputy and Bertillon expert, at a salary of two thousand two hundred eighty dollars per annum; one chief jailer at a salary of two thousand two hundred eighty dollars per annum; two deputies who shall act as process servers at a salary of one thousand nine hundred eighty dollars each per annum; three deputies who shall act as criminal deputies at a salary of two thousand one hundred dollars each per annum; one matron at a salary of one thousand two hundred dollars per annum; one matron to attend female prisoners at a salary of one thousand five hundred dollars per annum; one deputy who shall act as bookkeeper at a salary of one thousand nine hundred eighty dollars per annum; one deputy to act as stenographer and assistant bookkeeper at a salary of one thousand nine hundred eighty dollars per annum; one deputy to act as transportation deputy at a salary of one thousand nine hundred eighty dollars per annum; six deputies who shall act as jailers at a salary of one thousand nine hundred eighty dollars each per annum; four deputies to act as court bailiffs at a salary of one thousand nine hundred twenty dollars each per annum. The salaries and compensation of each of said deputies, jailers and bailiffs, shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

The sheriff shall pay into the county treasury at the close of each month all fees, mileage and per diems received by him as sheriff during the month, accompanied by a statement of the sources from whence received.

Stats. 1927,
p 759,
amended.

SEC. 2. Section 4236c of the Political Code is hereby amended to read as follows:

Counties of
7th class
(Sacro-
mento).
Recorder and
assistants.

4236c. In counties of the seventh class the recorder shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed the county recorder, the following deputies, clerks and copyists, to be appointed by said recorder, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand seven hundred dollars per annum; one comparing clerk, at a salary of two thousand two hundred and twenty dollars per annum; one comparing clerk, at a salary of one thousand nine hundred and twenty dollars per annum; one index clerk, at a salary of two thousand two hundred twenty dollars per annum;

one filing clerk, at a salary of one thousand eight hundred dollars per annum; said recorder may also appoint such copyists, not to exceed six, as may be required, for the recording of all papers, notices or documents in his office, who shall receive as compensation for their services the sum of one thousand eight hundred dollars each per annum; said recorder may also appoint two copyists at a salary of one thousand eight hundred dollars each per annum. The salaries and compensation of each of said deputies, clerks and copyists and employees herein provided for, each of whom shall be a deputy county recorder, shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

SEC. 3. Section 4236*d* of the Political Code is hereby amended to read as follows:

Stats. 1927,
p. 759,
amended.

4236*d*. In counties of the seventh class the auditor shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class, there shall be, and there is hereby allowed the auditor, the following deputies, clerks and employees to be appointed by said auditor, which positions are hereby created and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand seven hundred dollars per annum; one redemption deputy at a salary of two thousand four hundred dollars per annum; one warrant deputy at a salary of two thousand four hundred dollars per annum; one claim expert, at a salary of two thousand four hundred dollars per annum; one assistant claim clerk, at a salary of two thousand one hundred dollars per annum; three deputies, at a salary of two thousand one hundred dollars each per annum; and such additional assistants as the auditor may require at a salary of six dollars per diem each and whose compensation shall not exceed two thousand six hundred dollars per annum, in the aggregate, for all assistance so rendered; *provided, further*, that the auditor shall certify thereon, as to the correctness of such additional assistants. The salaries and compensations of each of said deputies and clerks, shall be paid out of the county treasury, in equal monthly installments, in the same manner and at the same time as other county officials are paid.

Counties of
7th class
(Sacramento)
Auditor and
assistants.

SEC. 4. Section 4236*f* of the Political Code is hereby amended to read as follows:

Stats 1927,
p. 760,
amended.

4236*f*. In counties of the seventh class the county tax and license collector shall receive as full compensation for services as tax collector and ex officio license collector, required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class, there shall be, and there is hereby allowed the tax collector, the following deputies, bookkeepers and assistants, to be appointed by said tax collector, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand seven hundred dollars per annum; one

Counties of
7th class
(Sacramento).
Tax collector
and assist-
ants.

office deputy at a salary of two thousand four hundred dollars per annum; one cashier, at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; one deputy who shall be correspondence and mail clerk, at a salary of one thousand nine hundred eighty dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; and such emergency assistants as shall be required and who shall receive for his or their services six dollars per diem each; and such emergency copyists as shall be required and who shall receive for his or their services five dollars per diem each; and such emergency clerks as shall be required and who shall receive for his or their services four dollars per diem each; *provided, however*, that the aggregate pay of such emergency assistants, copyists or clerks shall not exceed in the aggregate four thousand five hundred dollars per annum. The salaries and compensations of each of said deputies, cashiers, bookkeepers, assistants, copyists and clerks shall be paid out of the county treasury, in equal monthly installments at the same time and in the same manner as other county officials are paid. The tax collector is hereby declared to be the ex officio license collector, and the office of license collector heretofore existing is hereby abolished.

The tax and license collector shall deposit in the county treasury all the money received by him in his official capacity, not later than the day succeeding the collection thereof, in the manner provided by section 4101a of the Political Code; *provided*, that checks, drafts and post-office orders received or accepted by the tax and license collector at his own risk, the proceeds of which are to be applied on tax or license collections, may be deposited in bank and a reasonable time allowed for "clearance" not to exceed one week, before depositing the money in the county treasury; *provided, further*, that nothing herein shall be construed to authorize the payment of taxes other than in "lawful money of the United States," as provided by section 3888 of the Political Code. The tax and license collector shall be allowed his actual and necessary traveling expenses incurred by him, in the performance of his official duty, not exceeding two hundred dollars for the year.

Sec. 5. Section 4236g of the Political Code is hereby amended to read as follows:

4236g. In counties of the seventh class the county assessor shall receive as full compensation for services required of him by law, the sum of four thousand dollars per annum and such fees and commissions as allowed by law while acting as an agent of the State of California as the collector of the state poll tax. He shall also be provided with transportation to be used by him and his deputies in assessing property and gathering assessment data; *provided*, that in counties of this class there shall be and there is hereby allowed the assessor, the following deputies, clerks and assistants, to be appointed by said assessor, which positions are hereby created, and the

Stats 1927,
p 761,
amended.
Counties of
7th class
(Sacro-
mento).
Assessor and
assistants.

salaries of each are hereby fixed as follows: One assistant county assessor at a salary of two thousand seven hundred dollars per annum; six deputies at a salary of two thousand one hundred dollars each per annum; as many deputies as are necessary in the discretion of the county assessor during each year at a salary of eight dollars per day each and whose compensation for such services shall not exceed the sum of twenty thousand eight hundred dollars per annum in the aggregate for all deputies so employed; as many deputies as are necessary in the discretion of the county assessor during each year at a salary of seven dollars per day each and whose compensation for such services shall not exceed the sum of three thousand five hundred dollars per annum in the aggregate for all deputies so employed; as many deputies at a salary of six dollars per day and whose compensation shall not exceed the sum of two thousand four hundred dollars per annum; as many deputies at a salary of four dollars per day and whose compensation shall not exceed the sum of one thousand eight hundred dollars per annum. The salaries and compensation of each of said deputies, clerks and assistants shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

SEC. 6. Section 4236*h* of the Political Code is hereby amended to read as follows:

4236*h*. In counties of the seventh class the district attorney shall receive as full compensation for the services required of him by law the sum of six thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the district attorney the following assistant deputies and employees, to be appointed by said district attorney which positions are hereby created and the salaries of each are hereby fixed as follows: One assistant district attorney, whose salary is hereby fixed at the sum of four thousand five hundred dollars per annum; one chief deputy district attorney, whose salary is hereby fixed at the sum of four thousand five hundred dollars per annum; three deputy district attorneys whose compensation is hereby fixed at the sum of three thousand six hundred dollars each per annum; one clerk, who shall be a stenographer, whose salary is hereby fixed at the sum of one thousand nine hundred twenty dollars per annum; one chief clerk, whose salary is hereby fixed at the sum of one thousand nine hundred twenty dollars per annum; one county detective who shall have all the powers of a peace officer as set forth in sections 834 and 836 of the Penal Code and who shall perform such duties as may be required of him by the district attorney, or by the ordinances of the board of supervisors of the county, whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; *provided, further*, that in addition to the salary herein fixed for said county detective he shall be allowed and paid actual and necessary expenses

Stats 1927,
p 762,
amended
Counties of
7th class
(Sacro-
mento)
District
attorney and
assistants

incurred by him in the performance of his official duties; *provided, further*, that the said county detective shall file with the board of supervisors a verified statement and claim showing in detail the amount paid, and the persons to whom and the purpose for which such payments were made; *and provided, further*, that in counties of this class the district attorney, in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the investigation and detection of crime and the prosecution of criminal cases and in civil actions and proceedings, and all other matters in which the county is interested, all of which said charges and expenses so incurred by him shall be a legal charge against the county. Neither the district attorney nor any of his assistants or deputies shall engage in the private practice of law, nor shall they be associated directly or indirectly with any lawyer or law firm as such in private practice, but each shall devote his entire time to the service of the county.

The salaries and compensation of each of said assistants, deputies and employees shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

SEC. 7. Section 4236j of the Political Code is hereby amended to read as follows:

4236j. In counties of the seventh class the superintendent of schools shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum and actual and necessary traveling expenses in the performance of the duties of his office; *provided, further*, that in counties of this class, there shall be and there is hereby allowed the superintendent the following assistants and deputies to be appointed by said superintendent which positions are hereby created and the salaries of each are hereby fixed as follows: One assistant superintendent of schools who shall receive as compensation the sum of two thousand seven hundred dollars per annum; one deputy superintendent of schools who shall receive as compensation the sum of two thousand five hundred and twenty dollars per annum; two deputies who shall receive as compensation the sum of two thousand one hundred dollars per annum; one stenographer, who shall receive as compensation the sum of one thousand five hundred dollars per annum. The salary of said assistant superintendent of schools and deputy superintendent of schools and stenographer shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid. Each member of the board of education of the county shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place

Stats 1927,
p 764,
amended.
Counties of
7th class
(Sacra-
mento).
Superintend-
of schools
and assist-
ants.

of meeting of said board. The secretary of said board of education of said county shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of the said board and of said secretary shall be paid out of the same funds as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of members of the county board of education of this county hereby provided is not in addition to that provided in section 1770 of this code.

Sec. 8. Section 4236l of the Political Code is hereby amended to read as follows:

4236l. For the purpose of regulating the compensation of township justices and constables in counties of the seventh class, townships shall be classified on the basis of population, said population to be determined by the board of supervisors by multiplying by three the number of registered voters at the last general election next preceding the date of such determination, said census so taken shall be known and shall become the official census of the township in which the same is taken, and the population therein determined shall be and become the official population of such township. Incorporated cities having a population of twenty thousand or more shall be known as townships of the first class; townships having a population of five thousand and less than twenty thousand shall be known as townships of the second class; townships having a population of more than two thousand and less than five thousand shall be known as townships of the third class; *provided*, that no township shall contain less than two thousand population; *provided, further*, that the number of townships shall not exceed eight in counties of this class. It shall be the duty of the board of supervisors to fix the boundaries of townships, so that all the territory in counties of the seventh class, shall be comprised within the above limitations of population, and where the boundary line of any township is changed they shall take the census of said township or townships in the manner as in this section provided and the population therein determined shall be and become the official population of the township.

Townships of the second and third classes shall each have one justice and one constable.

Townships of the first class shall have one justice and two constables; *provided, however*, that in all such townships having a population of twenty thousand or more there shall be one clerk to be appointed by the justice of the peace, such clerk to receive a salary of one hundred seventy-five dollars per month, payable monthly in the same manner as salaries of county officers are paid. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid

Stats 1927,
p. 764,
amended.

Counties of
7th class
(Sacramento).
Classification
of townships.

Justices and
constables

Fees.

monthly into the county treasury. All fees and mileage collected by constables in civil cases shall be deposited in the county treasury monthly.

Offices

In townships containing twenty thousand or more inhabitants the board of supervisors shall furnish the justice of the peace and the constables of such township an office to be occupied by such justice and constables jointly. In such townships the constables shall be allowed one clerk at a salary of one hundred twenty-five dollars per month. In any township or townships of the second or third class when, in the opinion of the board of supervisors, it is necessary for the proper conduct of the business of the justices of the peace of any of the township courts, the supervisors shall have the power to provide court room space and the rental thereof shall be a proper charge against the county.

Clerks.

Court rooms

Compensation of justices.

The compensation of justices of the peace in counties of the seventh class is hereby fixed as follows: Class one townships, three thousand six hundred dollars per annum; class two townships, one thousand eight hundred dollars per annum; class three townships, one thousand five hundred dollars per annum. The salaries shall be payable monthly in the same manner as county officers are paid.

Compensation of constables

The compensation of constables in counties of the seventh class is hereby fixed as follows: Class one townships, two thousand four hundred dollars per annum; class two townships, one thousand eight hundred dollars per annum; class three townships, one thousand five hundred dollars per annum. The salaries shall be payable monthly in the same manner as county officials are paid.

CHAPTER 135.

An act to authorize and empower boards of supervisors to levy a tax for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural, viticultural and water resources and advantages of their several counties.

[Approved by the Governor April 17, 1929. In effect August 14, 1929.]

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

Special county tax

SECTION 1. The boards of supervisors, of the several counties within the State of California, are hereby authorized and empowered to levy a special tax not to exceed four cents on the one hundred dollars of the assessed valuation of all property within the county to be used in the State of California for advertising, exploiting, promoting and aiding measures designed to preserve, aid or develop the agricultural, horticultural and water resources and advantages of their several counties and thereby to increase and develop

the trade and commerce of, and induce immigration to their said counties.

Such tax when levied according to the provisions of this section shall be an addition to any tax which may now or hereafter be authorized to be levied for the purpose of creating a fund to be used as authorized under the provisions of sections 4041 and 4056b of the Political Code. Nothing herein contained shall prevent any county from creating a bonded indebtedness under the provisions of section 4088 of the Political Code for the purpose of obtaining funds with which to build, construct or furnish an exposition building or building for exhibiting and advertising its resources.

Additional
bonds.

SEC. 2. This act shall be in force and effect to and including the first day of July, 1935.

Limitations.

CHAPTER 136.

An act amending sections 2 and 14 of an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency, and fitness for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers, and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended, and adding a new section to said act to be numbered section 32, relating to the appointment of the state civil service commission and its powers and duties.

[Approved by the Governor April 17, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 2 of an act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency, and fitness for appointment to and holding during good behavior of office and employment under state authority, and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended, is hereby amended to read as follows:

Stats 1927,
p 76,
amended

Sec. 2. There is hereby created a commission known as the "State civil service commission" which shall consist of three commissioners whose term of office shall be for four years except that as to the terms for the first three commis-

State civil
service
commission

sioners appointed under this act one shall end on June 30, 1930; one shall end on June 30, 1931; and one shall end on June 30, 1933, as shall be designated by the governor when making these appointments. Vacancies shall be filled by appointments by the governor for the unexpired terms. A commissioner may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. No person holding a paid, full-time position in the state service shall be eligible to appointment or competent to hold the position of commissioner under this act. The members of the state civil service commission now in office shall continue to serve until their successors shall be appointed as herein provided. Each member of the commission shall receive as compensation for his services fifteen dollars per day while actually engaged in the duties of his office and his actual and necessary traveling expenses incurred in the performance of his duties as a commissioner. One of said commissioners shall be designated by the governor to act as president and executive member of the commission. The names "commission" and "commissioner" as used in the civil service act shall be construed to mean and apply to the executive member in whom in all respects the duties, powers and functions now conferred upon the civil service commissioner, commissioner or commissioners are vested and conferred except that the enactment of the rules and regulations of the commission, the creation and adjustment of classifications and grades, exemptions of positions from under the civil service act as permitted by law, and dismissals, demotions or other punitive actions placed in the control of the commission shall be the duty of and be controlled by the members of the commission and the votes of two commissioners shall be required to make any action of the commission effective.

Stats 1913,
p. 1044,
amended

Tenure of
office.

SEC. 2. Section 14 of said act, as amended, is hereby amended to read as follows:

Sec. 14. The tenure of every person holding a position under the provisions of this act shall be during good behavior, but any such person may be removed, demoted, suspended without pay or with reduced pay, transferred to another position in the same class, reprimanded, or restored to his position with such pay as may be equitable under a procedure in conformity with the provisions of this section which shall be set up by the commission in its rules and regulations, for any of the following causes: Incompetency, inefficiency, insubordination, dishonesty, intemperance, immorality, profanity, discourteous treatment of the public or other employees, improper political activity, wilful disobedience, violation of the provisions of this act or of the rules and regulations of the commission, or for any other failure of good behavior or any other act or acts which are incompatible with or inimical to the public service.

Written
charges.

The appointing power or other officer or person in charge of the employee, or any citizen of the state, or the com-

mission, may file charges against any person employed by the state under and subject to the provisions of this act, for dismissal or other corrective action for any or all of the causes hereinbefore provided and suspend such employee from service until such time as the charges against him shall have been heard or investigated by the commission and a decision rendered. Such charges must be made in writing and clearly state the specific act or acts of the employee constituting such cause, the original of which shall be immediately filed with the commission and a copy served upon the accused employee either by personal service or by registered mail, and the suspension shall not be effective until such service has been made upon the employee. The charges filed against an employee must also inform him of the time and manner in which, under the provisions of this section and the rules and regulations of the commission, he must answer to such charges and ask for a hearing or investigation. The employee shall have a reasonable time in which to file with the commission a written answer to or explanation of the charges, and to request an investigation or hearing, and a copy of such answer, explanation or request shall at once be mailed by the commission to the appointing power or other officer or person who has made the charges. Within a reasonable time after the filing of such answer, and upon written notice to both parties of the time and place of the hearing or investigation, the commission shall, under the provisions of this act, hold a hearing or investigation, at which time both the accuser and accused shall have the right and opportunity to submit all proper and competent evidence for and against the accused. Failure on the part of the accused employee to request a hearing, or investigation, and to give such written answer or explanation to the commission within ten days of the service upon him of the charges, shall be deemed an admission of the truth of such charges without further investigation or hearing on the part of the commission, unless further time shall be granted by the commission. It shall be the duty of the commission to subpoena witnesses for the accused upon his written request and at his cost, consider carefully the evidence submitted in the hearing or investigation and render a decision which in its judgment is just and proper. The decision must be rendered within a reasonable time after the completion of the trial and shall be entered upon the minutes of the commission and its official roster of employees. Copies of the decision shall be furnished to both the appointing power and the employee. Such hearings or investigations may be held by the commission, any commissioner, the chief examiner or any agent of the commission duly accredited to such duty, and the decisions of the commission shall be final and not subject to review of any other tribunal.

Service

Answer.

Hearing

Decision

Suspension

An appointing power may, from time to time, peremptorily suspend an employee without pay or other compensation and without the right of a hearing as punishment for any minor infraction of any of the above causes or other improper

behavior, but such suspension or total suspensions by such appointing power of such person shall not exceed thirty days in any year of service. Such suspension with loss of pay may be effected only by service upon the employee by the appointing power of written charges setting out clearly the delinquency for which such suspension was made and a copy of which must at the same time be mailed or delivered to the commission. The suspended employee shall have the right to file with the commission and the employing power a written answer or explanation of such charges.

New section SEC. 3. A new section is hereby added to said act to read as follows:

Short title. Sec. 32. This act shall be known and may be cited as the "State civil service act."

CHAPTER 137.

An act granting certain overflowed lands, marsh lands, tidelands, and submerged lands of the State of California to the Carmel sanitary district.

[Approved by the Governor April 17, 1929 In effect immediately.]

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

Grant of
tidelands to
Carmel sani-
tary district

SECTION 1. There is hereby granted to the Carmel sanitary district, a sanitary district of the State of California, and to its successors, all the right, title, and interest of the State of California, held by said state by virtue of its sovereignty, in and to all the overflowed lands, marsh lands, tidelands, and submerged lands, whether filled or unfilled, at and about the mouth and estuary of the Carmel river, between the United States meander line and the northern boundaries of certain Spanish land grant lands, said sovereign lands of the State of California being more particularly described as follows, to wit: Beginning at a post, said post being a witness corner between sections eleven (11) and fourteen (14), township sixteen south, range one west, Mount Diablo meridian, said post further being the intersection between said section line and said United States meander line; thence along said United States meander line in a westerly and southerly direction to the north bank of the Carmel river at or near the mouth of said river; thence in an easterly direction along the north bank of the Carmel river along said United States meander line to the intersection of said meander line and the north boundary line of the Spanish land grant lands of the Rancho el Portrero, and Rancho San Jose y sur Chiquito; thence westerly following said north boundary of said Spanish land grant lands along the south bank of the Carmel river to the mouth of the Carmel river; then westerly and southerly for a distance of three thousand feet; thence due west into Pacific ocean to the intersec-

tion of said line and the twenty fathom line; thence northerly along said twenty fathom line to the point of the intersection of said twenty fathom line and the westerly prolongation of the said section line between sections eleven (11) and fourteen (14) as hereinabove described; thence along said line in an easterly direction to the point of beginning; all said lands being sovereign lands of the State of California.

SEC. 2. None of said lands shall be used or devoted to any purpose other than for necessary and convenient sanitary facilities, said uses to conform in principle and in practice to the rules and regulations of the board of health of the State of California; and for other public uses not inconsistent with the terms of this grant as may from time to time arise; and said Carmel sanitary district and its successors, shall not at any time grant, convey or alien said lands, or any portion thereof, to any person, firm or corporation for any purpose whatsoever; *provided, however*, that nothing contained herein shall be so construed as to prevent the granting or use of franchises, or leases, of limited duration for rights of way in, under, over, or across said lands for power, telephone, telegraph, or cable lines, or for other public purposes consistent with the trust under which these lands are granted and held.

Conditions
and restric-
tions

SEC. 3. Any improvement to, or upon said lands shall be made by the Carmel sanitary district without expense to the State of California, and such improvements shall always remain for public purposes, and for none other; and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays, or other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad owned and operated by the State of California.

Improve-
ments

SEC. 4. In the management, conduct, and use of said lands, or of the improvements thereto or thereupon, or of any of the utilities, appliances or structures placed thereon, no discrimination in the rates, tolls, or charges or in the use, or service in connection therewith, shall ever be made, authorized, or permitted by the said Carmel sanitary district, or by its successors.

Discrimina-
tions
prohibited

SEC. 5. The absolute right to fish in the waters of the Pacific ocean over said lands, with the right of convenient access to said waters over said lands, for said purpose, is hereby expressly reserved to the people of the State of California.

Reservation
of fishing
rights.

SEC. 6. The provisions of this act shall be liberally construed both as to the provisions specifically set forth herein, and those which are necessary and incident thereto, and which it would be competent for the act to set forth specifically and in detail, to effect and promote the objects thereof. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have

Construction.

Constitution-
ality.

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

Urgency
measure.

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

The facts constituting such an urgency are as follows:

The lands mentioned in section 1 hereof are needed by the Carmel sanitary district for additions to and development of its disposal plant, to take care of sewage within the thickly populated territory of the district, and if such sewage is not taken care of promptly, the lives and health of the citizens residing therein will be menaced and endangered.

CHAPTER 138.

An act to amend section 827 of the Civil Code, relating to the termination of month-to-month tenancies.

[Approved by the Governor April 20, 1929. In effect August 14, 1929.]

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

Stats. 1907,
p. 58,
amended.

Notice of
change in
terms of
leases

SECTION 1. Section 827 of the Civil Code is hereby amended to read as follows:

827. In all leases of lands, or tenements, or of any interest therein, from month to month, the landlord may, upon giving notice in writing at least thirty days before the expiration of the month, change the terms of the lease to take effect at the expiration of the month; *provided, however*, that it shall be competent for the parties to provide by an agreement in writing at the time such tenancy is created, that a notice changing the terms thereof may be given at any time not less than seven days before the expiration of the month.

The notice, when served upon the tenant, shall of itself operate and be effectual to create and establish, as a part of the lease, the terms, rent, and conditions specified in the notice, if the tenant shall continue to hold the premises after the expiration of the month.

CHAPTER 139.

An act to add a new section to be numbered 19c to the "California irrigation district act," relating to appointment and election of district officers and declare the urgency thereof.

[Approved by the Governor April 20, 1929. In effect immediately.]

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

SECTION 1. A new section to be numbered 19c is hereby added to read as follows:

Stats 1897,
p 254,
amended
Appointment
of officers

Sec. 19c. Whenever a verified petition, signed by the owners of a majority of the land in an irrigation district shall be filed with the board of supervisors of any county in which such irrigation district or the greater part thereof is situated, showing that no more than five owners of land in the district are residents and electors thereof, and that no general irrigation district election was held in the district at the last date fixed for such election by section 19 of this act, said board of supervisors shall set a date for the hearing of such petition, which date shall be not less than ten days nor more than thirty days from the presentation thereof to said board, and shall give notice of said hearing by publication in at least two issues of a newspaper published in the county in which said board of supervisors has its office. At said hearing, if the facts alleged in said petition be established to the satisfaction of said board of supervisors, said board shall so find by resolution and shall then appoint for said district a board of directors to consist of three owners of land within said district, who need not be residents thereof. The directors so appointed shall take office as soon as they shall have qualified in accordance with the provisions of this act, and shall hold office until their successors are appointed and qualified or until an election is duly called and held as provided for in this act. Upon their organization as a board, they shall fill by appointment the offices of treasurer, collector and assessor, and none of the persons so appointed need be residents or land owners within the district.

SEC. 2. This act is hereby declared to be an urgency measure necessary to the immediate preservation of the public health and safety within the meaning of section 1 of article four of the constitution of the State of California and as such it shall take effect immediately. The following is a statement of the facts constituting such urgency. Irrigation districts supply water for domestic purposes and for live stock and further through the canals and other facilities of the districts such districts supply drainage to the districts which is necessary to the preservation of the health of the people within and near the districts. In certain irrigation districts the land is owned by persons not residing within the district and there are not sufficient resident electors in such districts to conduct

Urgency
measure

an election or to hold the offices of the district, consequently such districts have not held the recent elections as required by law and are without officers or organization as required by law and such districts are no longer able to function thus leaving the people residing within the district without a supply of water for domestic purposes or for live stock and leaving the district without the drainage and functions of sanitation performed by the district and without means of paying the bonded indebtedness or warrants of the district.

CHAPTER 140.

An act regulating the business of embalmers and funeral directors and the transportation of and traffic in dead human bodies, creating a state board therefor, providing penalties for violations thereof, and repealing the act entitled "An act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof," approved April 16, 1915, as amended.

[Approved by the Governor April 20, 1929. In effect August 14, 1929.]

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

Board of
embalmers
and funeral
directors
created.

SECTION 1. There is hereby created a board to be known as the state board of embalmers and funeral directors, consisting of five members, with a minimum of five consecutive years' experience, immediately preceding their appointment, in the preparation and disposition of dead human bodies and in the practice of embalming, appointed by the governor to four year terms, and removable by him for incompetency or improper conduct. During their respective terms under the provisions of the act hereby repealed the present members of the state board of embalmers shall continue to serve and act as members of the board hereby created.

Meetings,
officers,
salaries, etc

SEC. 2. The said board shall meet annually, and at such other times as it may determine, and shall elect from its members, each for a term of one year, a president, a vice president, a secretary, and a treasurer. The salary of the secretary shall be fixed by said board with the approval of the department of finance. Each member other than the secretary shall receive as compensation for his services the sum of ten dollars for each day's actual attendance upon a meeting of the board, and each member shall be reimbursed for his traveling expense necessarily incurred in the performance of his duties hereunder.

SEC. 3. The term "funeral director," as herein used, is a person, partnership, corporation, association, or other organization engaged in or conducting, or holding out himself or itself as engaged in or conducting, the business of (a) preparing, other than by embalming, for the burial or disposal and directing and supervising the burial or disposal of dead human bodies, or (b) providing for or maintaining a place for the preparation for the disposition or for the care of dead human bodies, or (c) who shall, in connection with his or its name or business, use the words "funeral director," or "undertaker" or "mortician," or any other title implying that he or it is engaged in the business of a "funeral director," as herein defined. Funeral director defined

The term "embalmer," as herein used, is a person engaged, or holding himself out as engaged, in the practice of disinfecting or preserving dead human bodies, or preparing for the transportation by a railroad, express company, or common carrier of human bodies dead of contagious or infectious disease. Embalmer defined

SEC. 4. No person shall engage, or hold himself out as engaged, in practice as an embalmer, except those licensed as embalmers in this state on the effective date of this act, unless licensed so to do by said board. Licensed embalmers

SEC. 5. In order to qualify for a license as an embalmer, the applicant must be over twenty-one years of age, of good moral character, must hold a certificate from a high school, or its equivalent, must have first completed a two-year course of training under an embalmer licensed in this state, and must have completed a full course of instruction in an embalming school of the class A type as rated by the "Conference of embalmers' examining boards of the United States." Qualifications

He must pass an examination given by said board in the following subjects: Embalming; anatomy, including histology, embryology and dissection; pathology; bacteriology; hygiene, including sanitation and public health; chemistry, including toxicology; and restorative art, including plastic surgery and demisurgery.

The application must be in writing, and verified, on a form provided by and addressed to said board, and must be accompanied by a fee of twenty-five dollars and by affidavits of at least two reputable residents of the county in which the applicant proposes to engage in the practice of an embalmer to the effect that the applicant is of good moral character. Application
Fee.

SEC. 6. Said board shall hold at least three meetings annually for the purpose of examining applicants for the embalmer's license, one in Sacramento, one in Los Angeles, and one in San Francisco, and at such other times and places as the board may determine. Notice of the time and place of each such meeting shall be given twice a week during each of two seven-day periods next preceding each meeting in one daily newspaper of general circulation published in each of said cities. Examinations

Licensed
funeral
directors

SEC. 7. The business of a funeral director must be conducted and engaged in at a fixed place or establishment; and no funeral director shall open or maintain a place or establishment at which to engage in or conduct, or hold out himself or itself as engaging or conducting, the business of a funeral director, unless first licensed so to do by said board.

Applications.

An application for such license shall be in writing, and verified, on a form provided and addressed to said board. The applicant, or in case the applicant is an association, corporation or partnership, the president or corresponding officer appearing therefor, must be at least twenty-one years of age and of good moral character. The application must specify the address at which the applicant proposes to engage in or conduct a place of business as a funeral director, and must be accompanied by the affidavits of at least two reputable residents of the county in which the applicant resides, or proposes to engage in or conduct a place of business as a funeral director, to the effect that the applicant, or the president or corresponding officer, if the applicant is an association, corporation or partnership, is of good moral character.

Fees and
bonds

The application must also be accompanied by a fee of twenty-five dollars, and by a bond to the people of the State of California, duly executed by a surety or sureties approved by said board, in the amount of two thousand dollars, conditioned for the faithful performance of applicant's duties as a funeral director.

Action on
bond.

Any person damaged by the failure of a funeral director to faithfully perform said duties, or to comply with the provisions of this act, or with the rules of said board enacted under section 15 hereof, shall have the right in his own name to commence an action in a court of competent jurisdiction against the funeral director and his surety or sureties for the recovery of the amount of such damage. It shall be the duty of said board to see that such bond remains and is kept good.

Separate
applications

If the applicant for such license proposes to engage in or conduct said business at more than one place the applicant must make separate applications and procure separate licenses therefor. The place of business can be changed only upon written application to, and with the consent of said board.

Investigation
of qualifica-
tions.

SEC. 8. Upon receipt of an application for a license hereunder said board may cause an investigation to be made as to the character of the applicant, including its officers, or members if the application is by or in behalf of an association, corporation or partnership may require such other showing as will reasonably prove the good moral character of the applicant; may subpoena witnesses, administer oaths and take testimony with respect to the character of the applicant, and, upon proper notice and after proper hearing, may refuse to grant a license.

Every application must be granted or refused within ninety days from the date it is filed with said board.

SEC. 9. Every funeral director engaged in or conducting the business of a funeral director in this state at a fixed place or establishment on the effective date of this act, shall register as such with the said board prior to the first day of September, 1929, and shall thereupon be entitled to and receive a license to continue in said business for the remainder of the said year, for which license he shall pay a fee of ten dollars. Upon failure to comply with this requirement such funeral director must obtain a license as a funeral director in the manner and upon the conditions prescribed in section 7 hereof. Registration

SEC. 10. Every licensed funeral director and embalmer shall annually, within thirty days from the first day of January of each year, pay to the said board a fee for the renewal of his or its license. The renewal fee payable by a licensed embalmer shall be five dollars and by a licensed funeral director fifteen dollars. License fees

SEC. 11. A licensee hereunder shall not be entitled to a renewal license if for a period of three consecutive years immediately prior to the application for said license the licensee has not engaged in business under the license sought to be renewed. Lapsed licenses

SEC. 12. When a licensee has for any reason allowed his license to lapse, said board is hereby given power of reinstatement, provided application therefor is made within a period of one year from the lapse and is accompanied by fees from the time of the lapse to the time of the application. Reinstatement

SEC. 13. Every license issued hereunder shall specify the name of the licensee, shall be signed by the licensee, shall be displayed conspicuously in the place of business or employment of the licensee, and the licensee shall register with the board of health of the city or county in which the licensee proposes to engage in business as a funeral director or to practice as an embalmer the fact that a license has been issued. Form and registration of licenses

SEC. 14. No embalmer's license shall be assignable, and only the licensee may engage in the practice of embalming under the license. Assignment of licenses

A funeral director's license may be assigned, if said board acts favorably upon the application for the assignment, after a showing, or investigation, or hearing with respect to the character of the proposed assignee, as provided in section 7 hereof in the case of an original application for a license.

SEC. 15. The said board shall have power to adopt and enforce reasonable rules and regulations relating to the practice of embalming, to the business of a funeral director, to the sanitary condition of places where such business or practice is conducted, with particular regard to plumbing, sewage, ventilation and equipment, and generally to carry out the various provisions of this act in the protection of the health and morals of the public. Rules and regulations

The said board shall have power to inspect the premises in which the business of funeral director is conducted or where embalming is practiced, and for that purpose may employ Inspection of premises

inspectors, and prosecuting attorneys to aid in the enforcement of this act and rules adopted pursuant thereto, payable only out of the fees collected hereunder.

Suspension
or revocation
of licenses.

The board shall also have power to suspend or revoke licenses after proper hearing and notice to the licensee, for violation of any provisions of this act, for violation of any rule or regulation made by the board hereunder, for the commission of a crime involving moral turpitude, or for "unprofessional conduct," which is hereby defined to include misrepresentation or fraud, the buying of business or the direct or indirect payment of a commission for the purpose of securing business.

Persons
excepted.

SEC. 16. Nothing in this act shall apply to, or in any way interfere with the duties of any officer of any public institution or of any duly accredited medical college, nor shall this act apply to any one engaged only in the furnishing of burial receptacles.

Transporta-
tion of
bodies

SEC. 17. It shall be unlawful for any person, railroad, express company, or common carrier, to receive for transportation any dead human body, unless said body has been prepared by a regularly licensed embalmer in accordance with the rules prescribed by the said board, and is accompanied by a yellow paster in a form approved by the state board of health.

Use of
bodies

SEC. 18. The said board shall have extended to it the same privileges concerning the use of bodies for dissection and demonstration as those granted in this state to medical colleges.

Bodies of
victims of
crimes

SEC. 19. No embalmer shall embalm a dead human body when he has information reasonably indicating crime in connection with the cause of death, until permission of the coroner, or a justice of the peace, if there be no coroner, has first been obtained.

Victims of
contagious
diseases

SEC. 20. Every funeral director and embalmer shall immediately report to the local health officer every contagious case on which the funeral director or embalmer may be called.

Penalties

SEC. 21. Any person, partnership, corporation, association, or his or its agents or representatives who shall violate any of the provisions of this act, or any rule or regulation of said board, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to imprisonment in a county jail not exceeding six months, or by a fine not exceeding five hundred dollars, or by both.

Compensa-
tion for
obtaining
business
prohibited

SEC. 22. Every funeral director or embalmer, or the agents or representatives thereof, who pays, or causes to be paid, directly or indirectly, any sum of money or other valuable consideration for the securing of business, and every person who accepts any sum of money or other valuable consideration, directly or indirectly, from a funeral director or embalmer in order that the latter may obtain business, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more

than six months, or by a fine not exceeding five hundred dollars, or by both.

SEC. 23. The treasurer of said board shall, on or before the tenth day of each month pay into the state treasury and report to the state controller all the fees received by the board, and the same shall be received by the state treasurer and placed by him in a fund to be known as the state embalmers and funeral directors fund, which is hereby created, and made available for expenditures necessary to a proper administration of this act.

Disposition of fees

SEC. 24. The fines or forfeitures of bail in any case wherein any person is charged with a violation of any provisions of this act, or any rule of the board, shall be paid by the officers of the court collecting the same, seventy-five per cent thereof to the state treasurer to be deposited to the credit of the state embalmers and funeral directors fund, and twenty-five per cent to the county wherein the case is pending, to the credit of the county general fund.

Disposition of fines and forfeitures

SEC. 25. The act entitled "An act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof," approved April 16, 1915, as amended, is hereby repealed.

Stats 1915, p 80; Stats 1919, p 1334; and Stats 1927, p 906, repealed

SEC. 26. If any portion of this act is invalid the Legislature hereby declares that had it known of the invalidity of the portion at the time of this enactment it would have passed the remainder of this act without the invalid portion, and that it is the intention of the Legislature that the remainder of this act operate in the event of the invalidity of any portion of this act.

Constitutionality

SEC. 27. On the date this act takes effect any balance remaining in the embalmers' fund created under the provisions of the act repealed by the provisions of section 25 of this act shall be transferred to the state embalmers' and funeral directors' fund, and the said embalmers' fund shall be and is hereby abolished and any appropriation heretofore or hereafter made payable from the said embalmers' fund shall be payable from the said embalmers' and funeral directors' fund for the support of the state board of embalmers and funeral directors.

Transfer of funds.

SEC. 28. If a state department of professional and vocational standards is created by a statute adopted by the Legislature of California at the forty-eighth session thereof, said department shall succeed to and become vested with all the duties, powers, purposes, responsibilities, and jurisdictions of the state board of embalmers and funeral directors hereinbefore proposed and described and of the several officers, deputies, and employees of said board which duties, powers, purposes, responsibilities, and jurisdiction shall be administered by said department through the director thereof; *pro-*

Transfer of powers and duties in contingency

Transfer of
powers and
duties in
contingency

*vided, however, that nothing herein contained shall be construed as abolishing said board of embalmers and funeral directors which said board shall be established and continued as hereinbefore provided for and shall retain the functions of setting standards, holding meetings, issuing certificates, passing upon the qualifications of applicants, conducting investigations, issuing citations, holding hearings for the revocation of certificates and imposing penalties as hereinbefore proposed and described, and the decisions of said board with respect thereto shall not be subject to review by the director of the department of professional and vocational standards. Except as to said powers, duties, and functions so expressly reserved to said board, the director of the department of professional and vocational standards shall have full authority to employ and appoint all employees necessary to properly administer the work of the board and the work of the department in accordance with civil service regulations, and upon recommendation of said board, with the approval of the director of the department of finance, the director of the department of professional and vocational standards shall employ investigators and attorneys to assist said board in prosecuting violations of this act. All moneys collected by the department of professional and vocational standards for and on behalf of the activities of the board of embalmers and funeral directors shall be remitted to the state treasurer in accordance with law and credited to the "state embalmers and funeral directors fund." herein created; however, that with the approval of the director of the department of finance a charge not exceeding the amount of the available balance in the "state embalmers and funeral directors fund" may at any time be levied by the director of the department of professional and vocational standards in advance against said fund to cover the aforesaid board's pro rata share of the estimated administration expenses of the department of professional and vocational standards; *provided, further*, that none of the moneys in said fund shall be used to pay the general expenses of any other board in the department. Upon proper presentation of claims by said department to the state controller, the latter shall draw his warrant or warrants against said fund to cover such estimated administration expenses.*

CHAPTER 141.

An act to amend sections 5, 11, 26, 31, 36, 45, 48, 49, 56, 58 and 60, of the "State housing act," approved June 15, 1923, as amended, relating to air intakes, sinks, exits, ceiling heights, gas water heaters, gas stoves, ventilation, porches in dwellings and yards.

[Approved by the Governor April 20, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 5 of the state housing act, approved June 15, 1923, as amended, is hereby amended to read as follows:

Stats. 1923, p. 784, amended

Sec. 5. A building or structure not erected for use as an apartment house, hotel or dwelling, if hereafter converted to or altered for such use, shall thereupon become subject to all of the provisions of this act affecting an apartment house, hotel or dwelling, as the case may be, hereafter erected.

Alteration or conversion of use of buildings

A building erected for use as an apartment house, hotel or dwelling if moved, shall be made to conform to all of the provisions of this act affecting such a building hereafter erected, in so far as such provisions pertain to the percentage of lot occupied and the size of outer courts, inner courts bounded by a lot line, yards and heights.

Building moved

It shall be unlawful to reconstruct any building which is hereafter damaged by fire or the elements to an extent in excess of sixty (60) per cent of its physical proportion, unless the said building is made to conform to all of the provisions of this act affecting buildings hereafter erected.

Reconstruction of building damaged.

Any building hereafter erected, altered or converted as a combined apartment house and hotel, containing both apartments and guest rooms, shall comply with all of the requirements of this act for apartment houses and hotels in so far as such provisions are applicable to those portions of the building used, designed or intended for use of apartments or guest rooms as the case may be and any such building shall be provided with a rear yard as required for apartment houses. The portion or portions of such building containing apartments, including every apartment in the building, must comply with all apartment house requirements, and the portion or portions of such building used for hotel purposes, including every guest room and dormitory, must comply with all hotel requirements. A hotel classification of any building shall not be construed to allow rooms in apartments to be reduced in size.

Combined apartment house and hotel.

SEC. 2. Section 11 of said act is hereby amended to read as follows:

Stats 1923, p 794, amended.

Sec. 11. A building shall not be erected behind another building or structure and there shall not be placed a building or structure in the front of a building unless the rear building

Building in rear of building

shall have left an open, clear and unobstructed space not less than ten feet in width, extending from the front of the rear building to the front line of the lot bordering on the street, and if said front building or structure is more than two stories in height such open and unoccupied space shall be increased two feet in width open, clear and unobstructed to the sky for each additional story thereof; *provided, however*, that if such rear building is to be designed, built or used as a dwelling, or an apartment house not more than two stories in height, accommodating not more than two families on the second story thereof, such passageway need not be maintained if the rear building has unobstructed access to a street other than the street fronting the lot, or to an alley not less than ten feet in width; *provided, however*, that where there are only two buildings on the same lot and both of said buildings are one story dwellings accommodating not more than two families in each dwelling, such passageway may be reduced to five feet.

Exception

Stats 1923,
p 800,
amended.
Intake for
inner court

SEC. 3. Section 26 of said act is hereby amended to read as follows:

Sec. 26. Every inner court, including inner courts bounded on one side for their entire length by a lot line in an apartment house hereafter erected shall be provided with a horizontal intake at the bottom of such court. Every such intake shall always extend directly to the front of lot or front yard or rear yard or to a side yard or to a street or to a public alley or public park. Each such intake shall consist of an unobstructed duct or passageway having a minimum width of three feet in all its parts and a minimum height of six feet, six inches. In lieu of such passageway there may be an unobstructed open duct to contain an interior aggregate area of not less than nineteen and one-half square feet, and in no dimensions be less than three feet, and covered at each end with a wire screen with a mesh of one-half inch in diameter; *provided, however*, in case the inner court in an apartment house does not extend below the second floor level, then each such air intake may consist of an unobstructed open duct or ducts, constructed of materials as hereinafter set forth and contain an interior aggregate area of not less than ten square feet, and in no dimensions be less than twelve inches, and covered at each end with a wire screen with a mesh of one-half inch in diameter.

Alternative
requirement

Every inner court including inner courts bounded on one side for their entire length by a lot line in a hotel hereafter erected shall be provided with a horizontal intake at the bottom of such court. Every such intake for a court in a hotel shall contain an aggregate area of not less than five square feet, and such intake shall consist of an unobstructed open duct or ducts constructed of materials as hereinafter set forth, and such ducts shall be covered at each end with a wire screen with a mesh of one-half inch in diameter.

Every such intake shall be constructed of approved incombustible materials, or shall be lathed with metal lath and

plastered not less than three-quarters of an inch thick, or shall be sheathed solidly with not less than twenty-five thirty-seconds (25/32) inch boards and be covered with at least number twenty-six (gauge) galvanized iron. Such air intake shall be closed at each end with a gate or grill having not less than seventy-five per cent open work.

Every air intake shall be drained and so constructed and arranged as to be readily cleaned out.

The provisions of this section shall not apply to apartment houses and hotels of not more than two stories in height from the lowest floor which is used for living and sleeping apartments or room.

SEC. 4. Section 31 of said act is hereby amended to read as follows:

Stats 1923,
p. 803,
amended.
Windows.

Sec. 31. In every building hereafter erected, every living room, bedroom, guest room, dormitory, kitchen, scullery, pantry (except pantries in apartments) or other room in which food is stored or prepared, dining room, general amusement, entertainment or reception room and room or compartment wherein there is installed a water-closet, shower, bathtub or toilet or general utility room shall have a window or windows of the area hereinafter required, opening directly onto a street, public alley, or a yard or court of the dimensions specified in this act and located on the same lot.

All such windows shall be located so as to properly light all portions of the room or compartment as the case may be, and shall be made and arranged so that at least one-half of the aggregate window area, required in each such room or compartment, may be opened unobstructed.

The windows required by this section in a water-closet or shower compartment, bath, toilet or slop-sink room may open directly into a vent shaft in lieu of a street, yard or court. Such vent shaft shall be not less than the minimum size, and constructed of the materials and in the manner prescribed by section 56 of this act.

Opening into
vent shaft

Windows required by this act for rooms and public hallways, in apartment houses and hotels hereafter erected, shall not open through roofed porches more than seven feet in depth, measured at right angles from such windows unless such roofed porches abut a street, yard or court and such roofed porches shall be designed and constructed with one side and one end thereof open and unobstructed, except the usual rails, balustrades and similar necessary structural features and such open and unobstructed portion shall be at least sixty-five per cent open and unobstructed measured between the floors and underside of roofs of such porches where such roofed porches are on the ground or main lower floor of the apartment house or hotel, but where such roofed porches are erected above the first or main lower floor such roofed porches shall be designed and constructed with one side and one end thereof open and unobstructed, except the usual rails, balustrades and similar necessary structural features, and

Opening
through
roofed
porches

such open and unobstructed portions shall be at least ninety per cent open and unobstructed measured between the floors and the underside of roofs of such porches; and provided, that any such roofed porch of seven feet or less in depth shall in the same manner have open and unobstructed on at least one side or end at least fifty per cent on the full side or end measured at right angles from the windows served and every porch shall have a ceiling height of not less than seven feet.

Design of
porches

Windows required by this act for rooms in dwellings hereafter erected shall not open through a roofed porch unless such roofed porch abut a street, yard, or court, and such roofed porch shall be designed and constructed with one side or end open and unobstructed except the usual rails and balustrades and similar necessary structural features, and such open and unobstructed portion shall be at least fifty per cent open and unobstructed measured between the floor and underside of roof, and every such porch shall have a ceiling height of not less than seven feet.

Exhaust
system of
ventilation

In a hotel, kitchens, sculleries, pantries or other rooms used for cooking, storing or preparing of food, and in an apartment house or hotel, water-closet or shower compartments, bath, toilet, general amusement rooms, reception room, public dining rooms and general utility rooms in lieu of windows may be ventilated by an exhaust system of ventilation installed, constructed and maintained as hereinafter prescribed by section 60 hereof.

Stats 1923,
p 807,
amended

SEC. 5. Section 36 of said act is hereby amended to read as follows:

Water-
closets in
apartment
houses

Sec. 36. In every apartment house hereafter erected there shall be installed one water-closet within each apartment located in a separate compartment or located in a compartment with a bathtub, shower or lavatory, used exclusively by the occupants of the apartment.

In hotels

In every hotel hereafter erected there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for each sex on such floor. One of such water-closets shall be distinctly marked "for men" and one of the water-closets shall be distinctly marked "for women"; and if there are more than ten guest rooms in such hotel there shall be installed at least one water-closet in a separate compartment, located on the public hallway, for every ten guest rooms or fractional part thereof in excess of ten guest rooms on such floor which are not provided with private water-closets. Each of the said water-closets shall be accessible from each of the guest rooms through the public hallway, and not more than one hundred feet distant from the entrance door of each of the guest rooms the said water-closet proposes to serve.

Water-
closets and
kitchen sinks
in dwelling
houses

Every dwelling hereafter erected shall be provided with one water-closet for each family living therein; and every kitchen in every such dwelling shall be provided with a kitchen sink.

No door or other opening in a water-closet or urinal compartment shall open from or into any room in which food is prepared or stored in an apartment house or hotel, or dwelling.

Doors in water-closets, etc

In an apartment house or hotel the walls enclosing a water-closet compartment shall be well plastered, or constructed of some nonabsorbent material, except that the ordinary wood trim for openings may be used in such a compartment. Every water-closet compartment shall be provided and equipped with a full door, properly hung, and provided with a lock or bolt to lock same.

Walls.

In every hotel hereafter erected, there shall be installed in convenient and suitable places one water-closet for each twenty employees or major fraction thereof.

Water-closets for employees

The floor of every water-closet compartment hereafter constructed, in an apartment house or hotel, shall be made water-proof with asphalt, tile, marble, terrazzo, cement or some other similar nonabsorbent material, and such waterproofing shall extend not less than two inches on the vertical walls of the compartment.

SEC. 6. Section 45 of said act is hereby amended to read as follows:

Stats. 1923, p. 811, amended

Sec. 45. Every apartment house hereafter erected three or more stories in height, and every apartment house hereafter erected, two or more stories in height and in which there are more than four apartments above the first floor thereof, and every hotel hereafter erected three or more stories in height, and every hotel hereafter erected, two stories in height and in which there are more than six guest rooms above the first floor thereof, shall be so designed and constructed that every apartment and/or guest room shall have not less than two means of egress to the floor next below and to a street or to a yard or court having unobstructed access to a street or public alley. Such means of egress shall be either stairways or fire escapes constructed in accordance with the provisions of this act.

Location of stairways and fire escapes.

Such means of egress shall be accessible from every apartment, or guest room, either directly or through a public hallway, and so located that should one egress be or become blocked, the other egress shall be available.

No stairway shall abut on more than one side of an elevator shaft, except on the lowest and topmost stories, and then only if the stairway is so located that it can be approached from the street entrance without passing by or in front of the open side of the said elevator shaft.

No stairway shall be located over a steam boiler, gas meter, gas heater or furnace, nor shall any such boiler, meter, heater or furnace be placed or located under a stairway, unless such boiler, gas meter, gas heater, or furnace be located in a room, the walls and ceiling of which are constructed as required for a boiler room by section 58 of this act. No stairway leading from any other portion of the building shall terminate in or pass through a boiler room.

Stats. 1923,
p 813,
amended.

Front stair-
ways of
apartment
houses and
hotels egress
to roof.

SEC. 7. Section 48 of said act is hereby amended to read as follows:

Sec. 48. In every apartment house or hotel hereafter erected more than two stories in height, the stairway nearest to the main entrance of the building shall be carried to the roof level and shall give egress to the roof through a penthouse or roof structure if the pitch of roof makes it practicable to construct such a penthouse or roof structure with safety to the occupants that they may have occasion to use such egress, otherwise in such building there shall be constructed a scuttle in the public hallway over the stairway. The stairway from topmost story to roof level shall not be less in width than two feet, six inches. The scuttle shall be not less than two feet by three feet in area and shall be cut through the ceiling and roof, and there shall be provided a stairway for stationary ladder not less than twenty inches wide and rungs not more than twelve inches apart leading from the top floor to the roof thereof.

Scuttles.

Penthouses
over stair-
ways

Penthouses over stairways shall be built either of fireproof materials or of wood studs, lathed with metal lath and plastered not less than three-quarters inch thick; or such penthouses may be covered in the same manner and with the same kind of materials as required by this act for the doors from such penthouses.

The door to the roof from a penthouse or roof structure shall be self-closing and shall open outward to the roof, and shall be covered on both sides and edges with tin or other metal.

The frames and trim of such door opening shall be similarly constructed and all glass in such door shall be wired glass not less than one-fourth inch thick.

Every now existing apartment house or hotel of more than two stories in height, that is not provided with a stairway to the roof as hereinbefore prescribed shall have in the roof a penthouse or a scuttle, which scuttle shall be not less than two feet by three feet in area, located in the ceiling of a public hallway, and there shall be provided a stairway or a stationary ladder, leading from the top floor of such apartment house or hotel to the roof thereof. Such stairway or stationary ladder shall be made readily accessible to all the tenants of the building. No scuttle or penthouse door shall at any time be locked with a key, but may be fastened on the inside by a movable bolt or lock.

Stats. 1923,
p 814,
amended.

Width of
hallways.

SEC. 8. Section 49 of said act is hereby amended to read as follows:

Sec. 49. Public hallways and corridors from stairways shall be measured in the same manner as the stairways and be not less than three feet, six inches, in width, with a ceiling height of not less than eight feet, measured from the finished floor to the finished ceiling.

Exception.

This section shall not apply, however, to furred beams or occasional structural beams with a minimum height of seven feet, six inches.

SEC. 9. Section 56 of said act is hereby amended to read as follows:

Stats. 1923,
p. 819,
amended.

Sec. 56. In every apartment house or hotel hereafter erected every vent shaft shall be enclosed with walls constructed the same as is required by this act for an elevator shaft in the same class of building. Such a vent shaft may, in a semifireproof or wooden apartment house or hotel, be lined on the outside thereof (weather side) with metal in lieu of metal lath and plaster; also, that portion of such shaft extending from the ceiling joists to the top thereof may be lined with metal in the same manner as is required for the weather side of such vent shaft. Where metal lining is used in a shaft, then and in that event such shaft shall be sheathed solid with boards not less than twenty-five thirty-seconds (25/32) of an inch in thickness.

Walls of
vent shaft

Every opening from any vent shaft into the building or any window therein, shall be equipped in the same manner as required by this act for elevator shafts in the same class of building.

Plaster on the weather side of any such shaft shall be of Portland cement plaster.

Every vent shaft by this act provided for an apartment house shall be not less than four feet in any direction and be at least sixteen square feet in area; *provided, however*, that a vent shaft that is bounded on one or more sides by a lot line may be not less than two feet in any direction and be at least sixteen square feet in area. If such vent shaft exceeds fifty feet in height, measured from the bottom to the top of the walls of such shaft, then such vent shaft shall throughout its entire height be increased in area one square foot for each additional ten feet or fractional part thereof above fifty feet.

Area of
vent shaft.

Every vent shaft by this act provided for a hotel shall be not less than thirty inches in its least dimension and contain an unobstructed area of not less than twelve square feet. Every vent shaft shall be open and unobstructed to the sky and at the roof line every vent shaft in an apartment house or hotel shall be provided with parapet wall or rail at least thirty inches in height so constructed that no person may walk into or fall into such shaft.

Every such vent shaft in an apartment house or hotel hereafter erected shall be provided with an air intake or duct at or near the bottom thereof, communicating with the street or yard or a court. Such intake shall be not less than three square feet in total area, and may be divided into not more than three separate ducts running between the joists or otherwise, and shall in all cases be placed as nearly horizontal as possible. Every such intake or duct shall be constructed of approved fire resistive material or shall be of metal or metal lined, and be provided with a wire screen not less than one-half inch mesh at each end. Whenever the end of an intake is capped, hooded or otherwise covered, there shall always be provided a clear space of not less than four inches

Air Intake.

above and between the end of such intake and the lower part of the cap, hood or other covering.

Plumbing.

Plumbing, gas, steam or other similar pipes may be placed in vent shafts in apartment houses or hotels. Every vent shaft shall be so arranged as to permit of its being readily cleaned out.

Exception.

The provisions of this section as to air intakes shall not apply to apartment houses and hotels of not more than two stories in height from the lowest floor, which is used for living and sleeping purposes.

Vent shaft for dwelling

Every vent shaft by this act provided for a dwelling, hereafter erected, shall be not less than eighteen inches in its least dimension and shall be open and unobstructed to the sky.

Stats 1923,
p 821,
amended

SEC. 10. Section 58 of said act is hereby amended to read as follows:

Boiler or
furnace
room

Sec. 58. In every apartment house or hotel hereafter erected, every boiler used for purposes of heating the building, using fuel other than gas, and every heating furnace or water heating apparatus, using oil or other liquid fuel, shall be installed in a room, the walls of which room shall be built of concrete, reinforced concrete, brick, stone or concrete or terra cotta tile, not less than six (6) inches thick, and such walls shall extend from the floor of the boiler room to the ceiling over same. The entire ceiling of such room shall be built with a double ceiling, with a space not less than one and one-half inches between the two ceilings and each ceiling shall only be metal lathed and be plastered not less than three-quarters ($\frac{3}{4}$) inch thick, or in lieu of a double ceiling of metal lath such ceiling may be constructed of masonry. The floor of a boiler room shall be of masonry not less than two (2) inches thick.

Doors.

Any door in the wall of such rooms shall be an approved fire-resisting door or a door constructed of three (3) thicknesses of twenty-five thirty-seconds ($\frac{25}{32}$) inch by not more than six (6) inches, tongued and grooved, matched boards entirely covered on the sides and edges with lock-jointed tin; every such door shall be self-closing, so hung as to overlap the walls of the room at least three (3) inches, and any glass in any such door or any glass in any window or opening in the walls of a boiler room shall be wired glass, not less than one-fourth ($\frac{1}{4}$) inch thick, set in a metal and/or metal covered sash and frames. Wherever wired glass is required it shall be retained in place by metal covered stops or metal glazing angles.

All such doors shall have hinges, hangers, latches and other hardware of wrought iron, bolted to the doors, and shall have steel tracks, when sliding doors are used, with wrought-iron stops and binders bolted through the walls. Swinging doors shall have wall-eyes of wrought-iron, built into or bolted through the wall. No combustible materials shall be used in hanging the door or its fittings.

Every such boiler room shall have a sill across each door not less than four (4) inches high. Such sill shall be of masonry, and the doors shall overlap same at least three (3) inches, or in lieu of a masonry sill a steel or iron sill may be used, in which case the bottom of the door shall close tight on top of same. Every swinging door in a boiler room shall open outward from the boiler room.

Where oil or other liquid fuel is burned, the oil or other liquid fuel shall not be fed by a gravity flow.

Every gas water heater shall be provided with a vent pipe, which may be of sheet metal not smaller than the vent connection on the appliances nor less than two and one-half (2½) inches internal diameter, and which shall in all cases be connected to a vertical, or substantially vertical flue, vent, or chimney leading to the outer air. Such vertical vent, chimney, or flue for gas water heaters and similar gas-fired appliances shall be either a terra cotta patent chimney or constructed of brick, fire clay or similar masonry products not less than one-half inch thick, or other approved durable pipe having a wall thickness which will give an insulating value equal to the foregoing, which will not disintegrate from the effects of gas fumes and other products of combustion. The internal area of any such flue, vent or chimney shall not be less than twelve square inches and any such flue, vent or chimney of a rectangular shape shall not be less than two inches in any internal dimension.

Gas water heaters

In the kitchen of every building hereafter erected there shall be provided a flue, vent, or chimney similar to that as hereinabove provided for gas water heaters, in the wall of the kitchen adjacent to the gas outlet, and the oven of the gas range shall be connected to such vent; or in lieu of such vent there may be installed a ventilator opening in the wall or ceiling approximately over the gas outlet and having an area of the opening of not less than six inches by eight inches (6" x 8") and connecting with a ventilating duct for each kitchen of not less than twenty-four square inches cross sectional area leading to the outside air. An approved system of forced draft ventilation may be substituted in lieu of the above natural draft ventilating arrangement.

Vent or ventilator in kitchen

All gas vents, gas water heaters and other gas appliances now installed, and hereafter installed, shall be maintained in good repair.

SEC. 11. Section 60 of this act is hereby amended to read as follows:

Stats. 1923, p 823, amended

Sec. 60. In every hotel hereafter erected the water-closet compartments, shower compartments, bath, toilet or slop-sink rooms, kitchens, sculleries, pantries or other rooms in which food is stored or prepared, public dining rooms, laundries, general amusement, entertainment or reception rooms, and rooms used for similar purposes and general utility rooms, in lieu of being provided with windows, as in this act prescribed may be provided with an approved fan exhaust system

Fan exhaust system of ventilation in hotels

of ventilation, so designed and operated as to provide a complete change of air in not to exceed fifteen minutes for each room used for the following purposes: Kitchens; pantries or other rooms used for cooking, storing or preparing of foods; laundries, general amusement, entertainment, reception or dining rooms, or rooms used for similar purposes; general utility rooms, and public hallways in fireproof hotels; and the said fan exhaust system of ventilation shall be so designed and operated as to provide a complete change of air in not to exceed five minutes for each room used for the following purposes: Water-closets; shower compartments; bath, toilet or slop-sink rooms or sculleries.

Same, in
apartment
houses

In every apartment house hereafter erected the water-closet compartments, bath or toilet rooms, general amusement, entertainment or reception rooms, and general utility rooms, in lieu of being provided with windows, as in this act prescribed, may be provided with an approved fan exhaust system of ventilation so designed and operated as to provide a complete change of air in not to exceed fifteen minutes for each room used for the following purposes: General amusement, entertainment and general utility rooms or rooms used for similar purposes; and the said fan exhaust system of ventilation shall be so designed and operated as to provide a complete change of air in not to exceed five minutes for each room used for the following purposes: Water-closets; shower compartments; bath or toilet rooms.

Penalty for
failure to
keep system
in order

Any person in charge of a building in which a system of fan exhaust ventilation is installed and used as in this section prescribed, who fails, neglects or refuses to operate and maintain the said system of ventilation in good order and repair so that the ventilation (complete change of air) herein specified is provided in each of the rooms or compartments at all times, shall be deemed guilty of a misdemeanor and subject to all of the penalties fixed by this act.

CHAPTER 142.

An act to establish the line of ordinary high tide in certain parts of Newport bay in Orange county, California, in conformity with and to confirm certain decrees of the superior court of the State of California, in and for the county of Orange, establishing said line of ordinary high tide, and to confirm the grants of tidelands heretofore made to the city of Newport Beach.

[Approved by the Governor April 20, 1929. In effect August 14, 1929.]

Preamble

WHEREAS, The State of California has heretofore granted to the city of Newport Beach, a municipal corporation, in the county of Orange, State of California, and to its successors all

of the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to certain of the tidelands and submerged lands bordering, in and under Newport bay below the line of ordinary high tide of the Pacific ocean by acts of the Legislature approved May 25, 1919, and April 5, 1927, respectively, upon the uses, trusts and conditions set forth in said acts; and,

WHEREAS, At the time of the said grants the line of ordinary high tide of the Pacific ocean in said bay had not been established; and,

WHEREAS, Subsequent to April 5, 1927, in actions brought by the city of Newport Beach against various owners of upland bordering the said bay and owners of upland constituting islands within said bay, being cases numbered twenty-three thousand six hundred seventy-eight (23678); twenty-three thousand six hundred seventy-nine (23679); twenty-three thousand six hundred eighty-one (23681); twenty-three thousand six hundred eighty-two (23682); twenty-three thousand six hundred eighty-three (23683); twenty-three thousand six hundred eighty-five (23685); twenty-three thousand six hundred eighty-six (23686); twenty-three thousand six hundred eighty-seven (23687); twenty-three thousand six hundred eighty-eight (23688); twenty-three thousand six hundred eighty-nine (23689); twenty-three thousand six hundred ninety (23690); twenty-three thousand six hundred ninety-one (23691); twenty-three thousand six hundred ninety-two (23692); twenty-four thousand and twenty-six (24026); twenty-four thousand and eighty-nine (24089); twenty-four thousand and ninety (24090); twenty-four thousand and ninety-one (24091); in the superior court of the State of California in and for the county of Orange, by judicial decrees, certified copies of which have been duly recorded in the office of the county recorder of Orange county, California, said line of ordinary high tide has been established to the extent of the respective lines described in said decrees, and

WHEREAS, It is to the general public interest that such line of ordinary high tide in said bay be established by act of the Legislature in conformity with said decrees above referred to; now, therefore,

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

The line of ordinary high tide of the Pacific ocean described in said decrees aforesaid, is hereby established and declared to be the line of ordinary high tide in those portions of Newport bay and the arms thereof set forth in said decrees, and it is hereby further declared that the grants of tidelands heretofore made by the State of California to the city of Newport Beach included all tidelands whether filled or unfilled bordering said line of ordinary high tide above described and said grants are hereby confirmed upon the same conditions and for the same uses as in said grants specified.

Line of
ordinary
high tide
in certain
portions of
Newport bay

CHAPTER 143.

An act to amend sections 724, 725 and 726 of the Civil Code, relating to the accumulation of income from property.

[Approved by the Governor April 20, 1929. In effect August 14, 1929]

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

Civ C 1872,
p 165,
amended

SECTION 1. Section 724 of the Civil Code is hereby amended to read as follows:

Accumula-
tions of the
income of
property

724. An accumulation of the income of property may be directed by any will, trust or transfer in writing sufficient to pass the property or create the trust out of which the fund is to arise, for the benefit of one or more persons, objects or purposes, to commence within the time in this title permitted for the vesting of future interests and not to extend beyond the period limiting the time within which the absolute power of alienation of property may be suspended as prescribed by law.

Civ C 1872,
p. 166,
amended.

SEC. 2. Section 725 of said code is hereby amended to read as follows:

Other
directions,
when void
in part.

725. If the direction for an accumulation of the income of property is for a longer term than is limited in the last section, the direction only, whether separable or not from the other provisions of the instrument, is void as respects the time beyond the limit prescribed in said last section, and no other part of such instrument is affected by the void portion of such direction.

Civ. C. 1872,
p. 166,
amended

SEC. 3. Section 726 of said code is hereby amended to read as follows:

Application
of income to
support, etc.
of bene-
ficiaries.

726. When one or more persons for whose benefit an accumulation of income has been directed is or are destitute of other sufficient means of support or education, the proper court, upon application, may direct a suitable sum to be applied thereto out of the fund directed to be accumulated for the benefit of such person or persons.

 CHAPTER 144.

An act relating to courses of study for special day and evening classes in high schools.

[Approved by the Governor April 20, 1929. In effect August 14, 1929]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 145.

An act to amend sections 2322a, 2322b, and 2322c of the Political Code, relating to county horticultural commissioners.

[Approved by the Governor April 20, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 2322a of the Political Code of the State of California is hereby amended to read as follows:

2322a. (1) The said commissioner, deputy horticultural commissioners and inspectors have full authority to enter into any orchard, nursery or other premises where trees, plants, part of plants, plant products, fruits, vegetables, seeds or other agricultural articles or commodities are kept or offered for sale or otherwise, or into any house, storeroom, salesroom, depot, dock, airport or any other such place in their jurisdiction, to inspect the same, or any part thereof.

It shall be the duty of said commissioner in each county, whenever he shall deem it necessary, to cause an inspection to be made of any premises, orchards or nurseries, or trees, plants, vines, vegetables, fruits, parts of plants, plant products or seeds, or any fruit-packing house, storeroom, salesroom, vehicle, railroad car, boat, airplane, or any other place or article in his jurisdiction, and if found infected or infested with plant diseases, insect or other animal pests, or if there is found therein or growing thereon any noxious weeds, he may in writing notify the record owner or owners, or person or persons in charge or in possession of said premises, articles or things, that the same are infected or infested with said plant diseases, insect or other animal pest, or noxious weeds, or any of them, or that noxious weeds are found therein or growing thereon, and require such person or persons, to eradicate or destroy or to control to the satisfaction of said commissioner the said plant diseases, insect or other animal pests or noxious weeds within a certain time to be therein specified.

Said notices may be served upon the person or persons or either of them owning as of record or having charge or having possession of such infected or infested premises, articles or things, or premises where noxious weeds shall be found, or upon the agents of either, by said commissioner, or by any person deputed by the said commissioner for that purpose in the same manner as a summons in a civil action; *provided, however*, that if any such infected or infested articles, property or premises as hereinabove specified belong to any person who is not a resident of the county, and there is no person in control or possession thereof; and there is no tenant, bailee, depositary or agent of such nonresident person upon whom service can be had, who can after diligent search be found; or if an owner or owners of any such articles, prop-

Stats 1923,
p 1200,
amendedAuthority to
enter
orchards,
etc.Duty to
inspectNotice to
control, etc.,
diseases and
pests.Service of
notice

erty or premises can not after due diligence be found, then such notice may be served by posting copies of the same in three conspicuous places upon such property or premises, and by mailing a copy thereof to the said owner thereof at his last known place of residence, if the same is known, or can by the exercise of reasonable diligence be ascertained; or if not known then to the county seat of the county wherein said property is situated.

Notice to be recorded, and copy sent to mortgagee, etc.

(2) When any such notice of eradication, or of control, or of destruction is served concerning any property, said commissioner may cause a copy thereof to be filed for record in the office of the county recorder of the county within which said property is situated, and may cause a copy thereof to be mailed to the person or persons who appear of record to be the owners of any mortgage, trust deed, lien, contract, option, bond, or other incumbrance on said property, at the last known place of residence of said incumbrancer, and if the place of residence of said incumbrancer be unknown to said commissioner, then said fact shall be stated in said copy so mailed and it shall be addressed to the county seat of the county wherein said property is situated.

Where property under public control

(3) In case any such plant diseases, insect, or other animal pests injurious to fruit, plants, vegetables, trees, or vines, are found to exist in public parks or along streets, highways, or other property subject to the control of a city or county government, or if there is found in any public park, street, highway, or on other property subject to the control of a city or county government any noxious weeds, then said notice in writing shall be served on the chairman of the governing body of said city or county, and in case the work of eradication, or of control, or of destruction of said plant diseases, insect or other animal pests, or noxious weeds in the said public parks, streets, highways, or other public property shall be performed by the said commissioner, then the cost thereof shall become a city or county charge, as the case may be, and shall be paid from the general fund of said city or county.

Where property under control of irrigation, etc., district

(4) In case plant diseases, insect or other animal pests injurious to fruit, plants, vegetables, trees or vines, or any noxious weeds are found to exist upon any canal or ditch or levee or other property or premises subject to the control of any irrigation, drainage, flood control, reclamation or levee district, or other political subdivision of the state then said notice in writing shall be served on the chairman of the governing body of said district or political subdivision, or in case said chairman be absent from the county, or for any reason can not be served, on some other member of said governing body, and in case the work of eradication or control or of destruction of the said plant diseases, insect or other animal pests or noxious weeds upon said canal or ditch or levee or other property or premises shall be performed by the said commissioner, then the cost thereof shall become a legal charge and shall be paid

from the general maintenance or operating fund, as the case may be, of said district or political subdivision.

(5) Any and all premises, articles, or things mentioned in this act, infected or infested with plant diseases, insect or other animal pests or noxious weeds or premises where noxious weeds are found are hereby expressly declared to be a public nuisance, and shall be prosecuted as such in all actions and proceedings whatever and all remedies which are or may be given by law for the prevention and abatement of nuisance shall apply thereto, and it shall be unlawful to maintain the same. The remedies hereinabove provided shall be in addition to the remedy by way of abatement hereinafter provided.

Public nuisance, what deemed and remedies against

(6) Whenever any such nuisance shall exist at any place within a county, and the proper notice thereof shall have been served as hereinbefore provided and such nuisance shall not have been abated within the time specified in such notice, it shall be the duty of the said commissioner to cause said nuisance to be at once abated by eradicating or by controlling, or by destroying said plant diseases, insect or other animal pests, or said noxious weeds.

Duties where nuisance not abated.

(7) The expense thereof shall be a county charge, and the board of supervisors shall allow and pay the same out of the general fund of the county; any and all sums so paid from the date of payment shall be and become a lien on the property and premises from which said nuisance has been removed or abated in pursuance of this chapter. Notice of such lien shall be filed and recorded in the office of the county recorder of the county in which the said property is situated within thirty days after the right to the said lien has accrued and a copy of said notice of lien shall be mailed to the person or persons who appear of record to be the owners of any mortgage, trust deed, lien, contract, option, bond, or other incumbrance on said property at the last known place of residence of said incumbrancer and if the place of residence of said incumbrancer be unknown to said commissioner, then said fact shall be stated in said copy so mailed and it shall be addressed to the county seat of the county wherein said property is situated. Such lien shall take precedence over and be paramount to all mortgages, trust deeds, liens, contracts, options, bonds, or other incumbrances upon the land or property excepting only the lien of taxes providing a copy of the notice of eradication, or control or destruction shall have been filed for record and a copy shall have been mailed to the holder of any such incumbrance in the manner hereinbefore in subdivision (2) provided.

Expense of abatement a lien

If said sum secured by such lien be not repaid to said county within eighty days from the filing of said notice of lien, then and there shall be added to the same and secured by such lien a penalty of fifteen per cent of the amount of said lien. An action to foreclose said lien shall be commenced within ninety days after the filing and recording of said notice of lien, which action shall be brought in the proper court by the

Penalty

Foreclosure and sale

district attorney of the county in the name and for the benefit of the county making such payment or payments, and when the property is sold, enough of the proceeds shall be paid into the county treasury of such county to satisfy the lien and costs; and the overplus, if any there be, shall be paid to the owner of the property, if he be known, and if not, into the court for his use when ascertained.

Holding nursery stock, etc., infested or diseased.

(8) Whenever there exists on any nursery or other premises any nursery stock, plants, parts of plants, plant products, or any other things or substances infested or infected by any insect or other animal pest or plant disease or noxious weed and which are or may be capable of disseminating or carrying such insect or other animal pest or plant disease or noxious weed, the director of agriculture or the county horticultural commissioner may hold such nursery stock, plants, parts of plants, plant products, or any other things or substances, giving notice thereof in writing to the owner or owners or his or their responsible agents, and the shipping permit hereinafter provided for shall be refused and it shall be unlawful to move any such nursery stock, plants, parts of plants, plant products, or any other things or substances specified in such written notice from said nursery or premises excepting under written permission of said director or commissioner. When in the opinion of the said director or commissioner the plants, parts of plants, plant products, or other things or substances have been disinfested or cleaned so as to eradicate or satisfactorily control such insect or other animal pest or plant disease or noxious weed, he shall in writing release the same and issue the shipping permit hereinafter provided for; *provided*, that this shall in nowise affect the authority of said commissioner as set forth in sections 2322*f* and 2322*h* of this act.

Shipping permit refused

Release.

Persons engaging in eradication of plant diseases, etc

(9) The said commissioner shall have power and authority to prescribe and enforce rules for the qualification of any person, persons, firm or corporation, who desires to engage for hire in the business of eradicating or controlling plant diseases, insect or other animal pests or noxious weeds, and to issue certificates to all persons whom he shall find by examination or otherwise to be duly qualified for engaging in such work. Such certificate shall be revocable whenever the said commissioner shall deem such revocation necessary. No person, persons, firm or corporation shall be permitted to engage for hire in the business of eradicating or controlling plant diseases, insect or other animal pests or noxious weeds in this state, who has not first secured a certificate in the manner herein provided.

Stats 1923, p 1204, amended

Extermination of animal pests

SEC. 2. Section 2322*b* of the Political Code of the State of California is hereby amended to read as follows:

2322*b*. (1) This act shall in nowise affect any other act or acts providing for the destruction of ground squirrels or other animal pests, or applying to the proceedings thereunder, but it is intended to and does provide the alternative system of proceedings for the extermination or control of ground squir-

rels or other animal pests referred to in this act; and it shall be within the discretion of the governing body of each county, city and county, city or town, to provide for the extermination or control of ground squirrels or other animal pests, whether under the provisions of this act or under the provisions of such other act or acts; but when any proceedings are commenced under this act, the provisions of this act and of such amendments as may hereafter be adopted and no other shall apply to all such proceedings and any provision contained in any other act or acts in conflict with the provisions of this act shall be void and of no effect as to the proceedings commenced under the provisions of this act.

(2) The board of supervisors of any county, or city and county, may authorize the county horticultural commissioner to contract with state and federal agencies and with persons, firms, associations, and corporations, including municipal and other public corporations for municipal purposes, owning or controlling or administering within the county, or city and county, property or premises infected or infested with plant diseases, insect or other animal pests, or noxious weeds, for the purpose of eradicating, destroying or controlling the same on such infested or infected property or premises; *provided*, that no contract so made shall impose any cost or obligation on the county, or city and county, other than may be authorized by said board of supervisors.

Contracts for
eradication
of plant
diseases, etc

Cost

SEC. 3. Section 2322*c* of the Political Code of the State of California is hereby amended to read as follows:

Stats 1923,
p. 1204,
amended

2322*c*. Said commissioner and each deputy county horticultural commissioner and each duly qualified county horticultural inspector shall in his county perform all the duties delegated to a quarantine guardian in an act entitled "An act to provide for the protection of horticulture and to prevent the introduction into this state of insects or diseases, or animals, injurious to fruit or fruit trees, vines, bushes or vegetables, providing for a quarantine for the enforcement of this act, making a violation of the terms of the act a misdemeanor, and providing the penalty therefor; providing that said act shall be an urgency measure and go into effect immediately, and repealing that certain act entitled 'An act for the protection of horticulture and to prevent the introduction into this state of insects, or diseases, or animals, injurious to fruit or fruit trees, vines, bushes or vegetables, and to provide for a quarantine for the enforcement of this act,' approved March 11, 1899," approved January 2, 1912, and amendments thereto, and each such commissioner, deputy horticultural commissioner and duly qualified horticultural inspector shall, in his county, be the enforcing officer of orders, circulars and regulations which pertain to plant quarantine and to the prevention of the introduction or spread of injurious insects or animal pests or plant diseases or noxious weeds as mentioned in or promulgated pursuant to the provisions of section 2319*b* and section 2319*c* of the Political Code of the State of Cali-

Commis-
sioner and
deputies to
perform
duties of
quarantine
guardians

fornia and such quarantine guardian or such enforcing officer shall be under the supervision, control and direction of the director of agriculture.

General supervision by director of agriculture

The director of agriculture shall and he is hereby authorized and empowered to exercise supervision and control over the said commissioners in the various counties of the state in the performance of their duties pertaining to the standardization of fruits, vegetables and other plant products, and in the prevention of illegal introduction into the state and dissemination within the state of plant diseases, insect and other animal pests, and noxious weeds; and the director of agriculture shall be and is hereby empowered to review upon appeal all acts of the said commissioners which the said director of agriculture is authorized to supervise and control under this section for confirmation or reversal upon the merits only; and said commissioners shall carry out their respective duties of such matters under the direction of the director of agriculture as the chief executive officer for the enforcement of this act, which office is hereby created without additional compensation.

Appeals

In all cases arising under the provisions of this section, any interested party aggrieved thereby may appeal in writing from the said commissioner to the director of agriculture within five days after notice of action by said commissioner. The director of agriculture shall hear such appeal within ten days after receipt thereof upon due notice to all interested parties and his decision shall be final. Pending appeal, action by said commissioner on case under appeal shall be suspended by said director. The refusal of any commissioner to carry out the orders and directions of the director of agriculture, in reference to such matters, shall be deemed neglect of duty.

CHAPTER 146.

An act to amend section 2220 of the Civil Code and to repeal sections 847 and 857 of the Civil Code, all relating to trusts on real and personal property.

[Approved by the Governor April 20, 1929 In effect August 14, 1929]

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

Civ. C. 1872,
p. 377,
amended
Trusts

SECTION 1. Section 2220 of the Civil Code is hereby amended to read as follows:

2220. A trust in relation to real and personal property, or either of them, may be created for any purpose or purposes for which a contract may be made.

Repealed

SEC. 2. Sections 847 and 857 of the Civil Code are hereby repealed.

CHAPTER 147.

An act to amend sections 591, 596a and 606 of the Political Code, and adding a new section to be numbered 606a, all relating to the insurance commissioner, his office, salary, expenses, deputies, assistants, attorney and employees; submission of written instruments to attorney or attorney general; assessment of insurance companies for salary and expenses in case of deficiency; creation of insurance fund and transfer and abolition of insurance commissioner's special fund.

[Approved by the Governor April 20, 1929. In effect August 14, 1929]

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

SECTION 1. Section 591 of the Political Code is hereby amended to read as follows:

Stats 1921,
p 1598,
amended

591. The commissioner may procure suitable offices in San Francisco for conducting the business of the insurance department. He shall have power to appoint an attorney, with the approval of the department of finance, and such deputies, assistants and other employees as may be necessary for the transaction of the business of his office. The commissioner may incur such traveling and other expenses as may be necessary for the proper performance of the duties of his office. All claims for expenses shall be audited in accordance with the provisions of law.

Powers of
insurance
commis-
sioner

SECTION 2. Section 596a of the Political Code is hereby amended to read as follows:

Stats 1907,
p. 147,
amended
Matters to
be submitted
to attorney

596a. Before the insurance commissioner issues any certificate of authority or any other certificate or gives any permission or authority of any kind, based upon any written instrument or document or certified copy thereof, required by the statutes of the State of California, the commissioner shall submit such instrument to the attorney for the commissioner, who shall examine the same and return it to the commissioner with his certificate or opinion as to whether such instrument, document or certified copy is in accordance with the requirements of law, and such certificate or opinion of the attorney for the commissioner shall govern and control the commissioner, subject only to review by a court of competent jurisdiction; *provided*, that neither the authority to nor bond of an agent or solicitor, nor the annual statements as to the condition and affairs need, but may, be so submitted (with the same effect) by the commissioner to the attorney for the commissioner.

SEC. 3. Section 606 of the Political Code is hereby amended to read as follows:

Stats 1907,
p 154,
amended

606. If the salary of the commissioner and expenses of his office exceed the fees and charges collected by him, such excess must be annually assessed by the commissioner upon all per-

Assessments

Disposition
of funds

sons or corporations engaged in the business of insurance in this state, and they are severally liable therefor, pro rata, according to the amount of premiums received or receivable from risks taken in this state, respectively, during the year ending on the thirty-first day of December next preceding the assessment. All moneys received by the commissioner for fees, fines, penalties, taxes, or from similar sources, and belonging to the state shall be accounted for and reported monthly by the commissioner to the state controller and at the same time said sum shall be remitted to the state treasurer to the credit of the insurance fund, which fund is hereby created; *provided*, that none of the moneys received by the commissioner or coming into his possession under or pursuant to the provisions of section 597 of the Political Code or of the act entitled "An act to provide for proceedings against and liquidation of delinquent insurance corporations and associations," approved April 30, 1919, or from other similar sources, shall be deposited in the state treasury. The unencumbered balance in the insurance fund on June thirtieth of each year shall revert to and become a part of the general fund of the state. If any insurance company or association neglects or refuses to pay the amount of any assessment herein provided for within ten days after demand thereof in writing by the insurance commissioner, the commissioner shall revoke the certificate of authority previously granted and make demand upon such company's bondsmen for the payment of such assessment.

Remedy on
nonpayment
of assess-
ments.

New section.

SEC. 4. A new section numbered 606a is hereby added to the Political Code to read as follows:

Transfer of
funds.

606a. On the date this act takes effect, any balance remaining in the insurance commissioner's special fund shall be transferred to the insurance fund and the said insurance commissioner's special fund shall be and is hereby abolished and any appropriation heretofore payable from said insurance commissioner's special fund shall be payable from the insurance fund.

CHAPTER 148.

An act to provide transportation for pupils attending secondary schools.

[Approved by the Governor, April 22, 1929 In effect August 14, 1929]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 149.

An act relating to the continuation of contracts for the transportation of secondary school pupils.

[Approved by the Governor, April 22, 1929 In effect August 14, 1929]

NOTE—See volume containing School Code and acts supplemental thereto

CHAPTER 150.

An act to amend sections 1359 and 1361 of the Political Code, relating to absent voters.

[Approved by the Governor April 22, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 1359 of the Political Code is hereby amended to read as follows:

Stats 1927.
p. 597,
amended.

1359. (a) Any voter applying for and receiving a ballot as hereinbefore provided, and who has not before voted for said election, may, on any day prior to the day of the election for which such ballot is to be voted, appear at the office of the county clerk or registrar of voters of the county or city and county in which such voter resides, and stamp and seal his ballot under the scrutiny of such officer, and in the following manner: The voter shall first display the ballot to such officer as evidence that the same is unmarked, and shall then proceed to mark the ballot in the presence of such officer, but in such manner that such officer is unable to see how the same is being marked, and shall then fold said ballot and enclose the same in the identification envelope. The voter shall then make out and swear to the affidavit printed on the face of such envelope and deliver the same properly sealed to the officer before whom the ballot was marked. Said officer shall certify to the affidavit printed on the identification envelope and enclose said envelope in the return envelope and seal same, and after writing or stamping his name across said seal shall deposit said envelope in a safe place in his office, to be kept by him and thereafter delivered to the proper election board as hereinafter provided, and the certificate of such officer on the identification envelope shall state, in the last sentence thereof, such deposit of such envelope in his office, and that it has not been returned to the voter.

Voting prior
to election
day

(b) In case said voter is absent from the county or city and county of his residence on election day, or on account of injury or disability he is unable to go to his polling place and has not before voted for said election, he may appear before the clerk, or any notary public or any officer authorized by law to administer oaths within the city, city and county, county or town, within the State of California, in which he may be on said day, and stamp and seal his ballot under the scrutiny of such officer, in the manner hereinabove set forth. Such officer shall then certify to the affidavit printed on the identification envelope, and enclose said envelope in the return envelope and seal same, and, after writing or stamping his name across said seal, shall deliver said envelope to the voter to be by him returned by registered mail to the office of county clerk or registrar of voters, as the case may be from whom such ballot was received.

Absent or
disabled
voters

Voters in
civil,
military or
naval service

(c) In case said voter is engaged in the civil, congressional, military or naval service of the United States or of the state and is absent from his county or city and county or state on election day, and has not before voted for said election, he may appear before the county clerk or registrar of voters, or any notary public of the district and city, county or city and county, where he may be, or before any officer authorized to administer oaths, and stamp and seal his ballot in the manner hereinabove set forth. Such officer shall then certify to the affidavit printed on the identification envelope and enclose said envelope in the return envelope and seal same, and, after writing or stamping his name across said seal, shall deliver said envelope to the voter to be by him returned by registered mail to the office of the county clerk or registrar of voters, as the case may be, from whom such ballot was received.

Stats 1923,
p 590,
amended

SEC. 2. Section 1361 of the Political Code is hereby amended to read as follows:

Canvass
of ballots

1361. Fifteen days after any election mentioned herein, or as soon as the ballots have been received, it shall be the duty of each county clerk or registrar of voters to deliver to the board of supervisors, board of election commissioners or election board of the county, city and county, city or town, for which such election is held, all ballots received by him under the provisions of this chapter. The board of supervisors, board of election commissioners, or election board, shall forthwith meet at the usual place of meeting, or any other place permitted by law to canvass the returns, at which time the board of supervisors, or the board of election commissioners, or election board, shall canvass all of the ballots delivered to them by the county clerk or registrar of voters and shall proceed to canvass and count the same personally, or by an election board, consisting of five electors appointed by them for that purpose. At the August primary election or the May presidential primary election, the canvass shall be made in the manner prescribed by section 21 of the direct primary law, excepting as hereinafter provided, and the canvass of votes for any general election shall be according to the laws now in force pertaining to such general election, except as hereinafter provided.

CHAPTER 151.

An act relating to uniform cost accounting for junior colleges.

[Approved by the Governor April 22, 1929 In effect August 14, 1929]

NOTE—See volume containing School Code and acts supplemental thereto

CHAPTER 152.

An act to repeal an act entitled "An act authorizing the board of supervisors of the counties in which water is sold for the purpose of irrigation, to fix the rates at which water shall be sold," approved March 26, 1880.

[Approved by the Governor April 22, 1929 In effect August 14, 1929]

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

SECTION 1. An act entitled "An act authorizing the board of supervisors of the counties in which water is sold for the purpose of irrigation, to fix the rates at which water shall be sold," approved March 26, 1880, is hereby repealed.

Stats 1880,
p 16,
repealed

CHAPTER 153.

An act to repeal an act entitled "An act to regulate and control the sale, rental, and distribution of any appropriated water in this state other than in any city, city and county, or town therein and to secure the rights of way for the conveyance of such water to the places of use," approved March 12, 1885.

[Approved by the Governor April 22, 1929 In effect August 14, 1929]

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

SECTION 1. An act entitled "An act to regulate and control the sale, rental, and distribution of any appropriated water in this state other than in any city, city and county, or town therein and to secure the rights of way for the conveyance of such water to the places of use," approved March 12, 1885, is hereby repealed.

Stats. 1885,
p. 95,
repealed.

CHAPTER 154.

An act to provide for the setting aside of moneys raised for building purposes by school districts for three fiscal years and the expenditures of such moneys thereafter.

[Approved by the Governor April 22, 1929 In effect August 14, 1929]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 155.

An act to amend the title and sections 1, 2, 3 and 4 of an act entitled "An act to reduce the fire insurance hazards of the business of clothes cleaning establishments, providing for the enforcement thereof by the state fire marshal, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, and to add two new sections thereto to be known as section 5, relating to hazardous buildings and equipment, and section 6, creating a division of industrial fire safety in the department of industrial relations, and transferring to said division the administration and enforcement of said act.

[Approved by the Governor April 23, 1929. In effect August 14, 1929]

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

Stats. 1927,
p. 1924,
amended

SECTION 1. Title of an act entitled "An act to reduce the fire insurance hazards of the business of clothes cleaning establishments, providing for the enforcement thereof by the state fire marshal, providing ways and means for enforcement and providing penalties for violations," approved June 3, 1927, is hereby amended to read as follows: An act to reduce the fire hazards of clothes cleaning establishments, providing for the enforcement thereof by the division of industrial fire safety in the department of industrial relations, providing ways and means for enforcement and providing penalties for violations.

Title

Stats 1927,
p 1924,
amended.
Definitions

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Section 1. Whenever used in this act the following terms are defined as herein specified and shall be deemed and construed to have the meaning ascribed to them in this section.

The term "person" means and includes any individual, company, association, copartnership, corporation, organization or manager, contractor, subcontractor or agent.

Clothes cleaning establishment. The term "clothes cleaning establishment" is defined as any building, room or premises in or upon which the business or process of cleaning, dyeing, or renovating clothes, wearing apparel, feathers, or any fabric or textile, or hats, is conducted, maintained, or carried on, and where the process of such cleaning, dyeing, or renovating is accomplished by the use of any volatile and inflammable product or substance, and where any liquid volatile and inflammable product or substance in an amount exceeding one gallon in the aggregate of all such volatile and inflammable products is kept or stored, or where any viscous or other compound, powder or solid volatile and inflammable product or substance in the aggregate amount of more than eight pounds is kept or stored.

Cleaning. The term "cleaning" is defined as the process of cleaning or renovating clothes, wearing apparel, feathers,

hats, fabrics or textiles by the use of any volatile and inflammable product or products as defined in this act. Definitions.

Dry cleaning. The term "dry cleaning" is defined as the same as "cleaning" as defined in this act.

Cleaner. The term "cleaner" is any person who engages in the business or "cleaning" as defined in this act, or who cleanses or renovates clothing, wearing apparel, feathers, hats, fabrics or textiles by a process of "cleaning" as defined in this act.

Dyeing. The term "dyeing" is defined as the process of coloring clothing, wearing apparel, feathers, hats, fabrics or textiles by means of aniline dyes, mordants, acid and steam.

Cleaning and dyeing. The term "cleaning and dyeing" is defined as the business of conducting a "clothes cleaning establishment" as defined in this act.

Cleaners and dyers. The term "cleaners and dyers" or "dyers and cleaners" is defined as a person conducting a "clothes cleaning establishment."

Spotting and sponging establishment. The term "spotting and sponging establishment" is defined as any building, room or premises in or upon which the business of spotting or sponging, or cleaning by local application, or pressing and finishing cleaned clothing, wearing apparel, feathers, hats, fabrics or textiles is conducted, maintained or carried on, and where any liquid volatile and inflammable product or substance in an amount not exceeding one gallon in the aggregate of all such liquid volatile and inflammable products is kept or stored, or where any viscous or other compound, powder or solid volatile and inflammable product or substance in an amount not exceeding eight pounds is kept or stored.

Washroom. The term "wash room" is defined as any building or portion thereof, or portion of a premises, wherein the process of "cleaning," as defined in this act, is carried on or where any volatile and inflammable product is extracted or removed from clothing, wearing apparel, feathers, hats, fabrics or textiles, after having been cleaned or dyed in such volatile and inflammable product.

Drying room. The term "drying room" is any building or portion thereof wherein clothing, wearing apparel, feathers, hats, fabrics or textiles are dried or the odor removed therefrom after having been cleaned or dyed by means of "cleaning" or "dyeing" as defined in this act.

Solvent treatment room. The term "solvent treatment room" is defined as any building or portion thereof, or any portion of a premises, wherein or upon which any volatile and inflammable product is exclusively clarified, filtered, distilled, redistilled, settled, washed or otherwise cleaned or renovated.

Dust wheel or tumbler. A "dust wheel or tumbler" is defined as any wheel or machinery suitable for the purpose of drying or deodorizing or removing dust or fumes from clothing, wearing apparel, feathers, hats, fabrics or textiles.

Hazardous room. The term "hazardous room" is defined as any room located wholly or in part in any clothes cleaning establishment wherein any volatile and inflammable product as defined in this act, is kept or stored; or wherein any volatile and inflammable product is distilled, redistilled, filtered, clarified, settled, extracted, washed, or otherwise cleansed, or renovated; or wherein or upon which any "still, filter, clarifier, extractor, washer or tumbler" is installed or maintained; or wherein or upon which any "dust wheel" is installed or maintained and the same is used for drying or deodorizing purposes following the operation of "cleaning or dyeing" as defined in this act; or wherein any clothes, wearing apparel, feathers, hats, fabrics, or textiles are washed, cleaned, dyed, or renovated by means of any volatile and inflammable product; or wherein any clothing, wearing apparel, feathers, hats, fabrics or textiles are dried or the odor removed therefrom after having been cleaned or dyed by a "cleaning" process as defined in this act.

Hazardous building. A hazardous building is defined as any building or structure or portion of a premises containing one or more "hazardous rooms" as defined in this act.

Boiler room. A "boiler room" is defined as any room in connection with any clothes cleaning establishment, or spotting and sponging establishment wherein is maintained, kept, or operated any appliances, machinery or apparatus for the generation of steam or the heating of water, where the American Society of Mechanical Engineer's, or other standard rating of such appliances, machinery or apparatus indicates a capacity thereof in excess of three (3) horsepower or more in any one unit.

Volatile and inflammable product. The term "volatile and inflammable product" is defined as any liquid, viscous or other compound, powder or solid product or substance having the capacity to evaporate, and during such evaporation generate and emit a gas or vapor propagative of flame or fire, or explosive in nature; or any other product or substance propagative of flame, fire or explosion incident to evaporation.

Solvent. The term "solvent" is defined as the same as "volatile and inflammable product" as defined in this act.

Approved. The term "approved," where used hereinafter, shall mean authoritative sanction of the department of industrial relations prior to employment, installation, or use, in or about a "clothes cleaning establishment," or a "spotting and sponging establishment."

Stats 1927,
p. 1926,
amended.
Licenses or
permits.

SEC. 3. Section 2 of said act is hereby amended to read as follows:

Sec. 2. Licenses. (a) It shall be unlawful for any person, firm, copartnership, corporation or organization to establish, conduct, maintain or operate a "clothes cleaning establishment"; or to alter or reconstruct an established "clothes cleaning establishment" either as to buildings, machinery, or other

equipment or apparatus; or to cleanse clothing, wearing apparel, feathers, hats, fabrics or textiles by means of a process herein defined as "cleaning"; or to keep or store therein or upon the premises wherein such "cleaning" process is operated any "volatile and inflammable product" as defined in this act, in any structure or in any manner other than that approved by the state fire marshal, or without first making application to and obtaining from the state fire marshal of the State of California a license so to do. Every such permit or license shall contain the name of the person, firm, copartnership, association, corporation or organization to whom the same is issued, and if such establishment is conducted or maintained under a fictitious firm name, every such license or permit shall contain in addition to such fictitious firm name the name or names of each of the owners of such establishment, and shall specify the location by street and number of the premises in or upon which such establishment is, or is to be, located, the maximum amount of volatile and inflammable product that is to be or may be stored in or upon such premises and the exact location of the tank or tanks in which any such volatile and inflammable product may be stored.

Blueprints. (b) Every application for a permit or license to establish, conduct, maintain or operate a "clothes cleaning establishment," and every application to alter or reconstruct an existing "clothes cleaning establishment" shall be accompanied by four blueprints not exceeding twenty-four by forty-two inches in size, on which shall be shown a plot plan, made to a scale of one-eighth of an inch to one foot, showing the boundary lines of the property devoted or to be devoted to the establishment, with its dimensions figured; all adjacent streets, alleys or easements, titled, and with their widths figured; the relation to such street, alley or easement lines of all buildings or structures existing, or to be erected, with all dimensions figured; the materials of construction of all existing and proposed buildings, including that of existing buildings on adjacent property, with wall sections and openings indicated, and the figured location, size, and materials of construction of the boiler house, including the type and horsepower of the boiler; and, in addition to said plot plan, a three-eighths or one-half inch scale detail plan of all hazardous buildings and rooms, including their heights, with all major dimensions figured, showing the sections and materials of construction of walls, partitions, roofs and floors; the location and size of all door, window and skylight openings, and the location of the wall vents; the location of the riser ducts of the ventilating system; the run of all steam or other fixed fire extinguishing equipment, including the location of all outlets and control valves, and the arrangement of all operating apparatus and appliances, including the location of motors, and no permit shall be granted unless the arrangement, materials and construction shown on the said blueprints have been approved by the department of industrial rela-

tions. Blueprints shall be submitted by the owner or lessee of a plant, or by an agent of said owner or lessee authorized in writing to perform such service, and such written authorization shall accompany said blueprints at their submission. Unless construction is commenced within a period of sixty (60) days from and after the date of approval such approval automatically becomes null and void, unless competent reasons are presented in writing within such period in explanation as to the cause of delay. No change as to location, arrangement, or materials of construction, will be permitted in the execution of a design unless the same have been approved by the department of industrial relations.

Posting
license or
permit.

Posting license. (c) Said permit or license shall be posted in a conspicuous place in each and every clothes cleaning establishment and shall be shown to any duly authorized representative of the department of industrial relations, or any duly authorized representative of any city or county fire department within the State of California whenever the same is requested.

(d) Failure to properly post and show such license or permit shall be deemed a violation of this act.

Use of
permits.

(e) It shall be unlawful for any person, firm, association, corporation, copartnership, or organization to establish, conduct, maintain or operate any "clothes cleaning establishment," under or by virtue of a permit issued to or in the name of any other person, firm, copartnership, association, corporation, or organization, or to purport to conduct, maintain or operate such an establishment unless actually so doing.

Application
for license
or permit

Application for license. (f) Application for such license shall be made to the department of industrial relations at its office within the State of California, and before the granting of such permit or license the department of industrial relations, or its duly authorized representative, shall make a thorough investigation into the fitness of such applicant to conduct a "clothes cleaning establishment." If such investigation reveals that the "clothes cleaning establishment," or the plans, specifications, premises, or character or ability of such applicant to conduct a "clothes cleaning establishment" are not in compliance with the provisions of law or in any manner jeopardizes the public welfare or in any manner in the opinion of the department of industrial relations, or its duly authorized representatives, makes such proposed establishment a menace to the public welfare and safety, the department of industrial relations in its discretion is empowered to deny such applicant a permit or license to establish or maintain a "clothes cleaning establishment."

Fee.

Fee. (g) Every such licensed person under the provisions of this act to carry on a "clothes cleaning establishment" or business shall pay to the department of industrial relations a license fee of forty dollars (\$40) per annum. Such applicant for such license or permit shall deposit at the time of making application for such license or permit the amount of

such fee with the department of industrial relations, and thereafter on or before the first of January of each and every year shall make application for license and shall pay to the department of industrial relations such license fee of forty dollars. The failure of any established "clothes cleaning establishment" or its owners to pay such license fee to the department of industrial relations on or before the first day of January of each and every year of the operation of such "clothes cleaning establishment," shall be prima facie evidence of the violation of this act.

Moneys collected. (h) All moneys collected for such license by the department of industrial relations as provided herein shall be paid into the state treasury and credited to the clothes cleaning establishment fund for purposes of enforcing the provisions of this act; and the department of industrial relations is authorized and instructed to use such funds for such enforcement purposes.

Disposition
of fees.

SEC. 4. Section 3 of said act is hereby amended to read as follows:

Stata. 1927,
p. 1928,
amended
Fire
regulations

Sec. 3. Revocation of license. The department of industrial relations shall have the power and authority to prescribe rules, regulations and specifications governing construction, equipment, maintenance and operation of "clothes cleaning establishments" deemed necessary to protect life and property against fire menace; *provided, however*, that such regulations in no manner restrict the operations of other statutes regulating such establishments; *and provided, further, however*, that any order of the department of industrial relations revoking the license of any clothes cleaning establishment is subject to a review by the court and can be set aside only upon the grounds that the department of industrial relations has exceeded its powers or has been guilty of fraud in the use of such order. The department of industrial relations is further empowered and directed to abate fire nuisances in any "clothes cleaning establishment" pending a hearing upon such nuisance.

In the event that any person, firm, association, copartnership, corporation or organization to whom such license or permit, has been issued to establish, conduct, maintain or operate a "clothes cleaning establishment" or to store or to keep any volatile and inflammable product therein, shall violate or shall cause or permit to be violated any of the provisions of this act regulating such "clothes cleaning establishment," or shall conduct, maintain, or operate, or cause, or permit to be conducted, maintained or operated such "clothes cleaning establishment" in an unlawful or careless manner dangerous to persons or property, within the discretion of the department of industrial relations or its duly authorized representatives, it shall be the duty of said department of industrial relations, and said department of industrial relations is hereby authorized and directed to revoke the permit or license issued to any such person, firm, association, copartnership, corporation or organi-

Revocation
of licenses
and permits

zation; *provided, however*, that no such permit or license shall be revoked until after a hearing as hereinafter provided has been had by said department of industrial relations in the matter of revocation of such permit or license. Notice of such hearing shall be given in writing and served upon the holder of such permit or license or some representative thereof if such permit or license be issued in the name of more than one person, or their manager or agent, which notice shall state the grounds of complaint against such holder or holders, or against such establishment, and shall also state the time and place when and where such hearing shall be held. Such notice shall be served upon the holder or holders of such permit or their representative by delivering the same to such holder, or either of them, or to his or their manager, representative, or agent, or to any person in charge of or employed in such establishment, or by leaving such notice at such establishment, or at the residence of such holder, or either or any of them with some person of suitable age and description. If such notice be not served personally upon the holder, or any or either of them, of such permit, a copy of such notice, in addition to such notice being served as otherwise hereinabove provided, shall be deposited in the United States post office, in a sealed envelope, postage prepaid, addressed to the holder of such permit at the address of such establishment. Such notice shall be served as hereinabove provided at least five (5) days prior to the date of such hearing.

Stats 1927,
p. 1929,
amended.
Offenses and
penalties.

SEC. 5. Section 4 of said act is hereby amended to read as follows:

Sec. 4. Penalty. Any person, firm, association, corporation, copartnership or organization violating any of the provisions of this act, or who shall violate or fail to comply with any order or regulation made hereunder, or who shall construct, in violation of any detailed statement or specifications or plans submitted and approved hereunder by the department of industrial relations, any establishment or portion thereof herein provided for, or who shall violate the terms of any license, or permit, issued hereunder, shall severally and for each portion or noncompliance respectively be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars (\$200) or imprisonment in the county jail for a period of not less than thirty (30) days, or by both such fine and imprisonment. If any sentence, clause, or portion of this act should be declared unconstitutional such decision shall not invalidate any remaining portions of this act.

Each person shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this act is committed, continued or permitted by such person and shall be punishable therefor, as provided by this act.

Stats. 1927,
p. 1924,
amended.

SEC. 6. There is hereby added a new section to said act to be known as section 5 and to read as follows:

Sec. 5. Hazardous building. (a) It shall be unlawful for any person to establish, conduct, maintain or operate a clothes cleaning establishment unless all the processes of cleaning, dyeing, renovating, drying and deodorizing, and those of solvent storage and treatment, are conducted or carried on in a hazardous building located, constructed, equipped and maintained as hereinafter provided. Hazardous
buildings

(b) Location. A hazardous building shall be located not less than twelve (12) feet from any boundary line of the lot or premises upon which the same is constructed; *provided, however*, where a boundary line is formed by the line of a street, alley, or irrevocable easement, less than twelve (12) feet in width, it may be located nearer than twelve (12) feet from said boundary, street, alley, or irrevocable easement line, but not nearer than twelve (12) feet from the opposite or remote line of such street, alley, or irrevocable easement; *and further provided, however*, where a boundary line is formed by the line of a street, alley, or irrevocable easement, twelve (12) feet or more in width, it may be located on such boundary line forming the line of such street, alley, or irrevocable easement, but in no case shall it be located less than twelve (12) feet from any other building or structure. Same—
location

(c) The twelve (12) foot provisions set forth in the preceding paragraph shall not apply to hazardous buildings of existing plants where such plants conform in every other particular, or are made to conform in every other particular, with the requirements of this act.

(d) Heights. A hazardous building shall not exceed one (1) story in height, unless such hazardous building existed and was in operative use prior to and continuously since August 2, 1927, in which case such hazardous building shall be made to conform with the requirements of this act in so far as it is physically possible. No room in a hazardous building shall be less than ten (10) feet in height from the floor level to the underside of the lowest point of the roof slab, unless such hazardous building existed and was in operative use prior to and continuously since August 2, 1927, or has been constructed since such date in accordance with an approved design thereof, where such approval was made prior to December 1, 1928. Same—speci-
fications.

(e) Rooms. A hazardous building may contain any combination of the following hazardous rooms. A wash room, or rooms, in which may be placed and operated cleaning, washing, extracting, clarifying, purifying or filtering apparatus, except distilling apparatus. A solvent treatment room, or rooms, in which may be placed and operated distilling, clarifying, purifying or filtering apparatus. A drying and deodorizing room, or rooms, in which may be placed and operated tumblers, dust wheels or metallic drying cabinets. A drying room, or rooms, in which may be placed steam pipes for drying purposes. A spotting and sponging room, or rooms, in which the processes, solely, of spotting and sponging, or

Same—specifications.

cleaning by local application, other than by scrubbing and brushing where a volatile and inflammable solvent is used in excess of one (1) gallon is employed in such operation, may be performed. A store room, or rooms, in which may be kept and stored any type of volatile and inflammable solvent. A motor room, or rooms, in which motors may be installed and operated. None of the processes of wet-washing will be permitted in a hazardous building.

(f) Building codes. A hazardous building shall be constructed in accordance with the best practice, and an observance of the requirements of the uniform building code prepared by the Pacific Coast Building Officials Conference, 1927 edition, together with the latest amendments thereto, as to structural design, materials and workmanship; or the specific requirements of this act as to design, structural or other detail, or employment of materials where the same varies therefrom and are more rigid in their requirements; or where any state law or regulation, or the building code or other ordinance of a municipality, or other political division in which the construction is located, are more rigid in their requirements than the requirements of this act, or those of the uniform building code herein referred to, shall be considered prima facie evidence of compliance with the best practice.

(g) Foundations. Foundations of a hazardous building shall in no case have a batter of less than sixty (60) degrees from a horizontal plane, unless constructed of concrete having adequate metallic reinforcement.

(h) Walls; partitions. Exterior and bearing walls of a hazardous building shall be of brick not less than twelve (12) inches thick, or of reinforced concrete not less than eight (8) inches thick. Piers or columns shall be provided at concentrated loads or other points of structural necessity. Exterior and bearing walls of a hazardous building existing and in operative use prior to and continuously since August 2, 1927, of burned clay or concrete brick, concrete, or burned clay or concrete hollow tile, not less than eight (8) inches thick, or of reinforced concrete not less than six (6) inches thick, may remain and be utilized in their established locations; *provided*, such locations be approved, and such walls are in approved condition. Additions or extensions to existing approved exterior and bearing walls shall be thoroughly bonded thereto, and shall conform in material and sections to those first set forth in this paragraph.

(i) Other than bearing walls, all interior division walls separating hazardous rooms shall be of brick, not less than eight (8) inches thick, or of reinforced concrete not less than six (6) inches thick. Interior division walls of a hazardous building existing and in operative use prior to and continuously since August 2, 1927, of burned clay or concrete brick, concrete, or burned clay or concrete hollow tile, not less than six (6) inches thick, may remain and be utilized in their

established locations; *provided*, such locations be approved, and such walls are in approved condition. Additions or extensions to existing approved interior division walls shall be thoroughly bonded thereto, and shall conform in material and sections to those first set forth in this paragraph. Same—specifications.

(j) Partitions, and all other similar interior construction in a hazardous building shall be of incombustible materials throughout, installed in an approved manner.

(k) Interior division walls separating hazardous rooms, and all partitions, shall extend from the floor level to the underside of the roof construction.

(l) There shall be no communicating openings in the interior division walls or partitions separating hazardous room or areas, and other than door, window and vent openings having approved fire protection, no openings in the exterior walls of a hazardous building, except that in exterior walls and interior walls and partitions, openings will be permitted for the passage of vent ducts, piping and shafting. Clearances at openings for such members shall not exceed one-quarter ($\frac{1}{4}$) of an inch.

(m) Roofs. Roofs shall be of a flat type, of reinforced concrete designed for a live load of thirty (30) pounds per square foot of horizontal projection. Steel girders or beams, and the reinforcing steel in concrete girders, beams, and slabs shall be protected with concrete. There shall be no concealed roof space, and the bottom of the roof slabs shall form the ceilings of all rooms.

(n) Roofing. Roofing may be of asphalt saturated rag felt and asphalt, with the exposed surface protected with roofing gravel, or of asphalt saturated asbestos and asphalt, and shall be applied in a workmanlike manner.

(o) Floors. Floors shall be of concrete, not less than four (4) inches thick including a cement top finish, which latter shall be troweled. All floors shall be level throughout, laid directly on the earth at an elevation at or above the adjacent ground level, without a basement or other open space thereunder, and there shall be no gutters, sumps, pits, or other depressions therein. No sewer drainage connections are permitted.

(p) Doors. All door openings in hazardous buildings shall lead directly to an area open to the sky, which area shall afford a continuous, unobstructed means of safe egress, and no door opening shall be less than three (3) feet in width. Wash rooms shall have not less than two (2) doors, which shall be located as remote from each other as is practically possible. Fire doors protecting exterior openings in hazardous buildings may be either sliding, hinged or rolling, and shall be constructed and hung in accordance with the best practice. Observance of the regulations of the National Board of Fire Underwriters, edition 1927, and the supplementary regulations of the Board of Fire Underwriters of the Pacific, edition 1928, together with the latest amendments thereto, shall be

Same—specifications.

considered prima facie evidence of compliance with the best practice. A minimum of three (3) fusible links shall be provided for standard sized sliding doors. Hinged, rolling, and oversized doors, shall have additional links. Fire doors shall be arranged so as to be as readily opened from without as from within, and all door locking devices shall be installed for exterior operation. Raised sills in door openings are not permitted.

(q) Windows. All window openings in hazardous buildings shall be fitted with approved solid steel sash. Ventilators therein shall be pivoted to insure automatic closing, and shall be controlled by fusible links. Glass shall be one-quarter ($\frac{1}{4}$) inch wire glass, back puttied, and held in place with metallic glazing strips.

(r) Skylights. Approved, hinged skylights shall be provided in the roof of each hazardous room, aggregating one-eighth ($\frac{1}{8}$) the floor area thereof, constructed with galvanized iron frames and sash of not less than No. 24, U. S. Standard gauge, so arranged that they will open under pressure in case of an explosion and close automatically thereafter.

(s) Ventilation. A hazardous building shall be provided with a power-driven fan exhaust system of ventilation, designed, installed and operated to produce a complete change of air in each room of such building every three (3) minutes, which shall be kept in continuous operation while any portion of a "clothes cleaning establishment" housed in a hazardous building is being operated. The riser, branch and main ducts shall be constructed of galvanized iron of not less than No. 24 U. S. Standard gauge, throughout, except that the lower three (3) feet of each vertical riser duct shall be fabricated and installed in accordance with the approved standard detail on file in the office of the division of industrial fire safety of the department of industrial relations. The discharge outlet shall be located at a height not less than one (1) foot above the highest portion of the building.

(t) Approved wall vents, designed, detailed, and constructed in accordance with the specification on file in the office of the division of industrial fire safety of the department of industrial relations shall be provided in the exterior walls of a hazardous building in number totaling one (1) vent for each six (6) lineal feet of the total external dimensions of such building, less one (1) vent for each door opening therein, and shall be so located as to provide an ingress of air at the corners of each hazardous room, and at equal spaced distances there between. There shall, however, be not less than two (2) such vents in each hazardous room.

(u) Lighting; power. No artificial light of any kind, other than by electricity, or any open light, flame or fire, shall be installed or used in a "clothes cleaning establishment," or a "spotting and sponging establishment." All conduit and fittings, and all fixtures, shall be vapor proof, and shall be

installed in accordance with the best practice. No switches or other electrical appliances, or motors except those of an approved, vapor proof type will be permitted in a hazardous room. All machines, appliances, and shafting in a hazardous building shall be grounded with No. 10 gauge wire, run in rigid metallic conduit, with approved connections. An observance of national electric code, together with the latest amendments thereto, shall be considered prima facie evidence of compliance with the best practice.

(v) Heating. No heating device, other than hot water or steam, shall be installed or used in a hazardous building.

(w) Boiler house. The boiler house of a "clothes cleaning establishment" shall be constructed of burned clay brick or tile, or reinforced concrete, with a reinforced concrete roof, and shall be so located that the door opening thereof shall be not less than twenty (20) feet from the nearest door, wall vent, or ventilated window opening in a hazardous building or room. Unless operatively impossible, door openings in boiler rooms shall not be placed in walls facing hazardous buildings. Fired doors and sash shall be similar to those specified in paragraphs (p) and (q) of this section.

(x) Storage and use of solvents. No person shall store, keep, or use, in or upon any premises conducted, maintained, or operated as a "clothes cleaning establishment," any volatile and inflammable product, as defined in this act, unless all tanks or other containers, both above and below ground; all continuous flow or other systems for the circulation and use of solvent, and all pumps, piping, fittings, sight glasses, valves, traps, emergency dump and other devices used in connection with such storage, circulation and use, are approved by the department of industrial relations.

Storage and
use of
solvents

(y) Fire protection. Except as hereinafter provided, every "clothes cleaning establishment" shall be equipped with a steam boiler having a capacity, in addition to that required for other uses in such establishment, of not less than one (1) horsepower, American Society of Mechanical Engineers or other standard rating, for each two hundred (200) cubic feet, or fraction thereof, of the cubic contents of the largest hazardous room forming a part of such establishment. A steam pressure of not less than fifty (50) pounds per square inch shall be maintained in said boiler during such time as operations are carried on in any hazardous room of such establishment. A one and one-half ($1\frac{1}{2}$) inch steam line shall be installed from said boiler to the hazardous building of such establishment, and in each hazardous room shall be installed one and one-quarter ($1\frac{1}{4}$) inch dry steam lines having not less than one (1) approved open nozzle to each five hundred (500) cubic feet, or fraction thereof, of the cubic contents of such rooms. Release of steam shall be controlled by approved lever-type, quick acting valves, at an approved location outside of the hazardous building. In lieu of steam fire protection, hazardous rooms may be equipped with an approved CO₂ fire extinguish-

Fire
protection.

ing system, or any other system meeting with the approval of the department of industrial relations. Approved chemical fire extinguishers shall be installed in "clothes cleaning establishments," and "spotting and sponging establishments," at locations designated, and such fire extinguishers shall be discharged and recharged at least once each twelve (12) months, and the date thereof recorded on a card attached thereto. An approved asbestos blanket, five feet ten inches (5'-10") in width by seven feet (7') in length, hung and protected in an approved manner, and an approved seven foot (7') boat hook, without pike point, shall be installed at the exterior of a hazardous building in approved locations. Approved, metallic "No Smoking" signs shall be installed in a hazardous building, and in areas used for spotting and sponging, either in "clothes cleaning establishments" or "spotting and sponging establishments," at locations designated.

Machinery
and
appliances

(z) Machinery; appliances. The operation, structural integrity, condition, and placement of all machines, apparatus, appliances, or other devices, for use in a "dry cleaning establishment," or a "spotting and sponging establishment," with, or in any way in connection with, a volatile and inflammable product, as defined in this act, shall be approved by the department of industrial relations. All present installations not meeting with the approval of said department of industrial relations as to type, construction, condition or placement, shall be immediately removed, remodeled, reconditioned or relocated.

Stats 1927,
D. 1924,
amended

Division of
industrial
fire safety
created

SEC. 7. There is hereby added a new section to said act to be known as section 6 and to read as follows:

Sec. 6. There is hereby created in the department of industrial relations, a division of industrial fire safety. The state fire marshal shall be chief of the division of industrial fire safety, and all powers and duties given by this act to the department of industrial relations shall be administered by the state fire marshal through said division of industrial fire safety.

CHAPTER 156.

An act to amend an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905, as amended by adding a new section thereto, to be numbered section 1½, relating to registration of drug stores.

[Approved by the Governor April 23, 1929. In effect August 14, 1929.]

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

Stats 1905,
p. 535,
amended.

SECTION 1. A new section is hereby added to an act entitled "An act to regulate the practice of pharmacy in the

State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905, as amended, to be numbered 1½, and to read as follows:

Sec. 1½. All owners of a pharmacy or drug store, or pharmacies or drug stores, as described in section 1 of this act, within ninety days after the passage of this act must register same with the California state board of pharmacy. Registration
of drug
stores.

Any and all additional pharmacies and drug stores that hereafter be established must in a like manner be registered by said board.

In the event of moving same from one location to another the board shall first be notified within thirty days in writing before said change is made, and return permit for correction.

In the event of any change in the name of the firm or the sale of said pharmacy or drug store the board shall be notified in writing at once that said change has been made, and return permit for correction.

It shall be the duty of the board to issue a permit to conduct said pharmacy or drug store, if all of the provisions of the law have been complied with, upon making an application and paying the fee of one dollar for each and every drug store or pharmacy, and shall be renewed annually at the same rate on or before November first of each year. Permits and
fees

Any person convicted for violating any of the provisions of this section shall be deemed guilty of a misdemeanor and punished by a fine of not less than twenty dollars and not more than one hundred dollars, or by imprisonment of not exceeding fifty days, or by both such fine and imprisonment. Penalties

CHAPTER 157.

An act to add a new section to the Civil Code, to be numbered 3065b, relating to loggers' liens.

[Approved by the Governor April 23, 1929. In effect August 14, 1929]

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

SECTION 1. A new section is hereby added to the Civil Code, to be numbered 3065b, and to read as follows: New section

3065b. As used in the next preceding section the words "the time the person claiming such lien shall have ceased to do or perform the work or render the service for which said lien is claimed" shall be construed to mean the final date work was done or services were rendered on any of the logs, lumber or other manufactured timber products on which the lien is claimed, so as to give the lien claimant, or his assignee or successor in interest, a full thirty days after final cessation of labor to bring suit to foreclose his lien on any or all of the logs, lumber or other manufactured timber products in question. Cessation of
work defined

CHAPTER 158.

An act to amend section 1½ of an act entitled "An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners, and repealing an act to amend an act entitled 'An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners,' " approved June 16, 1913, as amended, relating to parole of prisoners and the conditions which may be imposed upon the granting thereof.

[Approved by the Governor April 23, 1929. In effect August 14, 1929.]

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

Stats 1915,
p. 981,
amended

SECTION 1. Section 1½ of an act entitled "An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners, and repealing an act to amend an act entitled, 'An act to establish a board of parole commissioners for the parole of, and government of paroled prisoners,' " approved June 16, 1913, is hereby amended to read as follows:

Conditions
of parole

Sec. 1½. The board of parole commissioners may, upon granting any parole to any prisoners, impose as a condition thereof any term or terms they may deem proper relating to the term of imprisonment or credits of such prisoner, and may impose as a condition thereof that all or a portion of his credits, earned or to be earned, may be forfeited by order of the board in the event that such prisoner shall break his parole or violate any law of this state, or rule or regulation of the prison, of the board of prison directors, or of the board of parole commissioners, or any of the terms or conditions of his parole; *provided, however,* that such forfeiture shall not be had except upon a hearing upon the question of such violation, and adjudication by the board that such prisoner is guilty thereof, which adjudication shall be final. At such hearing such prisoner shall be present and entitled to be heard, and may present evidence and witnesses in his behalf.

Hearing upon
forfeiture

Restitution
of property

The state board of prison directors may, upon granting parole to any prisoner hereafter convicted, sentenced, and incarcerated in the state prisons, provide for restitution of property illegally obtained by said prisoner, as a condition of parole.

Revocation
on forfeiture
without
cause

No parole shall be revoked and no credits forfeited without cause, which cause must be stated in the order revoking the parole or forfeiting the credits.

CHAPTER 159.

An act to amend section 952 of the Penal Code, relating to the description of an offense.

[Approved by the Governor April 23, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 952 of the Penal Code is hereby amended to read as follows:

952. In charging an offense, each count shall contain, and shall be sufficient if it contains in substance, a statement that the accused has committed some public offense therein specified. Such statement may be made in ordinary and concise language without any technical averments or any allegations of matter not essential to be proved. It may be in the words of the enactment describing the offense or declaring the matter to be a public offense, or in any words sufficient to give the accused notice of the offense of which he is accused. In charging theft it shall be sufficient to allege that the defendant unlawfully took the labor or property of another.

Stats 1927,
p. 1043,
amended
Statement
charging
offense

CHAPTER 160.

An act to provide for the leasing of real property belonging to a school district to the state department of education or to the regents of the University of California.

[Approved by the Governor April 23, 1929. In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 161.

An act relating to the appointment and employment of persons by the state department of education.

[Approved by the Governor April 23, 1929. In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 162.

An act relating to the administration of the state department of education.

[Approved by the Governor April 23, 1929. In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 163.

An act to amend section 384a of the Penal Code, relating to the protection of native trees, shrubs and ferns.

[Approved by the Governor April 25, 1929. In effect August 14, 1929.]

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

Stats. 1927,
p. 530,
amended.

Destruction
of native
tree, shrub
or fern.

SECTION 1. Section 384a of the Penal Code is hereby amended to read as follows:

384a. Every person who within the State of California wilfully or negligently cuts, destroys, mutilates, or removes any native tree, shrub, or portion of any native tree or shrub, or any fern, growing upon state or county highway rights of way; *provided, however,* that the provisions of this section shall not be construed to apply to any employee of the state or of any political subdivision thereof engaged in work upon any state, county or public road or highway while performing such work under the supervision of the state or of any political subdivision thereof, and every person who for commercial purposes wilfully or negligently cuts, destroys, mutilates or removes any native tree, shrub, or portion of any native tree or shrub, or any fern, growing upon land not his own, without a written permit from the owner of the land signed by such owner or his authorized agent, and every person who knowingly sells, offers, or exposes for sale any native tree, or shrub or portion of any tree or shrub, or any fern, so cut or removed from state or county highway rights of way, or removed from land not owned by the person who cut or removed the same without a written permit from the owner of the land, signed by such owner or his authorized agent, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than two hundred dollars or by imprisonment in a county jail for not more than six months or by both such fine and imprisonment.

Punishment.

Enforcement

Any county or state fire warden, or any peace officer of the State of California, shall have full power to enforce the provisions hereof and to confiscate any and all such shrubs, trees, or parts thereof, or any fern, unlawfully cut or removed or knowingly sold, offered or exposed for sale as hereinbefore provided.

Construction.

The provisions of this act shall not be construed to apply to any native tree or shrub which is declared by law to be a public nuisance.

The provisions of this act shall not be deemed to apply to the necessary cutting or trimming of any such trees, shrubs or ferns if done for the purpose of protecting or maintaining an electric power line or telephone line or other property of a public utility.

CHAPTER 164.

An act to amend section 4300c of the Political Code, relating to fees of clerks, sheriffs and recorders.

[Approved by the Governor April 25, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 4300c of the Political Code is hereby amended to read as follows:

Stats. 1923,
p. 145,
amended
Recorder's
fees

4300c. For recording every instrument, paper, or notice required by law to be recorded, per folio, ten cents.

For indexing every instrument, paper, or notice, for each name, ten cents.

For filing every instrument, paper, or notice for record, and making the necessary entries thereon, twenty cents; *provided, however,* that the minimum fee for filing for record, recording, indexing and making the necessary entries on any written instrument, paper, or notice except as hereinafter or otherwise provided by law, shall be one dollar.

For each certificate under seal, twenty-five cents.

For any copy of any record or paper on file in the office of the county recorder, when such copy is made by him, per folio, ten cents.

For examining and certifying to a copy of any record or paper on file in the recorder's office when such copy is prepared by another, three cents per folio for comparing such copy with the original.

For every entry of discharge, credit, or release on the margin of record, and indexing same, twenty-five cents.

For searching the records of his office, for each year, fifty cents.

For abstract of title, for each conveyance or encumbrance, twenty-five cents.

For recording each map or plat where the same is copied in a book of record, for each course, ten cents.

For recording or filing each map wherein land is subdivided in lots, tracts or parcels, five dollars.

For recording each map wherein corners, points or lines are located, one dollar.

For filing building contracts, plans and specifications, one dollar.

For figures or letters on maps or plats, per folio, ten cents; *provided,* that the fees for recording any map shall not exceed fifty dollars.

For taking acknowledgment of any instrument, fifty cents.

For recording marriage license, and certificate, to be paid by the county clerk, one dollar.

For recording transcript and all services in estray cases, one dollar.

For recording each mark or brand, fifty cents.

For administering each oath or affirmation, and certifying the same, twenty-five cents.

For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents; *provided, however*, no charge or fee shall be made for recording or indexing any discharge of a soldier, sailor or marine discharged from the army or navy of the United States or for issuing certified copies thereof.

For preparing and transmitting to the secretary of state certificate of mortgage, assignment, or full or partial discharge of mortgage of live stock, vehicles (other than motor vehicles) or other migratory chattels as provided in section 4130; seventy-five cents, fifty cents of which shall be forthwith transmitted to the secretary of state with such certificate as provided in section 4130.

Disposition
of fees
of clerk,
sheriff and
recorder

The clerk, sheriff and recorder shall account for all fees in this and the two preceding sections provided for, and the clerk, sheriff, and recorder, unless otherwise provided by law, shall pay the same to the treasurer on the first Monday of the month following their collection, as provided in article fifty-nine of this chapter.

CHAPTER 165.

An act to amend section 7, chapter five hundred eighty-six, laws of 1917, as amended by chapter four hundred seventy-one, laws of 1919, workmen's compensation, insurance and safety act, relating to the definition of the term "employer" as used in said act.

[Approved by the Governor April 25, 1929 In effect August 14, 1929.]

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

Stats 1919,
p 913.
amended

SECTION 1. Section 7, chapter five hundred eighty-six, laws of 1917, as amended by chapter four hundred seventy-one, laws of 1919, workmen's compensation, insurance and safety act, is hereby amended to read as follows:

Employer
defined

Sec. 7. The term "employer," as used in sections 6 to 31, inclusive, of this act, shall be construed to mean: The state, every state agency, and each county, city and county, city, school district, irrigation district, all other districts established by law, and all public corporations and quasi public corporations and public agencies therein, and every person, firm, voluntary association, and private corporation, including any public service corporation, who has any person in service under any appointment or contract of hire, or apprenticeship, express or implied, oral or written, and the legal representative of any deceased employer.

CHAPTER 166.

An act to be known as the "Water conservation act of 1929" and to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or unnavigable river by spreading and sinking such waters, and for the purpose of constructing or acquiring sinking basins, sinking wells, spreading basins, and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collecting of assessments and special assessments to pay the costs and expenses incurred in relation thereto; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provision a misdemeanor; and to provide a method of dissolving such districts.

[Approved by the Governor April 27, 1929. In effect August 14, 1929.]

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

SECTION 1. Water conservation districts may be organized and established by the board of supervisors of any county in this state, as herein expressly provided, when the conditions stated in this act are found to exist, and may exercise the powers herein expressly granted, or necessarily implied. Such districts may be entirely within unincorporated territory or partly within unincorporated and partly within incorporated territory, and within one or more counties of this state.

Organization
of water
conservation
districts.

Whenever either five hundred, or five per cent or more, of the qualified electors of a proposed water conservation district comprising the whole or a part or parts of one or more watersheds of any stream or streams of water or unnavigable river or rivers, or territory adjacent to such watershed or watersheds, or deriving such district's water supply, in whole or in part, from such stream or streams, or river or rivers, or the subterranean supply of waters therefrom, shall desire to conserve the waters of such stream or streams or unnavigable river, or rivers, they may propose the organization of a water conservation district under the provisions of this act, and, when so organized, such district shall have the powers, rights and duties conferred, or which may be conferred, by law, upon such water conservation districts. All electors residing within the proposed district, whose names appear on

the register of voters of the last general election, or at any time within thirty days, preceeding the presentation of a petition for the organization of a water conservation district under the provisions of this act shall be sufficient evidence that such signers of said petition are bona fide electors of said district.

Powers of
districts.

SEC. 2. Any water conservation district organized and established as herein provided shall have power:

1. To have perpetual succession;
2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;
3. To adopt a seal and alter it at pleasure;
4. To take by grant, appropriation, purchase, gift, devise, condemnation or lease, and to hold, use, enjoy, and to lease or dispose of, real and personal property of every kind, within or without the district, necessary to the full exercise of its powers;
5. To make surveys and investigations of the water supply and resources of the district; to conserve and store water by spreading and sinking the same, and to build, construct or acquire the necessary spreading basins, sinking wells, and sinking basins therefor; to maintain, operate and repair any of the constructions herein named; to appropriate, acquire and conserve water and water rights, for any useful purpose; to commence, maintain, intervene in and compromise, in the name of the district, and to assume the costs of, any action or proceeding involving or affecting the ownership or use of water or water rights within the district, used or useful for any purpose of the district, or of common benefit to the lands situated therein; to commence, maintain, intervene in, defend and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or streams or unnavigable river or rivers, including the natural subterranean supply of waters therefrom, which may be used, or useful, for any purpose of the district, or a common benefit to the lands within the district or its inhabitants; and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger the inhabitants or lands of the district;
6. To have and exercise the right of eminent domain, in the manner provided by law for the condemnation of private property for public use, to take any property necessary to be used for spreading basins, sinking wells or sinking basins, or to operate or to make use of same, or otherwise necessary to accomplish the purposes of this act;
7. To cause assessments to be levied, as herein provided, for the purpose of paying any obligation of the district and to accomplish the purposes of this act in the manner herein provided;
8. To make contracts, to employ labor and to do all acts necessary for the full exercise of the powers herein granted.

Petition.

SEC. 3. In order to propose the organization of a water conservation district a petition shall be presented to the board

of supervisors of the county, in which the lands within the proposed district, or the greater portion thereof, are situated, signed by five per cent or five hundred electors within such proposed district, which petition shall set forth and particularly describe the proposed boundaries of such district, and shall pray that the same be organized under the provisions of this act, and propose a name by which such district shall be known. The territory to be included within the district need not be contiguous. The petition shall be presented at a regular meeting of said board of supervisors, and shall have been published once a week for at least three weeks before such presentation in some newspaper printed and published in the county where the petition is presented, together with a notice stating the date of the meeting of said board at which the petition will be presented; and if any portion of the proposed district lies within another county, or counties, then said petition and notice shall be likewise published in a newspaper printed and published in each of said counties. Such petition may consist of any number of separate instruments, and, when contained upon more than one instrument, one copy only of such petition need be published, but the names of all the petitioners shall be published the same as if appended to the original petition. All such copies of petition, filed prior to the hearing of said petition, shall be considered by the board of supervisors the same as though filed with the petition first placed on file. Where a vote to create a district is lost, no petition for the formation of a district comprising any portion of the same territory shall be presented or considered for a period of twelve months thereafter.

SEC. 4. When such petition is presented, the board of supervisors shall hear the same, and may adjourn such hearing from time to time. If any hearing or continued hearing shall be continued to a time more than sixty days from the date of the order making such continuance, a notice of such continued hearing shall be published, in some newspaper or newspapers printed and published in each of the counties in which any portion of the proposed district lies, once a week for at least two weeks immediately prior to the time appointed for such continued hearing. On the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable, and shall define and establish such boundaries. But said board shall not modify said boundaries so as to exclude from said proposed district any territory which would be benefited by the formation of such district; nor shall any land be included within such proposed district which will not, in the judgment of said board, be benefited by the organization of such district. Any person whose lands would be benefited by such district may, upon his application and in the discretion of the board of supervisors, have such lands included within such proposed district. Upon such hearing of such petition the board of supervisors shall determine whether or not said petition complies with the require- Hearing

ments of sections 1 and 3 of this act, and for that purpose must hear all competent and relevant testimony offered in support thereof or in opposition thereto. No defect in the contents of the petition, or in the title to or form of the notice or signature, shall vitiate any proceedings thereon, provided such petition or petitions have a sufficient number of qualified signatures attached thereto. The determination of the board of supervisors shall be entered upon the minutes of said board.

Divisions
of district

SEC. 5. When, under the provisions of the preceding sections, the boundaries of the proposed district are defined and established, said board shall make an order dividing said district into three or five or seven divisions, as requested in the petition. Such divisions shall be as nearly equal in area as practicable and shall be numbered consecutively, and one director, who shall be an elector of the division, shall be elected from each division by vote of the electors of the division in which such director resides. No person may be elected a director who shall not be a qualified elector of the district, and who shall not be a resident of the county, or of one of the counties in which the district is situated.

Elections

SEC. 6. Said board of supervisors shall then call an election within the proposed district for the determination of the question whether such proposed district shall or shall not be organized, and also to elect the number of directors which shall be prescribed pursuant to the next preceding paragraph of this act. Said board of supervisors shall divide said district, and the divisions thereof, into convenient precincts and fix a polling place in each precinct; *provided*, there shall be at least one precinct in each division of the district, where the district is divided into divisions. The board of supervisors shall appoint an inspector, a judge and two clerks for each of the precincts thus established to conduct said election. The inspector, judge and clerks of election in each precinct shall constitute the board of election for such precinct. The inspector shall be chairman of the election board, and may administer all oaths required in the progress of an election, and appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of the election. If the board of election, or any member thereof, fails to appear at the opening of the polls on the morning of the election, the electors of the precinct present at that hour may appoint a board or supply the place of an absent member thereof. The election must be held within forty days from the date of the order calling the election, and within one hundred twenty days of the date of filing said petition.

Such election shall be called by publication of notice thereof in a daily or weekly paper in each of the counties in which the district is situate, if there be one, at least once a week for three weeks previous to such election, and by posting notice thereof in three public places. Such notice shall

designate a name for such proposed district, and describe the boundaries thereof and designate the respective election precincts and the polling place in each, and the election officers, and the time of the election, and the hours during which the polls will be kept open; *provided*, that the polls must be opened not later than eight o'clock a.m. and kept open until seven o'clock p.m.

The board of supervisors shall require the clerk of said board to provide and furnish ballots for said election. No particular form of ballot shall be required except that the same shall contain the words "Water Conservation District—Yes" or "Water Conservation District—No," or words equivalent thereto, and shall also contain the names of candidates for the position of director of the district who shall have been endorsed by a petition to said board of supervisors containing the names of ten or more electors of the district, petitioning that the names of candidates designated in the petition be placed upon the ballot to be voted on at such election; *provided*, that, such nominating petitions for a director in any division must be signed by ten or more electors entitled to vote in such division; *and provided*, that, in any case, such petitions be filed with the board of supervisors calling said election within fifteen days from the first publication of the notice calling said election. The ballots shall contain instructions that the voters shall write or print or stamp a cross after the words that indicate his choice. The ballots shall contain as many blank spaces for the names of directors as there are directors to be elected, and the writing of the name of any qualified person in any of said spaces shall be deemed to be a vote for such person according to the number of votes set opposite such name.

Ballots.

Said election shall be conducted in accordance with the general election laws of this state so far as applicable, and except as herein otherwise provided. The election officers shall publicly count the votes immediately after close of the election and make a report of the result of said election to the board of supervisors within five days subsequent to the holding thereof.

General laws govern.

SEC. 7. The said board of supervisors shall, on the first Monday succeeding such election, if then in session, or at its next meeting, general or special, proceed to canvass the votes cast at such election, and, if upon such canvass it determines that a majority of all the votes cast are "Water Conservation District—Yes," the board shall by an order entered in its minutes declare such territory duly organized as a water conservation district, under the name theretofore designated, and shall declare the persons receiving, respectively, the highest number of votes for director to be duly elected to such offices.

Canvass of votes

SEC. 8. The board shall then cause a copy of such order, duly certified by the clerk of said board of supervisors to be immediately filed for record in the office of the county recorder

Recordation of result.

of any county in which any portion of the lands embraced in such district shall be situated, and must also immediately forward a copy thereof to the clerk of the board of supervisors of each of said last mentioned counties. From and after such filing, the organization of the district shall be complete.

Contest of
election

SEC. 9. Such election or organization may be contested by any person holding property within the proposed district liable to be assessed for the raising of funds to carry out the purposes of the district. The directors elected at such election shall be made parties defendant. Such contest shall be brought in the superior court of the county where the petition for organization is filed; *provided*, if more than one contest be pending, they shall be consolidated and tried together. The court having jurisdiction shall immediately try such contest, and determine, upon the hearing, whether the election was fairly conducted and in substantial compliance with the requirements of this act, and enter its judgment accordingly. Such contest must be brought within twenty days after the canvass of the votes and declaration of the result by the board of supervisors. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be heard and determined by the supreme court within sixty days from the time of filing the notice of appeal.

Organization
of directors

SEC. 10. The directors elected at the election hereinbefore provided for shall immediately enter upon their duties as such upon qualifying in the manner hereinafter provided. Such directors shall hold office respectively until their successors are elected and qualified.

Secretary

SEC. 11. The directors of any district who shall be thus elected, on the first Tuesday after their election, after they shall have qualified, shall meet and classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire at the next general February election in this act provided for; and the term of office of the class having the lesser number shall terminate at the next general February election thereafter. After such classification, said directors shall organize as a board, shall elect a president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. The secretary need not be one of the directors. The salary of the secretary and the amount of the bond to be given for the faithful performance of his duty shall be fixed by the board of directors. The bond of the secretary of the district shall be recorded in the office of the recorder of the county in which the district is organized and then filed with the district.

Election of
directors

SEC. 12. In each district organized as herein provided an election shall be held on the first Tuesday in February of each odd numbered year, after the organization of the district, at which directors for the district, as provided in section 5 of this act, shall be elected to fill the offices of the directors whose

terms of office shall then expire, in accordance with the provisions of this act. Vacancies occurring in the board of directors, by reason of death, resignation or otherwise, shall be filled by appointment by the supervisors of the county where such district is organized. A director so appointed shall hold such office for the unexpired term of his predecessor. The person receiving the highest number of votes for the office to be filled at such election is elected thereto. Within ten days after receiving their respective certificates of election, or notice of appointment, each person who shall be elected or appointed to the office of director shall qualify as such by taking and subscribing an official oath and filing a bond as herein provided. Each director shall execute an official bond in the sum of one thousand dollars which shall be approved by the judge of the superior court of the county where the organization of the district was effected, and shall be recorded in the office of the county recorder of such county, and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers.

Bonds

SEC. 13. On the first Tuesday in March next following the election, the directors shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board. The full term of office of directors is hereby fixed at four years. The office of the board of directors of any such district may be established by said board of directors at some proper and convenient place within or near the district, but after the office is once established, it shall not be changed without giving notice thereof by posting in three public places in the district and by publishing a similar notice for thirty days in some newspaper of general circulation published in the county where such district is organized.

Organization,
office and
term of
directors.

SEC. 14. At a meeting of the board of directors of the district, to be held not less than twenty days before the time for any biennial election of officers, the board shall divide the district into convenient election precincts, appoint election boards, and do all things (applicable thereto) for the holding of such election, in the manner herein required to be done by the board of supervisors for the holding of an election on the question of formation of district. The clerk of the board of directors shall cause notice of such election to be given by having such notice published and posted in the manner required by this act for giving notice of election on formation of district, excepting that the notice shall be published once a week for not less than two weeks and posted for not less than fifteen days prior to the election. A notice shall also be posted in a conspicuous place in the office of the board of directors. Such notice shall designate the directors to be elected, the term for which each is to be elected, the respective election precincts and the polling place in each, the election officers, the time of the election and the hours during which the polls will be kept open. No particular form of ballot shall be

Annual
elections.

required to be used. The clerk shall, however, furnish ballots which shall contain the names of the candidates for the offices who shall be endorsed by petition signed as hereinbefore provided and filed with the clerk of the board of directors within seven days after the first publication of the notice of election. The ballot shall contain as many blank spaces as there are directors to be elected. The election shall be conducted in the manner herein required for the conduct of elections on the formation of districts.

Record of elections.

SEC. 15. As soon as all the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll lists and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the election officers. One of said certificates with the poll list and the tally paper to which it is attached shall be retained by the inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector during the counting thereof in the order in which they are entered upon the tally list by the clerks; and said ballots together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges and clerks and endorsed "election returns of (naming the precinct) precinct" and be directed to the secretary of the board of directors and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted he may appear on the day appointed for the board of directors to open and canvass the returns and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

Canvassing results.

SEC. 16. No list, tally paper, or certificate from any election, shall be set aside or rejected for want of form if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If, at the time of the meeting, the returns of each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and determining the vote of the district for each person voted for and declaring the result thereof.

Statement of results

SEC. 17. The secretary of the board of directors must, as soon as the result is declared, enter in the records of the board a statement of such result, which statement must show: (a) the

whole number of votes cast in the district and in each precinct thereof if there be more than one precinct; (b) the names of the persons voted for; (c) the office to fill which each person was voted for; (d) the number of votes given in each precinct to each of said persons; (e) the number of votes given in each division for the office of director. The board of directors must declare elected the persons having the highest number of votes given for each office. The secretary must immediately make out and deliver to each of such persons a certificate of election, signed by him and authenticated with the seal of the board.

SEC. 18. The board of directors shall hold regular meetings in their office on the first Tuesday in March, June, September and December, and such special meetings as may be required for the proper transaction of business; *provided*, that all special meetings must be ordered by a majority of the members of the board by an order, to be entered in the minutes, specifying the business to be transacted. Three days' notice to any member not joining in the order must be given by the secretary, by mailing same to him at his last address, and only the business specified in the order must be transacted at such special meeting. All meetings of the board must be public, and a majority of members shall constitute a quorum for the transaction of business. A minute of all proceedings of the board shall be kept by the secretary, and all records of the board shall be open to public inspection during business hours. The board of directors shall, on the first Tuesday in March of each year, make and render, a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Such statement shall be placed on file in the office of the district and be opened to public inspection during office hours.

Meetings of directors.

SEC. 19. The board of directors shall have the power and it shall be its duty to manage and conduct the business and affairs of the district; to make and execute all necessary contracts; to adopt a seal for the district to be used in the attestation of proper documents; to provide for the payment, from the proper fund, of all the debts and just claims against the district; to cause such work to be done and to acquire such property as it shall deem necessary or advisable to accomplish the purposes of the district, and to estimate the cost thereof, together with rights of way for the purpose of ingress to and egress from the works of the district; to appoint and employ such engineer or engineers and such attorney or attorneys as the board may deem necessary or advisable to accomplish the purposes of the district; to employ and hire such men, teams, tools, implements, machinery and equipment as the board of directors may deem expedient or advisable to perform the work which it shall deem necessary or advisable to accomplish the purposes of the district; and generally may perform all acts as shall be necessary to fully carry out the purposes of this act.

Powers and duties of directors

Provided, however, that the powers of this act vested in the board of directors are vested subject to the conditions, restrictions and limitations imposed by the act of the State of California creating the water commission of the state, and subject to the powers therein vested in the said water commission.

Claims. SEC. 20. No claim shall be paid by the treasurer until allowed by the board of directors, and only upon a warrant of the county auditor drawn upon an order signed by the president and countersigned by the secretary of the board of directors.

Compensation of directors. SEC. 21. Each member of the board of directors shall receive ten dollars for each day's attendance at the meetings of the board and actual and necessary expenses and a per diem not exceeding ten dollars per day, while engaged in official business under the order of the board.

Secret profits. SEC. 22. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Punishment.

Indebtedness. SEC. 23. The board of directors shall have no power to incur any debt or liability whatever, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void; except that, for the purposes of organization, or for any of the purposes of this act, the board of directors may incur, before the collection of the first assessment, an indebtedness not exceeding in the aggregate an amount equivalent to twenty-five cents for each acre of land in the district, and may cause warrants of the district to issue therefor bearing interest at seven per cent per annum from date of issue until the treasurer shall have available funds for payment thereof. The expenses of organization, including the fees of attorneys and others employed to conduct the organization proceedings, shall be deemed to be a charge upon the district, and be payable by the district.

Changing boundaries. SEC. 24. The board of directors, when it deems it advisable or for the best interests of the district and for the convenience of the electors thereof, may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of the divisions of the district; *provided,* such changes shall be made to keep each division as nearly equal in area as may be practicable. Such changes of boundaries of the divisions must be shown on the minutes of the board. Before any such change of the boundaries of the divisions shall be made, the board of directors shall give notice of its intention to make a change or changes therein. Such notice

shall specify, in a general way, the changes which the board proposes to make and a time and place at which any owner of land in the district may appear before the board and object to the making of the proposed change or changes, or petition that a change be made otherwise than as proposed, and at which the board will hear any such objection or petition. Such notice shall be published at least once a week for two weeks, before the time appointed for the hearing, in some newspaper or newspapers published in each of the counties in which any part of the district is situated. At the time and place appointed for such hearing, or at the time and place to which such hearing may be adjourned, the board shall hear all such objections and petitions which may be presented to the board, and, thereupon, the board may make such change or changes in the boundaries of the divisions as it may determine to be for the best interests of the district.

SEC. 25. In case of condemnation proceedings, the board shall proceed in the name of the district, under the provisions of title seven part three, of the Code of Civil Procedure of this state, which said provisions are hereby made applicable for that purpose, and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the state in the manner prescribed by law.

Condemnation proceedings

SEC. 26. The legal title to all property acquired by the district under the provisions of this act shall immediately and by operation of law vest in such district, and shall be held by such district in trust for and as hereby dedicated and set apart for the uses and purposes set forth in this act. And said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property as herein provided. The said board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this act, in the name of such water conservation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act, or acquired in pursuance thereof. And in all courts, actions, suits or proceedings the said board may sue, appear and defend in person or by attorneys, and in the name of such water conservation district.

Title and management of property

SEC. 27. The board of directors must, on or before the fifteenth day of August of each year, furnish the board of supervisors and the auditor of the county wherein the district is situated, or if such district is not entirely within one county, then, as hereinafter provided, to the supervisors and auditors of each county in which any portion of the district is situated, an estimate in writing of the amount of money needed for the

Estimate of expenses.

purposes of the district for the ensuing fiscal year. This amount must be sufficient to raise a sum of money which shall be sufficient to pay the incidental expenses of the district, and the cost of the work of spreading and sinking waters which the board of directors may deem advisable to be done during the ensuing year, the estimated cost of repairs to and maintenance of any property or works of the district, the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken by the district, including the cost of employment of attorneys and engineers; and such estimates may also include such an amount as the board of directors may deem advisable to expend in the acquisition or construction of settling basins, wells and other works for the spreading and sinking of waters, together with necessary rights of way for use of same; *provided, however*, the assessment levied during any year for the raising of said funds shall not exceed one and one-half mills on each one hundred cents of the assessed values of the lands within the district, according to the last assessment rolls.

Same—
prorating

SEC. 28. When a district is in more than one county the total estimate as provided for in the preceding section shall be divided by the board of directors in proportion to the value of the land of the district in each county. This value must be determined from the equalized values of the last assessment rolls of such counties, as revised by said board of supervisors. When such division of the estimate has been made, the board shall furnish the supervisors and auditors of the respective counties a written statement of the part of the estimate apportioned to that county.

Levy of
assessments

SEC. 29. The board of supervisors of each county wherein is situated a district, or any part thereof, organized under the provisions of this act, must, annually, at the time of levying county taxes, levy an assessment to be known as the "----- (name of district) Water Conservation District Assessment," sufficient to raise the amount reported to them as herein provided by the board of directors. The supervisors must determine the rate of such assessment by deducting fifteen per cent for anticipated delinquencies from the total assessed value of the land in the district within the county, as it appears on the assessment roll of the county, and then dividing the sum reported by the board of directors, as required to be raised, by the remainder of such total assessed value; *provided*, that if a fraction of a cent occur on a valuation of one hundred dollars, it shall be taken as a full cent. If the rate thus determined should be in excess of one and one-half mills on each one hundred cents of such assessed values, the board of supervisors shall then levy an assessment of one and one-half mills upon each one hundred cents of such assessed values.

SEC. 30. The assessment so levied shall be computed and entered on the assessment roll by the county auditor, and if the supervisors fail to levy the assessment provided in

the preceding section, then the auditor must do so. Such assessment shall be collected at the same time and in the same manner as state and county taxes, and when collected shall be paid into the county treasury for the use of said district.

SEC. 31. The provisions of the Political Code of this state, prescribing the manner of levying and collecting assessments and the duties of the several county officers with respect thereto, are, so far as they are applicable and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Said officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

SEC. 32. If the district is in more than one county, the treasury of the county where the district was organized shall be the repository of all the funds of the district. For this purpose, the treasurers of any other counties wherein is situated a portion of said district, must, at any time, not oftener than twice a year, upon the order of the board of directors, settle with said board and pay over to the treasurer of the county where the district was organized all moneys in their possession belonging to the district. Said last named treasurer is authorized and required to receive and receipt for the same, and to place the same to the credit of the district. He shall be responsible upon his official bond for the safe keeping and disbursement, in the manner herein provided, of these and all moneys of the district held by him.

Custody of funds.

SEC. 33. The treasurer shall pay out the moneys of the district only upon warrants of the county auditor, drawn upon order of the board of directors signed by the president and attested by the secretary. The treasurer shall report in writing at each regular meeting of the board of directors and as often thereafter as requested by the board the amount of money on hand, the amount of receipts since his last report, and the amounts paid out; such reports shall be verified and filed with the secretary of the board.

Duties of treasurer.

SEC. 34. Any such district may be dissolved by the board of supervisors in the county in which it is organized in the manner following: Upon receiving a petition signed by ten per cent of the electors of the district, or by the owners of one-half of the lands comprising the district, requesting the dissolution of the district, the board of supervisors shall publish a notice once a week for two weeks in some newspaper in the county in which the district was organized, and also in each county in which any part of the district lies, giving notice that such petition has been filed with said board of supervisors, and that the board will hear said petition, and all objections thereto, at the next regular meeting of said board after the expiration of the time of publishing said notice (specifying the date), and directing all persons interested therein to show cause at such time, if any they have, why such district should not be dissolved. At the time appointed for such hearing, or at any time to which the same may be adjourned, the board of

Dissolution of districts.

supervisors shall hear and pass upon said petition, and may grant or deny the same, and, if its decision shall be against the dissolution of the district, such decision shall be final and conclusive.

If such petition be granted, the board of supervisors shall, by resolution, provide for and order the holding of a special election in such district, and shall submit to the qualified electors of the district the proposition whether or not the district shall be dissolved. The resolution shall recite the filing of the petition for dissolution, and the approval of the same by the board of supervisors, and fix a time for the holding of such election. Such election shall be noticed, conducted, and the returns thereof made and canvassed, in the same manner as is provided in this act for the election upon the question whether or not the district should be organized, excepting that the ballots to be used at said election shall contain the words, "Dissolution of District—Yes" or "Dissolution of District—No," or words equivalent thereto. If votes representing sixty per cent of the total number of votes cast are cast in favor of the dissolution of such district, then the board of supervisors shall enter an order to that effect upon its minutes, declaring such district dissolved, and upon the entry of such order said district shall be dissolved; *provided, however*, if there shall be any outstanding indebtedness of such district, at the time of the dissolution thereof, the board of supervisors shall levy assessments for the payment of such indebtedness in like manner as though such district had not been dissolved, until all such indebtedness shall be fully paid, and shall cause such obligations to be paid according to their tenor out of the moneys raised from such assessments.

Upon the dissolution of any such district, any and all real property belonging to the district, shall become and be the property of the county in which the same is situate; and the personal property belonging to the district shall be sold by the board of supervisors of the county in which the district was organized, and the proceeds from such sale, together with all moneys of the district, remaining after the payment of all of the obligations of the district, shall be paid into the general funds of the counties in which any part of the district lies in the same proportions that the assessed values of the lands (according to the last assessment rolls) within the district in each of said counties bear one to the other.

Construction SEC. 35. This act shall be liberally construed to carry out the purposes and intent hereof.

Constitutionality. SEC. 36. In case any section or sections, or a part of any section, of this act shall be found to be unconstitutional, the remainder of the act shall not be invalidated thereby, but shall remain in full force and effect.

Alternative measure SEC. 37. This act shall not be construed as repealing the existing conservancy act of California, approved May 16, 1919, or any part thereof or any other existing law of this state, but

shall be treated as, and shall be in effect, an alternative act thereto.

SEC. 38. This act may be known and cited as the "Water conservation act of 1929." Short title

CHAPTER 167.

An act providing for the calling of elections for formation of consolidated school districts.

[Approved by the Governor April 27, 1929 In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 168.

An act to amend section 1373 of the Penal Code, relating to expense of sending defendant to state hospital.

[Approved by the Governor April 27, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 1373 of the Penal Code is hereby amended to read as follows:

1373. The expense of sending the defendant to the state hospital, and of bringing him back, are in the first instance chargeable to the county in which the indictment was found, or information filed; but the county may recover them from the estate of the defendant, if he has any, or from a relative, bound to provide for and maintain him.

Stats 1905,
p. 704,
amended
Expenses of
transportation.

CHAPTER 169.

An act amending section 522 of the Civil Code of the State of California, relating to the increase or diminishing of the capital stock and the creating or increasing of the bonded indebtedness of wagon-road corporations.

[Approved by the Governor April 27, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 522 of the Civil Code of the State of California is hereby amended to read as follows:

522. Any corporation now or hereafter created under this title may increase or diminish its capital stock, or create or

Stats 1905,
p. 578,
amended
Stock and
bonded
indebtedness

increase its bonded indebtedness in the manner now or hereafter provided by section 359 of the Civil Code of the State of California.

CHAPTER 170.

An act to amend section 718 of the Civil Code, relating to the leasing of municipal property.

[Approved by the Governor April 27, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 1173,
amended.

Leases of
municipal
property

SECTION 1. Section 718 of the Civil Code is hereby amended to read as follows:

718. No lease or grant of any town or city lot for a longer period than ninety-nine years, in which shall be reserved any rent or service of any kind, shall be valid; *provided*, that the property of any municipality, or any minor or incompetent person, shall not be leased for a longer period than ten years, excepting that water and sewage discharged from the municipal sewer system, the property and equipment used in treating or disposing of such sewage and the sewer farm of a municipality and all water and sewage used or discharged thereon may be leased for a period not exceeding twenty-five years; and excepting that the tidelands and submerged lands granted to any city by the state, may be leased for a period not exceeding fifty years if the grant from the State of California of the use of said tidelands and submerged lands does not provide specifically for a term of years for which said lands may be leased; and excepting that tidelands and submerged lands owned or controlled by any city, together with the wharves, docks, piers and other structures or improvements thereon, and so much of the uplands abutting thereon as may in the judgment of the city council, or other governing body, of the city be necessary for the proper development and use of its water front and harbor facilities, may be leased for a period not exceeding fifty years; and excepting that the property of any municipality not acquired for park purposes may be leased for the purpose of production of minerals, oil and gas or other hydrocarbon substances for a period not to exceed thirty-five years. Said tidelands, submerged lands and uplands may be leased only for industrial uses, the purpose of improvement and development of the harbor of said city, and the construction and maintenance of wharves, docks, piers or bulkhead piers or for other public uses and purposes consistent with the requirements of commerce or navigation at said harbor.

CHAPTER 171.

An act relating to admission to junior college courses of study prescribed by high school boards.

[Approved by the Governor April 27, 1929. In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 172.

An act creating a division of schoolhouse planning in the state department of education, and establishing standards for school sites and the construction and alteration of school buildings.

[Approved by the Governor April 27, 1929 In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto

CHAPTER 173.

An act to amend section 24 of the "Workmen's compensation, insurance and safety act of 1917," as amended, by authorizing the industrial accident commission to deny or suspend the privilege of any person to appear before the commission as a representative of any party in any proceeding pending before it.

[Approved by the Governor April 27, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 24 of the "Workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, is hereby amended to read as follows: Stats. 1925.
p 644,
amended.

(a) No claim for compensation shall be assignable before payment, but this provision shall not affect the survival thereof, nor shall any claim for compensation, or compensation awarded, adjudged or paid, be subject to be taken for the debts of the party entitled to such compensation, except as hereinafter provided. No compensation, whether awarded or voluntarily paid, shall be paid to any attorney at law or in fact or other agent, but shall be paid directly to the claimant entitled to the same, unless otherwise ordered by the commission. Any payment made to such attorney at law or in fact or other agent in violation of the provisions of this section shall not be credited to the employer. Claim not
assignable

(b) The commission may fix and determine and allow as a lien against any amount to be paid as compensation: Lien against
compensa-
tion.

(1) A reasonable attorney's fee for legal services pertaining to any claim for compensation either before the commission or before any of the appellate courts, and the reasonable disbursements in connection therewith.

(2) The reasonable expense incurred by or on behalf of the injured employee, as defined in subsection (a) of section 9 hereof.

(3) The reasonable value of the living expenses of an injured employee or of his dependents, subsequent to the injury.

(4) The reasonable burial expenses of the deceased employee, not to exceed the sum of one hundred fifty dollars.

(5) The reasonable living expenses of the wife or minor children of the injured employee, or both, subsequent to the date of the injury, where such employee has deserted or is neglecting his family, to be allowed in such proportion as the commission shall deem proper, upon application of the wife or guardian of the minor children.

Notice of
claim

(c) If notice in writing be given to the insurance carrier or employer, if he be uninsured, setting forth the nature and extent of any claim that may be allowed as a lien, the said claim shall be a lien against any amount thereafter to be paid as compensation, subject to the determination of the amount and approval thereof by the commission. The commission may, in its discretion, order the amount of such claim as fixed and allowed by it paid directly to the person entitled, either in a lump sum or in installments. Where it appears in any proceeding pending before the commission that a lien should be allowed if the same had been duly requested by the party entitled thereto, the commission may, in its discretion, and without any request for such lien having been made, order the payment of such claim to be made directly to the person entitled, in the same manner and with the same effect as though such lien had been regularly requested, and the award to such person shall constitute a lien against unpaid compensation due at the time of service of said award.

Direct
awards

Excessive
attorney's
fees

(d) No charge, claim or agreement for the legal services or disbursements mentioned in paragraph (1) of subsection (b) hereof, or for the expense mentioned in paragraph (2) of said subsection (b), in excess of a reasonable amount, shall be enforceable, valid or binding in any respect, and it shall be competent for the commission to determine what constitutes such reasonable amount.

Same—
penalty.

The privilege of any person, including attorneys admitted to practice in the supreme court of the State of California, to appear in any proceeding as a representative of any party before the commission, or any of its referees, may be removed, denied, prohibited or suspended by the commission for a violation of the foregoing provisions of this section or for other good cause, after hearing had.

(e) A claim for compensation for the injury or death of any employee, or any award or judgment entered thereon, shall have the same preference over the other debts of the employer, or his estate, as is given by law to claims for wages. Such preference shall be for the entire amount of the compensation to be paid, but this section shall not impair the lien of any previous award.

Preference
of claim
or award

CHAPTER 174.

An act to amend section 36½, workmen's compensation, insurance and safety act, chapter five hundred eighty-nine, laws of 1927, relating to insurance by state compensation insurance fund against liability under the United States longshoremen's and harbor workers' compensation act.

[Approved by the Governor April 27, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 36½, workmen's compensation, insurance and safety act, chapter five hundred eighty-nine, laws of 1927, is hereby amended to read as follows:

Stats 1927,
p 1020,
amended

Sec. 36½. The state compensation insurance fund may insure employers against their liability for compensation or damages under the United States longshoremen's and harbor workers' compensation act and any amendments which may from time to time be enacted thereto, as fully as any private insurance carrier. The said fund may also insure an employer against his liability for damages under the laws of the State of California arising out of bodily injury to or death of his employees occurring within the State of California; *provided*, said fund shall have insured said employer against his liability to pay compensation to said employees under the workmen's compensation, insurance and safety act of the State of California and amendments thereto.

Insurance by
state fund

CHAPTER 175.

An act to amend section 453hh of the Civil Code, relating to the business of land value insurance, declaring the conditions of which land value insurance may be done and providing penalties for violation of the provisions of this act.

[Approved by the Governor April 27, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 453hh of the Civil Code is hereby amended to read as follows:

Stats 1925,
p 331,
amended.

Land value
insurance
corporations

453hh. Any corporation formed for the purpose of insuring or guaranteeing land values by policies of insurance, or otherwise, shall be deemed to be land value insurance corporations.

Regulation

Every land value insurance corporation shall be subject to and shall comply with all the requirements of the insurance laws and the rules and regulations of the insurance department of this state, and the insurance commissioner shall have the same power and authority regarding any such corporation that he may exercise in relation to other insurance corporations organized under the laws of this state, including the right to examine and inspect the financial condition and affairs of such corporation, and to compel compliance with the provisions of law governing any such corporation.

Capital

Capital. Such corporations shall have a capital stock of not less than two hundred thousand dollars.

Deposit of
capital

Deposit of capital. The said initial capital stock of such company shall be deposited with the insurance commissioner of the State of California; *provided*, that the insurance commissioner, at his option, may in the case of a corporation organized to and actually transacting a land value insurance business in another state, may waive this requirement upon satisfactory evidence that the said capital is deposited with the insurance commissioner or like officer of the company's home state for the benefit of all of its policyholders. Any such deposit may be made in lawful money of the United States or any of the securities specified in subdivision one of section 421 of the Civil Code of the State of California. Said money or securities shall be held in trust by the insurance commissioner for the security and protection of the holders of, or beneficiaries under, any policy of insurance issued by said corporation, and the state shall be responsible for the custody and safe return of any money or securities so deposited. Said securities or money so deposited may be withdrawn or exchanged from time to time for other like securities or lawful money, receivable as aforesaid.

Use of
deposit

Sale of securities on court order. So long as the company so depositing said money or securities shall continue solvent, it shall have the right and shall be permitted by the insurance commissioner to receive the interest and dividends on any securities so deposited. Said securities and money shall be subject to sale and transfer, and to the disposal of the proceeds thereof by said insurance commissioner only on the order of a court of competent jurisdiction and for the security and protection of the holders of such policies of insurance.

Premiums

Actuarial certificate re premium. Before any license to do business in this state is issued to any land value insurance corporation, there shall be filed in the offices of the insurance commissioner the certificate of an actuary or statistician that he has examined the actuarial tables of the corporation making

application for such license and that in his opinion the premiums to be charged are adequate to meet the proper reserve. Such premiums shall not be decreased without the permission of the insurance commissioner.

Reserve. Every land value insurance corporation operating within the State of California shall create and maintain a reserve fund of at least thirty-three and one-third per cent (33 $\frac{1}{3}$ %) of all premiums collected by the corporation which shall be invested in such securities as are specified in section 421 of the Civil Code of the State of California, which shall be held intact during the time the policy of insurance, from which such premiums are collected, shall remain in force. The insurance commissioner may in his discretion require the above reserve fund to be deposited with him as a part of the guarantee fund above provided. Reserve fund.

Supplemental reserve. During the first three years of operation of the corporation, there shall be maintained a supplemental reserve amounting to sixteen and two-thirds per cent (16 $\frac{2}{3}$ %) of all premiums collected. Said supplemental reserve shall be invested in such securities as are specified in subdivision one of section 421 of the Civil Code of the State of California. After the said three-year period shall have elapsed, upon proper showing by the company that the thirty-three and one-third per cent (33 $\frac{1}{3}$ %) reserve fund is sufficient to amply protect all policyholders of the corporation, the insurance commissioner may in his discretion release any or all of the supplemental reserve as herein provided. Supplemental reserve

Certificate of authority. No corporation shall make any contract or policy of insurance affecting values of real estate or engage in the business of land value insurance until it has obtained from the insurance commissioner his certificate that such company has complied with the provisions of this chapter and is duly authorized to do business as such land value insurance company. Certificate of authority.

Limitation as to amount of policy. All policies of land insurance shall be limited to the insuring of the value of lots and parcels of land, exclusive of any improvements thereon other than grading, street work, sidewalks and sewers, and no such policy of insurance shall provide for any liability in excess of the actual purchase price, paid or agreed to be paid in any bona fide sale or agreement of sale of such lots or parcels next immediately preceding the issuance of said policy, and in no event shall the liability provided in any such policy exceed the sum of ten thousand dollars. Limitation of liability

Approval by insurance commissioner. The forms of all agreements for, or policies of, land value insurance must first be submitted to and approved by the insurance commissioner. Forms

Appraisal of land. No such agreement or policy shall be issued until the land to be insured has first been appraised by some appraiser or appraisers designated, appointed or approved by said commissioner, and a duplicate original of such appraisement together with the certificate of appraiser Appraisal of land.

or appraisers, certifying that in his or their opinion the amount of land value insurance to be placed thereon is safe and proper, shall have been filed with said insurance commissioner.

Loans to
officers
prohibited

No loans to officers. No loans shall be made by any land value insurance company directly or indirectly to any of its officers or directors or employees or to any member of the family of any officer or directors.

Misde-
meanor.

Any officer, director, agent or employee of any such company who knowingly consents to any violation of the terms or provisions of this section shall be guilty of a misdemeanor.

Interest of
officers.

No officer or director of this company shall be interested in any policy of insurance whereby the value of any land or property is insured in which such officer or director is or may hereafter become interested.

Capital sur-
plus fund

Surplus fund. Twenty-five per cent of the net earnings shall be set aside annually as a capital surplus fund until the capital stock, together with such capital surplus fund shall amount in the aggregate to the sum of five hundred thousand dollars. After said sum of five hundred thousand dollars as capital and capital surplus shall have been reached, then ten (10) per cent of the net earnings shall be set aside annually until the capital and capital surplus account of said company shall amount in the aggregate to the sum of one million dollars.

Semiannual
report.

Annual report. Every land value insurance company shall make a report in writing to the insurance commissioner, which report shall be made semiannually and shall be verified by the oath of its president or vice president and its secretary or treasurer, or any two of its principal officers. Such report shall contain a statement of each new contract or policy of insurance issued since the last report, setting forth in detail a description of the property covered by such contract, the appraised value of the property and the amount of insurance, and the rate charged.

Felony.

Violations. Any person or corporation violating any of the terms and conditions of this act shall be deemed to have committed a felony under the laws of the State of California, and shall be punishable by a fine of not more than five thousand dollars, or imprisonment for not more than five years, or both.

CHAPTER 176.

An act to amend section 19x24 of the juvenile court law, approved June 5, 1915, as amended, relating to the salary of the probation officer in counties of the twenty-fourth class.

[Approved by the Governor April 27, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 19x24 of the juvenile court law, approved June 5, 1915, as amended, is hereby amended to read as follows: Stats 1927, p 714, amended

19x24. In counties of the twenty-fourth class there shall be one probation officer whose salary shall be three thousand dollars per year, and one deputy probation officer whose salary shall be one thousand five hundred dollars per year. Probation officer—counties of 24th class (Monterey)

CHAPTER 177.

An act to amend section 472 of the Political Code, relating to the duties of the attorney general and the appointment of an assistant and deputies in such office, fixing the salaries of such assistant and of the chief deputy and providing for the manner of fixing of the salaries of the additional deputies.

[Approved by the Governor April 27, 1929 In effect August 14, 1929]

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

SECTION 1. Section 472 of the Political Code is hereby amended to read as follows: Stats 1927, p. 784, amended

472. The attorney general may appoint one assistant, one chief deputy, and such additional deputies as he may deem necessary for the proper performance of the duties of such office. The annual salary of the assistant attorney general shall be five thousand dollars, the annual salary of the chief deputy shall be five thousand dollars, and the annual salary of each of such additional deputies shall be such as shall be prescribed by the attorney general, and such salaries shall be paid at the same time and in the same manner as the salaries of other state officers. The assistant, chief deputy and additional deputies shall be civil executive officers. Assistant and deputies

The attorney general shall not employ special counsel in any case except those provided in section 474 of the Political Code. Special counsel prohibited

The attorney general shall have charge, as attorney, of all legal matters in which the state is in anywise interested, except Powers and duties

the business of the regents of the University of California and of the state harbor commissioners, and such other boards or officers as are now by law authorized to employ attorneys, and no board, officer or officers, or employee of the state, except said regents and said harbor commissioners and such other boards and officers as are now by law authorized to employ attorneys, shall employ any attorney other than the attorney general, or one of his assistants or deputies, in any matter in which the state is interested; nor shall any money be drawn out of the treasury, or out of any moneys appropriated out of the treasury, or out of any special or contingent fund under the control of any board, officer or officers, or employee for the pay of any legal services rendered after the passage of this act, the provisions of any existing statute to the contrary notwithstanding, excepting as above provided; *provided*, that whenever a district attorney in any county of this state shall, for any reason, become disqualified from conducting any criminal prosecution within such county, the attorney general may employ special counsel to conduct such prosecution, and the attorney's fee in such case shall be a legal charge against the state; *provided, further*, that nothing herein contained shall be construed to prevent or deny the right of any board, officer, or officers or employee of the state to employ or engage counsel in any matter of the state, after first having obtained the written consent so to do of the attorney general.

CHAPTER 178.

An act making an appropriation to pay the claim of Lew A. Norton against the State of California, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor April 30, 1929. In effect immediately.]

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

Appropriation claim of Lew A Norton.

SECTION 1. The sum of one hundred fifty-one thousand three hundred four and 96/100 dollars (\$151,304.96), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Lew A. Norton against the State of California.

Usual current expenses

SEC. a. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of section 1, article four of the constitution of the State of California, take effect immediately.

CHAPTER 179.

An act providing for the organization of certain elementary school districts into union or joint union high school districts.

[Approved by the Governor April 30, 1929 In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 180.

An act to provide for the periodical inspection of air pressure tanks, with certain exceptions, operated in this state; requiring a permit, to be issued by the industrial accident commission, for the operation of such tanks; making it a misdemeanor to operate such air pressure tanks without such permit; and allowing an injunction against such operation without such permit where dangerous to the life or safety of employees; providing for a hearing before the industrial accident commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspections and requiring reports of inspections; and prescribing maximum fees for such inspections.

[Approved by the Governor April 30, 1929 In effect August 14, 1929.]

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

SECTION 1. No air pressure tank, unless exempted in the following section, shall be operated in the State of California unless there shall have been issued for the operation of such air pressure tank a permit, as hereinafter provided, and unless such permit shall remain in full force and effect. Such permit must be posted under glass in a conspicuous place on or near the air pressure tank, covered by it. The violation of this section by any person owning or having the custody, management or operation of such air pressure tank without such permit shall be a misdemeanor and the operation of such air pressure tank without such permit shall constitute a separate offense for each day that it shall be so operated; *provided*, that no prosecution shall be maintained where the issuance or renewal of such permit shall have been requested and shall remain unacted upon. If the operation of such air pressure tank without such permit shall constitute a serious menace to the lives or safety of persons employed about it, the industrial accident commission, a commissioner or any safety inspector thereof, or any person affected thereby, may apply to the superior court of the county in which such air pressure tank is situated for an injunction restraining the operation of said

Permit to operate air pressure tanks.

Penalties

Injunctive relief

air pressure tank until such condition shall be corrected or such permit secured. The certification of the industrial accident commission that no permit exists for the operation of such air pressure tank, and the affidavit of any such inspector that its operation constitutes a menace to the life or safety of any person or persons employed about it, shall be sufficient proof to warrant the immediate granting of a temporary restraining order.

Exemptions SEC. 2. The following air pressure tanks are exempt from the provisions of this act:

(1) Air pressure tanks under the jurisdiction or inspection of the United States government.

(2) Air pressure tanks used in household domestic service.

**Inspection
of tanks**

SEC. 3. The industrial accident commission shall cause to be inspected, not less frequently than once in two years, every air pressure tank subject to the provisions of this act. If such air pressure tank be found upon such inspection to be in a safe condition for operation, a permit shall be issued by the commission for its operation for not longer than two years, which shall be the permit referred to in section 1 of this act.

**Orders of
commission**

If any such inspection shall show such air pressure tank to be in an unsafe or dangerous condition, the commission, or a commissioner, may issue a preliminary order requiring such repairs or alterations to be made to such air pressure tanks as may be necessary to render it safe, and may order the use of such air pressure tank discontinued until such repairs or alterations are made or such dangerous or unsafe conditions are remedied. Unless such preliminary order be complied with, a hearing before the commission, a commissioner or referee of such commission, shall be allowed, upon request, at which the owner, operator or other person in charge of said air pressure tank shall have opportunity to appear and show cause why he should not comply with said order. If it shall thereafter appear to the commission that such air pressure tank is unsafe and that the requirements contained in said preliminary order should be complied with, or that other things should be done to make said air pressure tank safe, the commission may order or confirm the withholding of the permit to operate said air pressure tank, and may make such requirements as it deems proper for the repair or alteration of said air pressure tank, or the correction of such dangerous and unsafe conditions. Such order may thereafter be reheard by the commission, or reviewed by the courts, in the manner specified by the workmen's compensation, insurance and safety act of 1917 for safety orders, and not otherwise. It may also, in its discretion, issue and renew temporary permits for not to exceed thirty days each, pending the making of replacements or repairs. Nothing contained in this act shall be construed to limit the authority of the commission to prescribe or enforce general or special safety orders.

Construction

Inspectors

SEC. 4. The commission may cause the inspection herein provided for to be made either by its safety inspectors or by

any qualified boiler inspector employed by any county, city and county, city, or insurance company, or by any boiler inspector employed by any person or corporation for the purpose of testing his own air pressure tank only: *provided*, that such persons making inspections other than such safety inspectors shall first secure from the said industrial accident commission a certificate of competency to make such inspections. The industrial accident commission is hereby vested with full power and authority to determine the competency of any applicants for such certificate, by examination. The commission may rescind at any time, upon good cause being shown therefor, any certificate of competency issued by it to a boiler inspector, or may at any time, upon good cause being shown therefor, and after notice and an opportunity to be heard, revoke any permit to operate such air pressure tank.

Certificate of competency.

SEC. 5. The industrial accident commission shall fix and collect fees for the inspection of air pressure tanks covered by this act, not exceeding three dollars for each inspection. Such fees must be paid before the issuance of any permit to operate the said air pressure tank. No fee shall be charged by the industrial accident commission where an inspection, as herein provided, has been made by an inspector holding a certificate of competency from said commission and employed by any county, city and county, city, insurance company, or by any person or corporation for the purpose of testing his own air pressure tank only. All fees collected by the commission under this act shall be paid into the industrial accident commission.

Inspection fees.

SEC. 6. Every inspector so certified shall forward to the commission on the forms provided by it, within twenty-one days after such inspection is made, a report of such inspection, in default of which the certificate of competency may be canceled.

Inspection reports.

CHAPTER 181.

An act to provide for the periodical inspection of steam boilers, with certain exceptions, operated in this state; requiring a permit, to be issued by the industrial accident commission, for the operation of such boilers; making it a misdemeanor to operate such boilers without such permit; and allowing an injunction against such operation without such permit where dangerous to the life or safety of employees; providing for a hearing before the industrial accident commission prior to refusal of a permit; providing for the determination of competency of inspectors making such inspec-

tions and requiring reports of inspections; and prescribing maximum fees for such inspections.

[Approved by the Governor April 20, 1929. In effect August 14, 1929.]

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

Permits for
operation of
steam
boilers.

SECTION 1. No steam boiler, unless exempted in the following section, shall be operated in the State of California unless there shall have been issued for the operation of such boiler a permit, as hereinafter provided, and unless such permit shall remain in full force and effect. Such permit must be posted under glass in a conspicuous place on or near the boiler covered by it. The violation of this section by any person owning or having the custody, management or operation of such boiler without such permit shall be a misdemeanor and the operation of such boiler without such permit shall constitute a separate offense for each day that it shall be so operated; *provided*, that no prosecution shall be maintained where the issuance or renewal of such permit shall have been requested and shall remain unacted upon. If the operation of such boiler without such permit shall constitute a serious menace to the lives or safety of persons employed about it, the industrial accident commission, a commissioner or any safety inspector thereof, or any person affected thereby, may apply to the superior court of the county in which such boiler is situated for an injunction restraining the operation of said boiler until such condition shall be corrected or such permit secured. The certification of the industrial accident commission that no permit exists for the operation of such boiler, and the affidavit of any such inspector that its operation constitutes a menace to the life or safety of any person or persons employed about it, shall be sufficient proof to warrant the immediate granting of a temporary restraining order.

Penalty

Injunction

Boilers
exempted.

SEC. 2. The following boilers are exempt from the provisions of this act:

(1) Boilers under the jurisdiction or inspection of the United States government, and all other boilers operated by employers not subject to the workmen's compensation, insurance and safety act of 1917, and acts amendatory thereof.

(2) Boilers on which the pressure does not exceed fifteen pounds per square inch.

(3) Automobile boilers and boilers on road motor vehicles.

Industrial
accident
commission
issuance of
permits and
orders

SEC. 3. The industrial accident commission shall cause to be inspected, internally and externally, not less frequently than once in each year, every steam boiler subject to the provisions of this act. If such boiler be found upon such inspection to be in a safe condition for operation, a permit shall be issued by the commission for its operation for not longer than one year, which shall be the permit referred to in section 1 of this act. If any such inspection shall show such boiler to be in an unsafe or dangerous condition, the commission, or a

commissioner, may issue a preliminary order requiring such repairs or alterations to be made to such boiler as may be necessary to render it safe, and may order the use of such boiler discontinued until such repairs or alterations are made or such dangerous or unsafe conditions are remedied. Unless such preliminary order be complied with, a hearing before the commission, a commissioner or referee of such commission, shall be allowed, upon request, at which the owner, operator or other person in charge of said boiler shall have opportunity to appear and show cause why he should not comply with said order. If it shall thereafter appear to the commission that such boiler is unsafe and that the requirements contained in said preliminary order should be complied with, or that other things should be done to make said boiler safe, the commission may order or confirm the withholding of the permit to operate said boiler, and may make such requirements as it deems proper for the repair or alteration of said boiler, or the correction of such dangerous and unsafe conditions. Such order may thereafter be reheard by the commission, or reviewed by the courts, in the manner specified by the workmen's compensation, insurance and safety act of 1917 for safety orders, and not otherwise. It may also, in its discretion, issue and renew temporary permits for not to exceed thirty days each, pending the making of replacements or repairs. Nothing contained in this act shall be construed to limit the authority of the commission to prescribe or enforce general or special safety orders.

Court review.

Temporary permits.

SEC. 4. The commission may cause the inspection herein provided for to be made either by its safety inspectors or by any qualified boiler inspector employed by any county, city and county, city, or insurance company, or by any boiler inspector employed by any person or corporation for the purpose of testing his own boilers only; *provided*, that such persons making inspections other than such safety inspectors shall first secure from the said industrial accident commission a certificate of competency to make such inspections. The industrial accident commission is hereby vested with full power and authority to determine the competency of any applicants for such certificate, by examination. The commission may rescind at any time, upon good cause being shown therefor, any certificate of competency issued by it to a boiler inspector, or may at any time, upon good cause being shown therefor, and after notice and an opportunity to be heard, revoke any permit to operate such steam boiler.

Safety and boiler inspectors.

Certificates

SEC. 5. The industrial accident commission shall fix and collect fees for the inspection of steam boilers covered by this act, not exceeding five dollars for each external inspection and fifteen dollars for each internal inspection per annum. Such fees must be paid before the issuance of any permit to operate the said boiler. No fee shall be charged by the industrial accident commission where an inspection, as herein provided, has been made by an inspector holding a certificate of com-

Fees.

petency from said commission and employed by any county, city and county, city, insurance company, or by any person or corporation for the purpose of testing his own boilers only. All fees collected by the commission under this act shall be paid into the industrial accident commission, and shall be as follows: For boilers twenty inches or less in diameter, or less than three horsepower, external inspection two dollars, internal inspection three dollars; for fire tube boilers over twenty inches in diameter, external inspection three dollars, internal inspection seven dollars and fifty cents; for water tube boilers, external inspection five dollars, internal inspection fifteen dollars.

Reports

SEC. 6. Every inspector so certified shall forward to the commission on the forms provided by it, within twenty-one days after such inspection is made, a report of such inspection, in default of which the certificate of competency may be canceled.

CHAPTER 182.

An act relating to the transportation of pupils in elementary school districts.

[Approved by the Governor April 30, 1929 In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 183.

An act to amend sections 1, 8, 9, and 10 and to repeal section 3 of an act entitled "An act to provide for the regulation, control and licensing of any person, firm or corporation engaged in the business of milling, sampling, concentrating, reducing, refining, purchasing or receiving for sale, ores, concentrates, or amalgams, bearing gold or silver, gold dust, silver or gold bullion, nuggets or specimens; to provide rules and regulations therefor; and to provide penalties for the violation of the provisions of this act," approved April 15, 1925, as amended, and to add a new section to said act to be numbered 4b relating to the enforcement thereof and the escheat of ores seized thereunder.

[Approved by the Governor April 30, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 215,
amended

SECTION 1. Section 1 of an act entitled "An act to provide for the regulation, control and licensing of any person, firm or corporation, engaging in the business of milling, sampling, concentrating, reducing, refining, purchasing or receiving for sale, ores, concentrates, or amalgams, bearing gold or silver,

gold dust, silver or gold bullion, nuggets or specimens; to provide rules and regulations therefor; and to provide penalties for the violation of the provisions of this act," approved April 15, 1925, as amended, is hereby amended to read as follows:

Section 1. Hereafter it shall be unlawful for any person, firm, association or corporation without first procuring the license herein provided for, to engage in the business of milling, sampling, concentrating, reducing, refining, purchasing or receiving for sale, ores, concentrates, or amalgams bearing gold or silver, gold dust, gold or silver bullion, nuggets or specimens. Every person, firm, association, or corporation who annually mills, samples, concentrates, reduces, refines, purchases or receives for sale such ores, concentrates or amalgams of the total value of one thousand dollars or more, shall pay a license tax of fifteen dollars per annum to the State of California. Every such person, firm, association or corporation who annually mills, samples, concentrates, reduces, refines or who purchases or receives for sale such ores, gold or silver concentrates or amalgams of the total value of less than one thousand dollars shall pay a license tax of two dollars per annum to the State of California. No license shall be granted to any person, firm or association unless such person and the members of such firm or association shall be bona fide residents of the State of California, and of good moral character; and no license shall be granted to any joint stock company or corporation unless such company or corporation is duly qualified to exist and do business as a corporation of this state or unless such company or corporation has complied with all the laws of this state relating to the qualifications of foreign corporations to do business in this state; *provided*, that this section shall not be construed as requiring a license for any mill, sampler, concentration or reduction plant used exclusively by the owner in sampling, milling, or reducing or concentrating ores produced by such owner.

License to
handle ores,
etc

Moral
character

SEC. 2. Section 3 of said act is hereby repealed.

SEC. 3. A new section to be numbered 4*b* is hereby added to said act and to read as follows:

Sec. 3,
Stats 1925,
p. 164,
repealed
Stats 1925,
p. 162,
amended
Seizure
of ores

Sec. 4*b*. All officers and employees empowered by law or authorized by a superior to enforce the provisions of this act are hereby vested with the powers of peace officers to enforce the provisions hereof and may seize and hold any ores, concentrates, or amalgams bearing gold or silver, gold dust, gold or silver bullion, nuggets or specimens wherever found and whenever there appears to be reasonable grounds to believe such ores, concentrates or amalgams have been stolen or otherwise illegally taken, and to hold the same for use as evidence in any action which may be brought.

Whenever any such ores, concentrates or amalgams so seized and held appear to be no longer of use as evidence, the same shall be delivered to the owner thereof upon proof of such ownership, and any person, firm, association or corporation

Return to
owner

claiming ownership may file a petition in the superior court of the county of his or its residence showing his or its claim or right thereto. A copy of said petition must be served on the attorney general at least twenty days before the hearing thereof who must answer the same and upon the hearing of said petition the court must try the issue as issues are tried in civil actions and if it determines that the petitioner is entitled to such ores, concentrates or amalgams, the court must order the same delivered to such petitioner. If such ores, concentrates or amalgams be not so delivered to the owner thereof as aforesaid, the same shall, after a period of five years from the date upon which the same was so seized and held, escheat to the state upon action brought by the attorney general in the superior court of the State of California in and for the county of Sacramento, in which action shall be joined as parties defendant all persons claiming to be owner or having any right or interest therein. Service of process in such action shall be made as summons is served in other civil actions upon any known claimant and by publication thereof at least once a week for three successive weeks in a newspaper of general circulation printed and published in the county of Sacramento before the trial of such action. Upon the trial the court must hear all parties who have appeared therein and if any such party shall prove his or its ownership or that he or it has any right or interest therein, the court shall make an order for the delivery thereof to such person, firm, association or corporation, or the sale thereof and a distribution of the proceeds to discharge the right or interest which any such person, firm, association or corporation may prove to have therein, or declare such ores, concentrates or amalgams or the balance of the proceeds of the sale thereof to have escheated to the state. Thereafter the state mineralogist may sell such ores, concentrates and amalgams not theretofore sold by court order and account for and report the proceeds of such sales to the state controller and at the same time said moneys shall be remitted to the state treasury to be credited to the ore buyer's license fund hereinafter in this act created.

Escheat

Trial.

Sale.

Stats. 1927,
p 215,
amended
Penalties
and their
enforce-
ment.

SEC. 4. Section 8 of said act is hereby amended to read as follows:

Sec. 8. Any violation of sections 1, 4, 4a and 5 of this act shall be punishable by a fine of not less than one hundred dollars and not more than one thousand dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months or both such fine and imprisonment. The state mineralogist shall notify the district attorney of the county in which the offense occurs of such violation, and the said district attorney shall institute criminal proceedings for the enforcement of this act before any court of competent jurisdiction. All forfeited bail and fines received under the provisions of this section shall be sent without delay by the magistrate receiving the same, fifty per cent to the state treasurer, to be deposited in the state treasury to the credit

of the ore buyer's license fund hereinafter in this act created and fifty per cent to the city treasurer of the city, if incorporated, or to the county treasurer of the county in which the prosecution is conducted.

SEC. 5. Section 9 of said act is hereby amended to read as follows:

Stats. 1927,
p. 216,
amended.

Ore buyer's
license fund

Sec. 9. Except as herein otherwise provided, all moneys received by the state mineralogist under the provisions of this act, shall be accounted for and reported monthly by said mineralogist to the state controller to be remitted by said controller to the state treasury to the credit of a fund to be known as "the ore buyer's license fund" which said fund is hereby created; except that moneys deposited with the state mineralogist for fees for licenses which have not been granted shall be retained by the state mineralogist in the trust fund of the division to be remitted to the state treasurer upon the issuance of the license or returned to the applicant in case a license is refused under the provisions of sections 2 and 7 hereof. All moneys placed in said fund under the provisions of this section or sections 3, 4b and 8 of this act, shall be expended, in accordance with law, for the payment of all actual and necessary expenses incurred in carrying out the provisions of this act.

SEC. 6. Section 10 of said act is hereby amended to read as follows:

Stats. 1925,
p. 166,
amended

Effect of act

Sec. 10. Nothing in this act contained shall be construed as limiting, affecting or abrogating any provisions of any law now in force or that may hereafter be enacted transferring to and vesting in the department of natural resources all of the duties, powers, purposes, responsibilities and jurisdiction of the state mineralogist or any officer, deputy, agent, assistant or employee as provided in this act.

CHAPTER 184.

An act to amend section 1238 of the Civil Code, relating to homesteads.

[Approved by the Governor April 30, 1929 In effect August 14, 1929]

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

SECTION 1. Section 1238 of the Civil Code is hereby amended to read as follows:

Code Amdts.
1873-74,
p. 229,
amended

From what
homestead
may be
selected

1238. If the claimant be married, the homestead may be selected from the community property, or the separate property of the husband, or, with the consent of the wife, from her separate property. When the claimant is not married, but is the head of a family, within the meaning of section 1261, the homestead may be selected from any of his or her property. Property, within the meaning of this section, includes any freehold title, interest, or estate which vests in the claimant the immediate right of possession, even though such right of possession is not exclusive.

CHAPTER 185.

An act to require high school districts to establish and maintain special continuation education classes and a program of guidance, placement and follow-up for certain minors.

[Approved by the Governor April 30, 1929 In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 186.

An act to amend section 25 of an act entitled "An act creating a state commission on voting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act," approved May 3, 1923, relating to definitions.

[Approved by the Governor April 30, 1929 In effect August 14, 1929.]

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

Stats 1923,
p. 192,
amended
Definitions

SECTION 1. Section 25 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 25. The list of offices and candidates, and the statements of questions used on the voting machines shall be deemed an official ballot and the words "ballot labels," as used in this act shall mean the cards, paper, or other material containing the names of officers and candidates, and statements of questions to be voted on. The word "diagram" shall mean an illustration of the official ballot when placed upon the machine, showing the names of the parties, offices and candidates, and statements of the questions in their proper places, together with the voting device therefor, and shall be considered a sample ballot. The word "question" shall mean a statement of such constitutional amendment or other proposition as shall be submitted to a popular vote at any election; *provided, however*, the ballot labels for "questions" shall contain a condensed statement in, where possible, not more than twenty words, of each question to be voted on, accompanied by the words "Yes" and "No." The ballot label for propositions to be voted on throughout the state shall be composed by the attorney general and shall be a condensed statement of the ballot title prepared by him under section 1197, subdivision three, Political Code. The words "irregular ballot" shall mean the paper or other material on which a vote is cast

Attorney
general,
duty of.

for persons whose names do not appear on the ballot labels. The word "vote indicator" shall mean those devices with which votes are indicated for candidates, or for or against questions. The word "counters" shall mean the counters on which are registered the votes cast for candidates and on questions. The words "public counter" or "protective counter" shall mean a counter or device that will register each time the machine is operated and shall be so constructed, and so connected that it can not be reset, altered or operated, except by operating the machine. The words "voting machine booth" shall mean the enclosure occupied by the voter when voting. The word "model" shall mean a mechanically-operated model of a portion of the face of the machine illustrating the manner of voting. The words "statement of votes cast" shall mean a statement and return in book or sheet form of the votes cast at any election together with suitable certificates of its correctness.

CHAPTER 187.

An act providing for the compulsory attendance of certain minors upon special continuation education classes; to enforce attendance upon such classes where established, and providing penalties for the violation of the provisions of this act.

[Approved by the Governor April 30, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 188.

An act creating the office of chief of the division of narcotic enforcement, providing for appointment to, powers and duties of such office, making an appropriation to carry out the provisions hereof, and repealing an act entitled "An act to provide for the establishment and maintenance of a division of narcotic enforcement under the direction and control of the state board of pharmacy," approved May 17, 1927.

[Approved by the Governor April 30, 1929. In effect August 14, 1929.]

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

SECTION 1. There is hereby created an office to be known as chief of the division of narcotic enforcement. Narcotic enforcement

SEC. 2. Within ten days after this act goes into effect, the governor shall appoint to said office an officer to be known as chief of the division of narcotic enforcement. He shall hold office at the pleasure of the governor and shall receive such compensation as the governor shall determine. Chief of division.

Duties.

SEC. 3. The chief of the division of narcotic enforcement shall have charge of the enforcement of all laws regulating the sale, giving away, prescribing, administering, furnishing or having in possession narcotic or other dangerous drugs other than those drugs enumerated in schedules "A" and "B" of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907.

Assistants
and their
compensa-
tion.

SEC. 4. The chief of the division of narcotic enforcement is hereby empowered, subject to the approval of the department of finance, to employ and fix the compensation of such inspectors, attorneys, chemists, clerical and other employees as he may deem necessary to employ; *provided, however*, that two of the inspectors herein referred to shall be registered licentiates in pharmacy. Such attorneys shall perform all legal services connected with the office of chief of the division of narcotic enforcement. All employees of this office shall be exempt from the civil service laws of this state. The chief and all employees of the office shall receive their actual and necessary traveling expenses incurred in the performance of their duties. Their salaries and expenses shall be paid at the same time or times and in the same manner as the salaries and expenses of other state officers are paid, out of any moneys appropriated or made available by law for the support or use of the office of chief of the division of narcotic enforcement.

Powers

SEC. 5. The chief of the division of narcotic enforcement and all of the inspectors appointed hereunder shall have all of the powers and duties of peace officers in the performance of their duties.

Expenditures
for evidence

SEC. 6. The chief of the division of narcotic enforcement, and the inspectors appointed hereunder, when authorized so to do by the chief of the division of narcotic enforcement, are hereby authorized to expend such sums as the chief of the division of narcotic enforcement may deem necessary in the purchase of drugs for evidence and in the employment of operators to obtain evidence. Such sums so expended shall be repaid to the officer or officers making such expenditures upon claims therefor, audited by the chief of the division of narcotic enforcement and approved by the department of finance. Such claims when approved shall be paid out of the funds appropriated or made available by law for the support or use of the office of chief of the division of narcotic enforcement.

Transfer
of funds

SEC. 7. Any appropriation or fund now or hereafter made available for expenditure by the division of narcotic enforcement under the direction of the state board of pharmacy is hereby transferred to and made available for expenditure by the office of chief of the division of narcotic enforcement.

Stats 1927,
p 1031,
repealed

SEC. 8. That certain act entitled "An act to provide for the establishment and maintenance of a division of narcotic enforcement under the direction and control of the state board of pharmacy," approved May 17, 1927, is hereby repealed.

SEC. 9. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each sentence, clause and phrase thereof, irrespective of the fact that any one or more of the sections, sentences, clauses or phrases be declared to be unconstitutional. Construction
of act.

SEC. 10. Nothing in this act shall prohibit the inspectors Effect of the board of pharmacy from having the right to inspect any and all records in connection with the regulation of the sale of, or the giving away, prescribing or administering of narcotics or other drugs.

CHAPTER 189.

An act to amend an act entitled "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California irrigation district act; to provide for the construction of improvements therein, and for the levy of assessments on the lands of such improvement districts," approved May 25, 1927, by amending the title thereof and sections 1, 2, 3, 4, 6, 7, 9 and 10, and adding four new sections to be numbered 11, 12, 13 and 14, relating to the levying of assessments for maintenance, operation and repair, the designation of such act and the constitutionality thereof.

[Approved by the Governor April 30, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 1 of an act entitled "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California irrigation district act; to provide for the construction of improvements therein, and for the levy of assessments on the lands of such improvement districts," approved May 25, 1927, is hereby amended to read as follows: Stats. 1927,
p. 1416,
amended

Section 1. Two-thirds in number of the holders of title, or evidence of title to any tract or contiguous tracts of land situate within any irrigation district organized and existing under the California irrigation district act and susceptible of irrigation or being served by a domestic water supply, by a system of laterals, ditches, and pipes, or requiring a system of pumps for the irrigation thereof, or drains or drainage works for the drainage thereof, or for the acquisition of existing laterals, ditches, pipes, pumps or other works incidental to a water distribution system, separate and apart from or supplementary to the works of said irrigation district, or desiring a change therein or improvement thereof, may petition the board of directors of such irrigation district to organize and create an improvement district, for the purpose of pro- Improvement
districts
within
irrigation
districts

viding such means of irrigation, furnishing of a domestic supply of water, or drainage, or for the acquisition of existing laterals, ditches, pipes, pumps or other works incidental to a water distribution system for the lands described in said petition, or the said change and improvement thereof, and for the levy of an assessment for the payment of the costs thereof.

Stats. 1927,
p. 1416,
amended
Petition.

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

Sec. 2. Said petition shall contain a statement of the plans of the proposed improvement or of the existing improvement, if any, proposed to be acquired, a description of the boundaries of such proposed improvement district, the names of the owners of all lands within such improvement district with their last known addresses and a description of the land owned thereby and, which petition shall be signed and acknowledged by the requisite number of landowners. Such petition and all proceedings in reference thereto, and the lands affected thereby, and said improvement district shall be designated by number, and the description of the parcels of land shall be according to the last duly equalized assessment book of the irrigation district.

Stats. 1927,
p. 1416,
amended

Plans, specifications,
estimate and
proposed
assessment

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

Sec. 3. Upon receipt of such petition the board of directors of said district shall cause a survey to be made of the proposed improvement, or of the improvement proposed to be acquired and if, upon such survey, it is found that the construction of the improvement or the acquisition of the existing laterals, ditches, pipes, pumps or other works is feasible, the board shall cause to be prepared an estimate of the cost thereof, and if the proposal be for construction of an improvement, the board shall also cause to be prepared plans and specifications of the improvements. In either case, the board shall cause to be prepared a statement and assessment of the amount of such costs apportioned to each tract of land in said improvement district, as said tracts of land are shown upon the last equalized assessment book of the district, according to the benefits that will accrue to each of said tracts of land in said improvement district respectively, by reason of the expenditures of said sums of money for said improvements or acquisition. Said board of directors of said irrigation district are hereby designated and constituted a board of assessment commissioners to levy and apportion said assessment. Said petition, plans, specifications and proposed assessment shall be filed in the office of said district and shall be subject to the inspection of all parties interested.

Apportionment

Stats. 1927,
p. 1416,
amended
Notice of
hearing

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

Sec. 4. After filing of such plans and specifications, if any, and of said estimate, statement and assessment, said board shall give notice of a hearing upon said petition and whether a special assessment shall be levied upon the lands

within said improvement district for the purpose of raising money to pay for such improvements, as set forth in such petition, plans, specifications, statement and assessment, notice of which hearing shall be given by posting a notice thereof in three public places within said proposed improvement district, the publication of such notice once a week for two weeks in some newspaper published in the county in which the office of said irrigation district is situated, and mailing a copy thereof to the last known address of all of the owners of said lands in said improvement district, as such address appears in said petition. Such notice shall be posted and mailed not less than twenty days prior to the date set for said hearing.

SEC. 5. Section 6 of said act is hereby amended to read as follows:

Sec. 6. If at said hearing said board of directors shall determine and find that it would not be to the best interests of said irrigation district and improvement district to proceed with such improvement, or to acquire such improvements, then said board shall order said proceedings dismissed without prejudice to the renewal thereof. If however, said board shall determine and find that it would be to the best interests of said irrigation district and said improvement district to proceed with such improvement, or the acquisition of such improvements, they shall make a final order to be entered in the minutes of said board, approving said petition, creating said improvement district, levying said assessment for said purposes, and apportioning the same to the said lands according to benefits, which said assessment shall include a sum that shall equal interest on any deferred payments at a rate not to exceed seven per cent per annum, and ten per cent additional for anticipated delinquencies. Said order shall contain a description of the boundaries of said improvement district, and the secretary of the board shall cause a certified copy thereof to be recorded in the office of the county recorder in each county in which any of said lands of said improvement district are located. Said assessment may be made payable in not to exceed ten annual installments and the board of directors of said irrigation district shall, at the time of the levy of the annual assessment of said district add to the amount of the annual assessment levied upon said lands within said improvement district, such amount for which they may be liable by reason of the levying of said improvement district assessment, and if said annual irrigation district assessment is made payable in two installments then said improvement district assessment or the installment thereof shall likewise be made payable in two installments. Said improvement district assessment, and each installment thereof, shall be and remain a lien on said lands in the same manner as and be a part of the annual assessment of said irrigation district. At any time before the warrants provided for in section 7 of this act have been issued, the amount of any such assessment may be paid in cash and such land shall thereafter not be sub-

Stats 1927,
p. 1417,
amended.

Dismissal of
proceedings

Or final
order.

ject to the annual assessments levied thereon for the purposes of the said improvement or acquisition; *provided, however*, that such lands shall be and remain liable for any assessments levied thereon for maintenance and operation and for any supplementary or additional assessments levied thereon under the provisions of this act.

Stats 1927,
p 1418,
amended.
Warrants

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

Sec. 7. Said irrigation district shall have power to issue warrants signed by the president and secretary of the board of directors of said irrigation district, in an amount not exceeding in the aggregate the amount of said assessment, which warrants shall be made payable in amounts and at the times corresponding substantially to the amounts and times of payments of the installments of said improvement district assessment, and shall bear interest at such rate of interest as may have been fixed on the levy of said improvement district assessment. Coupons for the interest on said warrants may be attached thereto. Said warrants may be made payable to bearer or to persons furnishing work, labor or material, or if said work of improvement is done under contract as hereinafter provided, then to such contractor. Said warrants shall be payable only out of funds derived from the levy and collection of said improvement district assessment on said lands, and shall be used solely for the acquisition or construction of the improvement for the acquisition or construction of which the improvement district shall have been organized, and the necessary incidental expenses. The board of directors of said irrigation district may, in their discretion, invest in such improvement district warrants any money held by such district in sinking or depreciation funds.

Stats. 1927,
p. 1418,
amended
Additional
assessments

SEC. 7. Section 9 of said act is hereby amended to read as follows:

Sec. 9. If said improvement district desires to do additional work or acquire additional property at any time, upon the petition of two-thirds in numbers of the holders of title or evidence of title to said lands in said improvement district, an additional assessment, or assessments, may be levied substantially in the same manner as on the original assessment. If at any time it is desired that additional lands be included in said improvement district, a petition for such inclusion signed by the owners of such lands to be included and by two-thirds in number of the holders of title or evidence of title of lands in said improvement district, may be filed with the board of directors of said irrigation district, and the same proceedings had as upon the original petition for the organization of said improvement district. Said petition shall describe the boundaries of said improvement district as enlarged by such inclusions, and give the names and addresses of the owners of said lands in substantially the same manner as in said original petition. Should the assessments levied upon said lands in such improvement district be insufficient to pay in full the cost of such improvements or to pay the

Petition

warrants issued for said improvements, an additional and supplemental assessment shall be made and levied upon all of said lands sufficient to pay said cost or said warrants in full, and the procedure followed in making such additional and supplemental levy of assessment shall be substantially the same as the levy of the original assessment, but without the necessity of a petition. If the proceeds from said assessment so levied shall exceed the final amount necessary for such purposes, said lands so paying said assessment shall be entitled to a credit in said excess amount upon the succeeding district annual assessment or assessments levied upon such land.

At any time prior to the incurring of any indebtedness or upon the full payment of all indebtedness of such improvement district, a petition signed and acknowledged by not less than the number of the holders of title, or evidence of title to the tracts of land constituting such improvement district required to organize such improvement district, may be filed with the board of directors of such irrigation district requesting that such improvement district be dissolved. A hearing shall be had in the same manner and after the same notice as is required for the organization of such improvement district, and the board of directors may, after such hearing, order such improvement district dissolved, which order shall be recorded in the same manner as the order organizing such improvement district.

Dissolution

SEC. 8. Section 10 of said act is hereby amended to read as follows:

Stats 1927,
p 1418,
amended

Sec. 10. Said board of directors and all other officers of said irrigation district shall have all the rights, powers and privileges concerning said improvement district, and lands thereof and the proceedings herein provided for, as such board may have concerning the irrigation district, of which it is a part, and including the right of said district to condemn lands and to acquire, own and hold property within said improvement district. Said board of directors may also hold property either real or personal, used or required in said improvement in the name of said directors, and their successors in office, as trustees for such improvement district.

Powers of
directors and
officers

SEC. 9. A new section to be numbered section 11 is hereby added to said act to read as follows:

Stats 1927,
p. 1415,
amended

Sec. 11. The board of directors of said irrigation district may include in the annual assessment, provided for by section 39 of the California irrigation district act, levied upon the lands in said improvement district, such additional amount as they may consider necessary for the operation, maintenance and repair of the canals and works of such improvement district for the ensuing year, and such funds when collected shall be deposited and kept in a separate fund for the benefit of such improvement district to be used for said purposes and shall be disbursed only upon warrants drawn upon said fund authorized and issued in the same manner as other warrants of such irrigation district.

Annual
assessment.

Stats 1927,
p. 1415,
amended
Collection
of tolls.

SEC. 10. A new section to be numbered section 12 is hereby added to said act to read as follows:

Sec. 12. The board of directors of said irrigation district may, in lieu (either in whole or in part) of levying assessments for the operation, maintenance and repair of the canals and works of such improvement district, fix and collect rates of tolls or charges for the use of water or any other public use within the improvement district under the same conditions provided for similar tolls and charges in irrigation districts by sections 18, 39f and 55 of the California irrigation district act and such tolls and charges when collected shall be deposited and kept in a separate fund for the benefit of such improvement district to be used for said purposes and shall be disbursed only upon warrants drawn upon said fund authorized and issued in the same manner as other warrants of said irrigation district.

Title,
Stats 1927,
p. 1415,
amended

SEC. 11. The title to said act is hereby amended to read as follows: "An act to provide for the organization and creation of improvement districts within irrigation districts organized under the California irrigation district act; to provide for the acquisition, construction, operation, maintenance and repair of improvements therein, and for the levy of assessments on the lands of such improvement districts."

Stats 1927,
p. 1415,
amended

SEC. 12. A new section to be numbered section 13 is hereby added to said act to read as follows:

Short title

Sec. 13. This act shall be known and may be referred to in any action, proceeding, or legislative enactment, as the "Irrigation district improvement act."

Stats 1927,
p. 1415,
amended

SEC. 13. A new section to be numbered section 14 is hereby added to said act to read as follows:

Construction
of act.

Sec. 14. If any section, subdivision, clause, or phrase of this act be for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act, and the Legislature hereby declares that it would have passed this act and each and every other section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases of this act be declared unconstitutional.

CHAPTER 190.

An act to amend the Civil Code by adding a new section to be known as section 648b, thereto, relating to the establishment of branches by building and loan associations and prescribing penalties for the violation of the provisions of the act.

[Approved by the Governor April 30, 1929 In effect August 14, 1929.]

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

New section

SECTION 1. A new section is hereby added to the Civil Code to be numbered 648b, and to read as follows:

648b. No building and loan association organized under the laws of this state or of any other state or territory or of any foreign country, transacting business within this state, or any officer or director thereof shall open, maintain, or conduct a branch, other than its principal place of business in this state, without first having obtained the written approval of the building and loan commissioner to the opening of such branch; *provided*, that no building and loan association with a guarantee capital stock, or a permanent nonwithdrawable capital stock, or any officer or director thereof, shall open or maintain any such branch unless the amount of guarantee capital stock, or permanent nonwithdrawable capital stock, actually paid in, in cash, or a reserve fund, or both such guarantee capital stock and permanent nonwithdrawable capital stock, or a reserve fund, shall exceed the amount required by subdivision (f) of section 634 of the Civil Code by the sum of twenty-five thousand dollars for each branch opened, conducted or maintained. *Provided, further*, that no building and loan association without a guarantee capital stock or permanent nonwithdrawable capital stock or any officer or director thereof, shall open, conduct or maintain one or more such branch or branches, unless such building and loan association shall thereafter, while maintaining same, at each apportionment of profits, set aside to its reserve fund one per cent of its net profits since the last prior apportionment, in addition to the amount required to be so set aside by section 641 of the Civil Code, until said reserve fund shall exceed the maximum amount required by said section 641 of the Civil Code for such association by the amount of twenty-five thousand dollars, for each branch so opened, maintained or conducted. Every building and loan association before it shall hereafter open a branch must apply for and procure from the building and loan commissioner a certificate of authority or license for the opening of such branch. The applicant shall pay for such certificate of authority or license a fee of fifty dollars, and said license shall continue in force and effect until canceled by the building and loan commissioner for cause.

Establishmen
and conduct
of branches

License.

The word "branch" as used in this section shall be construed to mean any office owned and operated by a building and loan association, other than at its principal place of business in this state, where subscriptions are sold, taken or solicited for bonds, debentures, certificates, shares of stock, shares of membership, contracts or other similar securities of such building and loan association or where such shares or securities are sold or issued, excepting where such shares of stock or shares of membership are sold or issued only as security for or in connection with a loan by such association.

"Branch"
defined

Every building and loan association violating the provisions of this section shall be guilty of a public offense and shall be punishable by a fine not exceeding ten thousand dollars. Every officer, agent or employee of any such building and loan association and every other person who knowingly authorizes, directs or aids in the establishment of a branch of any building and

Penalty.

loan association in nonconformity with a certificate of authority or license of the building and loan commissioner, then in effect, authorizing the establishment of such branch, or contrary to the provisions of this section, is guilty of a misdemeanor.

CHAPTER 191.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two m, embracing sections 376 to 376f inclusive, relating to a department of penology.

[Approved by the Governor April 30, 1929 In effect August 14, 1929]

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

New article SECTION 1. The Political Code is hereby amended by adding a new article to chapter three of title one of part three thereof to be numbered two m, embracing sections 376 to 376f, and to read as follows:

ARTICLE II*m*.

DEPARTMENT OF PENOLOGY.

Department of penology created 376. The department. A department of the government of the State of California to be known as the department of penology is hereby created.

Director 376*a*. The director. The department shall be conducted under the control of an executive officer to be known as the director of penology, which office is hereby created. The governor shall appoint the director and select him from the chiefs of the divisions of the department, the person so appointed to hold office at the pleasure of the governor. He shall be a member of the governor's council, shall give such time as may be necessary for the performance of the duties of the director of the department, and shall receive a salary of three thousand six hundred dollars per annum and all actual and necessary traveling expenses incurred in the performance of his duties; *provided, however*, that during the period of his service as director, he shall receive no salary as chief of any division within the department. The director, before entering upon the duties of his office, shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars conditioned upon the faithful performance of his duties.

Divisions of department 376*b*. The divisions. For the purpose of administration, the department shall be forthwith organized by the director in such manner as he shall deem necessary and proper to conduct the work of the department, and shall be divided into five divisions as follows:

1. Prisons and paroles. The division of prisons and paroles which shall be administered by the state board of prison directors, and the chairman of said board, who shall also be known as chief of the division;

2. Criminal identification and investigation. The division of criminal identification and investigation, which shall be administered by the superintendent of the bureau of criminal identification and investigation, who shall also be known as the chief of the department;

3. Pardons and commutations. The division of pardons and commutations which shall be administered by the chairman of the advisory pardon board, who shall also be known as the chief of the division;

4. Narcotics. The division of narcotic enforcement which shall also be administered by the chief of the division of narcotic enforcement who shall also be known as chief of the division.

5. Criminology. The division of criminology which shall be administered by the chairman of the California crime commission, who shall also be known as chief of the division.

376c. The chief of each division shall receive his actual and necessary traveling expenses incurred in the performance or discharge of his official duty. Before entering upon the duties of his office, each chief of the division shall execute an official bond to the State of California in the penal sum of ten thousand dollars conditioned upon the faithful performance of his duties, unless by other provisions of the law an official bond to the state is required of such person in the capacity of a state officer performing functions similar to those performed by him as chief, in which event he shall execute such additional bond, or bonds, as will aggregate the penal sum of ten thousand dollars. The premiums upon official bonds required by the provisions of this article shall be paid by the state out of moneys made available by law for the use of the department.

Chiefs of divisions

376d. Correlation of divisional activity. Each division may furnish to any other division of the department, upon request therefor approved by the director, such assistance as it may render without detriment to the administration of either division, including the deputizing or appointment of agents, representatives and inspectors, and the temporary reassignment of employees, when the same shall tend to eliminate overlapping, duplication or expenses.

Divisional activities.

376e. Departmental rules. The department shall make and promulgate rules and regulations that will tend to eliminate overlapping and duplication of the activities of the several divisions.

Rules and regulations

376f. Departmental meetings. Upon the call of the director not less frequently than once each month, there shall be a meeting of the department attended by the director and chief of each division. At each meeting there shall be presented for consideration any and all problems involving pos-

Meetings

sible duplication of service, overlapping of function, or conflict of jurisdiction upon the part of any two or more divisions of the department and any and all suggestions as to correlation of the activities of the several divisions.

CHAPTER 192.

An act to amend section 453j of the Civil Code, relating to examinations by reputable physicians of applicants for insurance in mutual insurance corporations organized under chapter six, division one, part four, title two, of the Civil Code.

[Approved by the Governor April 30, 1929 In effect August 14, 1929.]

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

Stats 1925,
p 421,
amended.
Limitations
upon
contracts of
insurance.

SECTION 1. Section 453j of the Civil Code is hereby amended to read as follows:

453j. No corporation doing business under this chapter, except accident or casualty corporations, must issue a contract of insurance upon the life of any person under fifteen nor over sixty-one years of age. Every such contract of insurance must be founded upon written application therefor, and, except where the application is for health, accident or casualty insurance only, or for three thousand dollars or less life insurance, such application must be accompanied by the report of a reputable physician, containing a detailed statement of his examination of the applicant, showing the applicant to be in good health, and recommending the issuance of a contract of insurance; *provided, however*, that in the cases of policies issued upon the group plan, medical examination shall be discretionary with the board of directors of the association. Any solicitor, agent, employee, examining physician, or other person, making a false or fraudulent statement to any corporation doing business under this chapter, with reference to any application for insurance, or for the purpose of obtaining any money or benefit from such corporation, is guilty of a misdemeanor; and any person who makes a false statement of any material fact or thing in a sworn statement as to the death or disability of a contract-holder, in any such corporation for the purpose of procuring or aiding the beneficiary or beneficiaries or contract-holder in procuring the payment of a benefit named in the contract, is guilty of a misdemeanor.

Penalties for
false
applications.

CHAPTER 193.

An act to amend section 594 of the Political Code, defining and classifying insurance, and prescribing capital and other requirements of the various classes and limitations of classes permitted, and also requiring the stock of insurance companies to have a specified par value.

[Approved by the Governor April 30, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 594 of the Political Code is hereby amended to read as follows: Stats 1927,
p. 1203,
amended

594. All insurance business in the State of California is hereby classified in the following twenty kinds, namely: Insurance
business
classified

1. Life insurance, including within its meaning insurance upon the lives of persons and every insurance appertaining thereto, and the granting, purchasing and disposing of annuities. Life

2. Fire insurance, including within its meaning insurance against loss or damage by fire, lightning, windstorm, tornadoes or earthquakes. Fire

3. Marine insurance, including within its meaning marine insurance as defined in section 2655 of the Civil Code of this state, also insurance upon vessels, freights, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interests, and every insurance connected with marine risks and risks of transportation and navigation, including the risks of lake, river and inland transportation and navigation; *provided*, that nothing in this paragraph contained shall prevent a company qualified to do plate glass, burglary, team and vehicle, automobile, aircraft or miscellaneous insurance, from covering the hazards defined in this paragraph when such hazards are included within and are incidental to such other respective classifications. Marine

4. Title insurance, including within its meaning the issuance of guarantees and policies of insurance affecting titles to real estate, and guaranteeing or insuring owners of real or personal property, or others interested therein, or having liens or encumbrances thereon, against loss by reason of defective titles, encumbrances, or adverse claims of title, or otherwise. Title.

5. Fidelity and surety insurance, including within its meaning the guaranteeing of persons holding places of public or private trust, and guaranteeing and executing all bonds, undertakings, and contracts of suretyship, and guaranteeing the performance of contracts other than insurance policies, and not including guaranteeing the payment of mortgages or trust deeds. Fidelity and
surety.

6. Accident insurance, and either sickness or health insurance, including within its meaning insurance against Accident

injury, disablement or death resulting from traveling or general accidents, and against disablements resulting from sickness and every insurance appertaining thereto.

Plate glass

7. Plate glass insurance, including within its meaning all insurance against breakage of glass, whether local or in transit.

Liability.

8. Liability insurance, including within its meaning all insurance against loss or damage resulting from accident to or injury, fatal or nonfatal, suffered either by an employee or other person, and for which the insured is liable, and also including liability of the insured for loss or damage to property, or property interests of others, for which loss or damage the insured may be liable, excepting from this classification, workmen's compensation, common carrier liability, boiler and machinery, and team and vehicle insurance.

Workmen's
compensation.

9. Workmen's compensation insurance which is hereby defined to be insurance against any liability imposed by law upon any or all employers of labor or other person to compensate their or any employees and the dependents of such employees for any injury sustained by such employees by accident arising out of and in the course of their employment, irrespective of negligence or of the fault of either party; and includes all insurance written in accordance with the provisions of the workmen's compensation insurance and safety act of 1917, and amendments thereto; *provided*, that insurance carriers as defined in said act and also all companies writing such insurance shall be subject to the tests of solvency and maintain the reserves required by section 602a of the Political Code for insurance carriers and companies doing liability insurance or insurance against loss or damage from accident to or injuries suffered by an employee or other person and for which the insured is liable.

Common
carrier
liability

10. Common carrier liability insurance, which is hereby defined to be all insurance against loss or damage, resulting from accident to, or injury, fatal or nonfatal, suffered either by an employee, or other person, and for which any common carrier is liable, except workmen's compensation insurance; *provided*, that companies writing such insurance shall be subject to the tests of solvency and maintain the reserves required by sections 602 and 602d of the Political Code for companies doing liability insurance.

Boiler and
machinery.

11. Boiler and machinery insurance, including within its meaning insurance against loss of or damage to persons or property from explosion of or other accident to, boilers, tanks, pipes and other pressure vessels, engines, wheels and electrical machinery and apparatus connected therewith or operating thereby.

Burglary.

12. Burglary insurance, including within its meaning insurance against loss by burglary or theft or both.

Credit.

13. Credit insurance, including within its meaning insurance of merchants, traders, and those engaged in business

and giving credit for loss and damage by reason of giving and extending credit to their customers and those dealing with them, and insurance or guarantee either by agreement to purchase uncollectible debts or otherwise, against loss or damage from the failure of persons indebted or to become indebted to the insured, or to meet existing or contemplated liabilities.

14. Sprinkler insurance, including within its meaning insurance against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers, pumps or other apparatus placed for extinguishing fires, and of water pipes, against accidental injury to such sprinklers, pumps, or other apparatus. Sprinkler

15. Team and vehicle insurance, including within its meaning insurance against loss or legal liability for loss because of damage to property caused by the use of teams or vehicles whether by accident or collision or by explosion of any engine or tank or boiler or pipe or tire of any vehicle, and also including insurance against theft of the whole or any part of any vehicle; the term vehicle as here used does not include ships or vessels, nor boats nor any railroad rolling stock. Team and vehicle

16. Automobile insurance, including within its meaning the insurance of the owners or users of or dealers in automobiles against any and all hazards incident to ownership, maintenance, operation and use of such automobiles, except the hazard or liability against loss or damage resulting from an accident to or physical injury, fatal or nonfatal, suffered by any person as a result of the ownership, maintenance, operation or use of such automobile. Nothing herein contained shall be construed to prevent a fire insurance company from issuing a policy of insurance upon an automobile covering the fire hazard only, nor be construed to prevent a marine insurance company from issuing a policy of insurance upon an automobile covering the marine hazard of transportation only. Automobile

17. Mortgage insurance, including within its meaning the guaranteeing of the payment of the principle, interest and other sums agreed to be paid under the terms of any note or bond secured by mortgage or trust deed, or other sums secured under the terms of any such mortgage or trust deed, in its entirety, or of any undivided or other partial interest in any such mortgage or trust deed, or in a group of such mortgages or trust deeds, and the guaranteeing or insuring, directly or indirectly, against loss thereon. Mortgage

18. Aircraft insurance, including within its meaning the insurance of the owners or users of or dealers in aircraft against any and all hazards incident to ownership, maintenance, operation and use of such aircraft, and also including loss or damage caused by aircraft to any persons property, but not including the liability against loss or damage resulting from an accident to or physical injury, fatal or nonfatal, suffered by any person as a result of the ownership, maintenance, operation or use of such aircraft. Nothing Aircraft.

herein contained shall be construed to prevent a fire insurance company from issuing a policy of insurance upon any aircraft covering the fire hazard only, nor be construed to prevent a marine insurance company from issuing a policy of insurance upon any aircraft covering the marine hazard of transportation only.

Land value

19. Land value insurance, including within its meaning the insuring of or guaranteeing land values.

Miscellaneous

20. Miscellaneous insurance, including within its meaning lightning, windstorm, tornado and earthquake insurance; and any and all casualty insurance not included in any of the foregoing kinds, and which is a proper subject of insurance.

Authority to insure.

No company shall do any of the foregoing twenty kinds of insurance unless authorized so to do by its charter; *provided, however,* that companies heretofore authorized to write liability insurance may continue to write workmen's compensation insurance and common carrier liability insurance, in the same manner as if the said last two kinds of insurance were expressly permitted in their charter.

Capital stock required and restrictions on business

No company having a capital stock shall do life insurance in California without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other of said kinds of insurance, except the sixth, eighth, and ninth, and tenth classes; *provided,* that any such company desiring to do either the sixth, eighth, or ninth and tenth class, must have in addition to such two hundred thousand dollars of capital stock at least fifty thousand dollars of capital stock for each permitted class it desires to do except that an additional capital stock of fifty thousand dollars shall be sufficient capital stock to enable such company to do the eighth, ninth and tenth classes of insurance.

No company having a capital stock shall do in California any fire insurance without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other kinds of insurance except the third, eleventh, fourteenth, sixteenth, eighteenth and twentieth classes. To do both fire and marine insurance such company must have a capital stock of at least four hundred thousand dollars and to do any other permitted class of insurance, such company must have an additional capital stock of at least fifty thousand dollars for each additional class it desires to do, in addition to the two hundred thousand dollars required if it does fire insurance, or the four hundred thousand dollars if it does fire and marine insurance.

No company having a capital stock shall do in California marine insurance without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other of said kinds of insurance, except the second, fifteenth, sixteenth, eighteenth and twentieth classes; *provided,* that any company qualified hereunder to do both fire and marine insurance may transact all of the classes of insur-

ance permitted to either of said classes. To do both fire and marine insurance, such company must have a capital stock of at least four hundred thousand dollars and to do any other permitted class of insurance, such company must have an additional capital stock of at least fifty thousand dollars for each such additional class it desires to do, in addition to the two hundred thousand dollars required if it does marine insurance, or the four hundred thousand dollars if it does both fire and marine insurance.

No company having a capital stock shall do in California any of the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, eighteenth, or twentieth of said kinds of insurance without having a capital stock of at least one hundred thousand dollars for the first class of insurance such company desires to do, nor any other of such classes, without having in addition thereto at least fifty thousand dollars capital stock for each additional permitted kind of insurance it desires to do; *provided, however*, that any company having a capital stock of at least one hundred thousand dollars may do the eighth, ninth, and tenth classes of insurance, or having qualified to do any of the fifth, sixth, seventh, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, eighteenth, or twentieth classes of insurance may do the eighth, ninth and tenth classes of insurance upon having an additional capital stock of at least fifty thousand dollars. Except as above prescribed, no company doing either the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, eighteenth, or twentieth classes of insurance shall do any of the first, second, or third classes of insurance. No company doing the fourth class of insurance shall do any other class of insurance. No company doing the seventeenth class of insurance shall do any other class of insurance. No company doing the nineteenth class of insurance shall do any other class of insurance. No company doing any other class of insurance shall do the fourth class or seventeenth class or the nineteenth class of insurance. No company shall do in California any title insurance without having at least one hundred thousand dollars of capital stock fully paid in, in cash, previous to the issuance of any policy. No company shall do in California any mortgage insurance without having at least two hundred fifty thousand dollars of capital stock fully paid in, in cash, previous to the issuance of any policy. No company shall do in California any land value insurance without having at least two hundred thousand dollars of capital stock fully paid in, in cash, previous to the issuance of any policy.

Such capital stock required must be fully paid up before doing any such business in California. The capital stock required must be unimpaired and shall be exclusive of all liability for losses reported, expenses, taxes and reinsurance of all outstanding risks as provided in sections 602 and 602a of the Political Code. Every company organized or formed

Capital to be
paid up.

under the laws of any other state or country as a mutual or as a joint stock and mutual company having a capital stock less than as above prescribed must have in lieu of such capital stock available cash assets of at least two hundred thousand dollars above all liabilities for losses reported, expenses, taxes and reinsurance of all outstanding risks as provided in sections 602 and 602a of the Political Code.

Par value
required.

No stock company shall be hereafter organized or admitted to this state to transact the business of any of the foregoing classes of insurance in this state unless all of its stock, authorized or issued, has a specified par value.

CHAPTER 194.

An act relating to the governing boards of union, joint union, county and joint county junior college districts.

[Approved by the Governor April 30, 1929. In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 195.

An act to amend section 4 of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled 'An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor,' " approved March 18, 1899, as amended.

[Approved by the Governor April 30, 1929 In effect August 14, 1929.]

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

Stats. 1921,
p 1164,
amended

SECTION 1. Section 4 of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled 'An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor,' " approved March 18, 1899, as amended, is hereby amended to read as follows:

Quarantine
against
foreign
animals

Sec. 4. Whenever the director of agriculture shall have determined that an infectious disease exists among domestic animals in any other state or territory in the United States, or

in any foreign country, and the bringing into or importation of animals, animal products, or refuse animal or vegetable matter from said state, territory or foreign country might spread such disease among domestic animals within the State of California, said director of agriculture shall notify the governor thereof who, if he deem it expedient, shall issue his proclamation which shall prescribe that under no conditions shall such animals, animal products, or refuse animal or vegetable matter, be brought or imported into the State of California from said state, territory or foreign country, or if circumstances shall warrant, said proclamation shall prescribe the conditions only under which such animals, animal products, or refuse animal or vegetable matter may be brought or imported into this state therefrom.

CHAPTER 196.

An act to repeal section 772 of the Penal Code, relating to officers of the court.

[Approved by the Governor May 1, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 772 of the Penal Code is hereby repealed. Repealed.

CHAPTER 197.

An act to amend section 634 of the Civil Code of the State of California, relating to the issuance of shares and investment certificates of building and loan associations and relating to the creation of a reserve fund; selection of directors and fees chargeable by such associations.

[Approved by the Governor May 1, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 634 of the Civil Code of the State of California is hereby amended to read as follows:

634. The capital of every such corporation shall be divided into shares of the matured or par value of one hundred or two hundred dollars each, as provided by the articles of incorporation, and shall be paid in by the subscribers in the manner provided by the by-laws. All such payments shall be called dues. Certificates shall be issued to each shareholder on the first payment of dues by him. Shares pledged as security for the payment of a loan shall be called pledged shares, and all others, free shares. All shares matured and surrendered or canceled, shall become the property of the corporation and

Stats. 1927.
p. 310,
amended.
Capital.

may be reissued. The capital shall consist of the accumulated dues, together with the apportioned profits of the corporation, and shall be accumulated by the issuance of shares in any one or more of the following forms, viz: "installment shares," "full paid shares," "pass book shares" and "guarantee stock."

Installment
shares.

(a) Installment shares shall be either "serial" or "permanent" in form. When issued in "serial" form the periodical dues on shares in each series shall commence with the date of the issue of such series and the holder must pay such dues and such amounts per share and at such times as the by-laws may provide, and such payments must continue on each share until, with the profits allotted thereto, it reaches its matured value or is withdrawn or canceled. On all such issues the dividends shall be apportioned or credited equally to each share in each series. No share of a prior series shall be issued after the issue of shares in a new series, except by way of transfer. Shares issued in "permanent" form may be issued at any time and the dividends thereon may be credited in the pass books of the members. Shares of either form may be issued in "classes" with a different periodical payment for each class designation, to be specified in the by-laws, and shall be issued with full participation in the profits subject to apportionment as dividends.

Full paid
shares.

(b) Full paid shares shall be shares upon which a single payment of dues amounting to one hundred or two hundred dollars per share shall be paid at the time of subscription and upon which the holder shall be entitled to either such participation in the net profits, not exceeding the rate apportioned to installment shares, as the board of directors shall determine, or to an agreed rate of dividends not exceeding six per cent per annum, payable semiannually in cash, such agreed rate, if any, to be specified in the body of the certificate issued. All such shares may be issued in separate classes as to participation, under regulations to be provided in the by-laws and which must be fully set forth in or upon each certificate issued.

Pass book
shares.

(c) Pass book shares are shares which shall participate in the apportionment of net profits and be credited therewith at a rate not exceeding the rate apportioned to installment shares, as the board of directors shall determine, and upon which the dues may be paid in at such times and in such amounts as the holder thereof may elect until said shares reach their matured value or are withdrawn.

Guarantee
stock.

(d) Guarantee stock shall be stock, provided by the by-laws, to be set apart and sold as a fixed, permanent or guarantee capital, and shall be issued with full participation in the profits subject to apportionment as dividends. When any such stock has been once so set apart, sold and issued it shall thereafter remain as a fixed, permanent and guarantee capital, and shall be subjected to all the conditions and liabilities attaching to the paid-in capital stock of other classes of cor-

porations. Such guarantee stock shall protect and guarantee all other stockholders and creditors against any loss, and when once paid it must be kept unimpaired.

(e) Every corporation specified in this title, in addition to being entitled to issue investment certificates to adults, shall also have power to issue one or more investment certificates to a minor of any age and receive payments thereon by or for such minor. If such minor be fourteen years of age or over, he shall be entitled to withdraw, transfer or pledge any such certificate owned by him and to receive from such corporation any and all interest or other moneys at any time becoming due thereon and his receipt or acquittance therefor shall constitute a valid release and discharge to the corporation for the payment of such money. Minors as
shareholders

(f) Every corporation specified in this title issuing installment or full paid investment certificates, or both, shall at all times have issued and fully paid for, either an amount of guarantee capital stock, or permanent nonwithdrawable capital stock, or both such guarantee capital stock and permanent nonwithdrawable capital stock, or a reserve fund, equal to ten per cent of the aggregate amount of its liability on its said installment investment certificates and full paid investment certificates; *provided, however*, that the aggregate of guarantee capital stock, or permanent nonwithdrawable capital stock, or both such guarantee capital stock and permanent nonwithdrawable capital stock, or a reserve fund, of every building and loan association issuing installment or full paid investment certificates, or both, must equal the following percentages of its investment certificate liabilities: Rates of
permanent
capital to
investment
certificate
liability.

1. Ten per centum of any amount up to and including one million dollars.

2. Seven and one-half per centum of any amount in excess of one million dollars, up to and including two million dollars.

3. Five per centum of any amount in excess of two million dollars, up to and including five million dollars.

4. Three per centum of any amount in excess of five million dollars.

(g) Corporations specified in this title, issuing guarantee stock, may provide in their by-laws that a majority of the board of directors shall be selected from the holders of such stock. Directors.

(h) Every corporation specified in this title shall also have power, by its by-laws, to charge and collect an entrance fee, for each share of stock, or membership share, or investment certificate, it may issue, not exceeding one dollar on each share or investment certificate having a matured or face value of one hundred dollars, and also to charge and collect a transfer fee, not exceeding ten cents on each share, or investment certificate, all of which fees shall be accounted for by the corporation like other funds of the association. No other fee, charge or deduc- Fees

tion shall ever be made, or permitted to be made against any shareholder, or certificate holder, or against any of his shares or certificates, hereafter issued, or the dues paid in thereon for the purpose of creating a fund to be used in the payment of current or running expenses.

CHAPTER 198.

An act to add a new section to the Political Code to be numbered 363j, relating to the department of public works.

[Approved by the Governor May 2, 1929. In effect August 14, 1929.]

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

New section

SECTION 1. A new section is hereby added to the Political Code to be numbered 363j and to read as follows:

Cost of
architectural
services.

363j. The cost of all architectural services performed by the state department of public works for a state department, division, bureau, board, commission, office, institution, or agency which is supported otherwise than by appropriations from the general fund in the state treasury, shall be a charge against, and shall be paid from the moneys and funds appropriated, or made available by law, for the support of such departments, divisions, bureaus, boards, commissions, offices, institutions, or agencies and shall be fixed and determined by the director of public works. All moneys paid for such services, under and pursuant to the provisions of this section, shall be paid into the state treasury to the credit and in augmentation of the current appropriation for the support of the department of public works, to be expended in accordance with law, for the support of said department.

CHAPTER 199.

An act to amend and renumber section 4225a of the Political Code, added to said code by chapter 136, statutes of 1919, and approved April 30, 1919, relating to county health officials and employees.

[Approved by the Governor May 2, 1929. In effect August 14, 1929.]

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

Stats 1919,
p. 180,
amended.

SECTION 1. Section 4225a of the Political Code, added to said code by chapter 136, statutes of 1919, page 180, is hereby renumbered 4225b and amended to read as follows:

Public health
nurses

4225b. The board of supervisors in each county may employ one or more public health nurses, each of whom shall

be a registered nurse possessing such qualifications as may at the date of her employment be prescribed by the state department of public health. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the county, as the board of supervisors may, from time to time, assign to her, and shall receive such compensation as may be determined by said board.

The board of supervisors in each county may employ one or more dentists or dental hygienists, each of whom shall be a licensed dentist or dental hygienist. The dentist or dental hygienist shall attend to such dental conditions of the county, as the board of supervisors may, from time to time, assign to him, and shall receive such compensation as may be determined by said board.

Dentists and
dental
hygienists

CHAPTER 200.

An act to amend section 3062 of the Political Code, relating to city health officials and employees.

[Approved by the Governor May 2, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 3062 of the Political Code is hereby amended to read as follows:

Stats 1919,
p. 180,
amended
Public health
nurses.

3062. The board of trustees, council or other corresponding board of any incorporated town or city of this state may employ one or more public health nurses, each of whom shall be a registered nurse possessing such qualifications as may, at the date of her employment, be prescribed by the state department of public health. The public health nurse shall attend to such matters pertaining to the health and sanitary conditions of the town or city wherein she is employed, as the board of trustees, council or other corresponding board may, from time to time, assign to her, and shall receive such compensation as may be determined by said board.

The board of trustees, council or other corresponding board of any incorporated town or city of this state may employ one or more dentists or dental hygienists, each of whom shall be a licensed dentist or dental hygienist. The dentist or dental hygienist shall attend to such dental conditions of the town or city wherein he or she is employed, as the board of trustees, council or other corresponding board may, from time to time, assign to him, and shall receive such compensation as may be determined by said board.

Dentists and
dental
hygienists

CHAPTER 201.

An act to add a new section to be numbered section 7½ to an act entitled "An act to provide for the care, management and protection of state highways and provide penalties for violations of the provisions of the act," approved May 20, 1915, relating to state highways.

[Approved by the Governor May 2, 1929 In effect August 14, 1929.]

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

Stats 1915,
p 642,
amended

SECTION 1. A new section to be numbered 7½ is hereby added to an act entitled "An act to provide for the care, management and protection of state highways and provide penalties for violations of the provisions of the act," approved May 20, 1915, relating to state highways, to read as follows:

Penalty for
selling, etc.,
upon high-
way.

Sec. 7½. Any person who sells, displays for sale, or offers to sell any wares, merchandise, fruit, vegetables, produce, food, or any or other goods from any vehicle, motor vehicle, trailer, semitrailer, wagon, push cart, stand, structure or building standing or situated wholly or in part on the right of way of any state highway, or any part thereof, is guilty of a misdemeanor. Nothing herein contained, however, shall be deemed to prohibit a seller from taking orders for or delivering any commodity from a vehicle on the part of the right of way of a state highway immediately adjoining the premises of the purchaser. It shall be the duty of all peace officers and state traffic officers to enforce the provisions of this section.

 CHAPTER 202.

An act to amend sections 16 and 21 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, as amended.

[Approved by the Governor May 2, 1929. In effect August 14, 1929.]

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

Stats. 1910,
p. 241,
amended

SECTION 1. Section 16 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, as amended, is hereby amended to read as follows:

Sec. 16. When an examination or analysis of the director of the state laboratory shows that any provisions of this act have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained, or who executed the guarantee, as provided in this act, and a day shall be fixed by the secretary of the state board of health, at which said parties may be heard before the state board of health, or the secretary. The hearing shall be held at such place as the state board of health or its secretary may designate, and at least fifteen days' notice thereof shall be served upon the party complained of. These hearings shall be private and confined to questions of fact. Parties interested therein may appear in person or by attorney and may propound interrogatories and submit oral or written evidence to show any fault or error in the findings made by the director of the state laboratory. If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing, after notice duly given as provided herein, the secretary of the state board of health shall forthwith transmit a certificate of the facts so found to the district attorney of the county in which said adulterated, mislabeled or misbranded food was found. No publication as in this act provided shall be made until after said hearing is concluded.

Hearings for violations of act.

SEC. 2. Section 21 of said act is hereby amended to read as follows:

Stats 1907, p 213, amended.

Sec. 21. One-half of all fines collected by any court or judge, for the violations of the provisions of this act shall be paid to the state treasurer for credit to the general fund of the state.

Disposition of fines.

CHAPTER 203.

An act to amend section 487 of the Penal Code, defining grand theft.

[Approved by the Governor May 2, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 487 of the Penal Code is hereby amended to read as follows:

Stats 1927, p 1047, amended

487. Grand theft is theft committed in any of the following cases:

Grand theft defined

1. When the money, labor or real or personal property taken is of a value exceeding two hundred dollars; *provided*, that when domestic fowls are taken of a value exceeding fifty dollars the same shall constitute grand theft.

2. When the property is taken from the person of another.

3. When the property taken is an automobile, horse, mare, gelding, any bovine animal, mule, jack, jenny, sheep, lamb, hog, sow, boar, gilt, barrow or pig.

CHAPTER 204.

An act to amend section 417 of the Penal Code, relating to the unlawful exhibition of a deadly weapon or firearm.

[Approved by the Governor May 2, 1929. In effect August 14, 1929.]

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

Pen C.,
1872,
p. 101,
amended
Drawing or
exhibiting
firearm or
other deadly
weapon

SECTION 1. Section 417 of the Penal Code is hereby amended to read as follows:

417. Every person who, except in self-defense, in the presence of any other person, draws or exhibits any firearm, whether loaded or unloaded, or any other deadly weapon whatsoever, in a rude, angry or threatening manner, or who in any manner, unlawfully uses the same in any fight or quarrel is guilty of a misdemeanor.

CHAPTER 205.

An act adding a new section to the Political Code to be numbered 694, relating to the department of finance.

[Approved by the Governor May 2, 1929. In effect August 14, 1929.]

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

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 694, and to read as follows:

Apportion-
ment of
moneys
appropriated
for county
and district
fairs.

694. Any money appropriated by the State of California for the encouragement of county and district agricultural fairs shall be expended under the supervision of the state department of finance for premiums for agricultural, horticultural and live stock exhibits only. The state department of finance shall apportion the money appropriated for the various agricultural fairs held in any county or by any group of counties on the basis of the amount which such fairs actually paid in premiums for agricultural, horticultural and live stock exhibits, at the fairs held in the preceding year. It shall be the duty of the secretary of any such fair desiring to take advantage of the provisions of this act to file with the state department of finance on or before August 1, of each year, a sworn statement setting forth the actual amount paid for premiums by such county agricultural fair held in the preceding year. No allotment from the appropriation herein provided shall be made for more than one fair in any one year in any county. The fact that one county joins with another county, or with several others, to hold an agricultural fair shall not bar it from receiving a proper proportion of the moneys herein appropriated; *provided, however*, that no fair for which a separate appropriation is made by the state, shall participate in the apportionment of any money appropriated for the encouragement of county and district agricultural fairs.

CHAPTER 206.

An act to repeal sections 2294, 2302 and 2304 of the Political Code and to amend section 2295 of the said Political Code, all relating to the state librarian.

[Approved by the Governor May 2, 1929. In effect August 14, 1929.]

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

SECTION 1. Sections 2294, 2302 and 2304 of the Political Code are hereby repealed. Repealed

SEC. 2. Section 2295 of the Political Code is hereby amended to read as follows: Stats 1913,
p 1150,
amended

2295. It is the duty of the state librarian: Duties of
state
librarian

1. To be in attendance at the library during office hours.
2. To purchase books, maps, engravings, paintings and furniture for the library.
3. To number and stamp all books and maps belonging to the library, and keep a catalogue thereof.
4. To have bound all books and papers that require binding.
5. To keep a register of all books and property added to the library, and of the cost thereof.
6. To keep a register of all books taken from the library.

 CHAPTER 207.

An act to add a new section to the Penal Code to be numbered 637½a, relating to trapping of game.

[Approved by the Governor May 2, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section, to be numbered 637½a, is hereby added to the Penal Code to read as follows: New section

637½a. Any person who shall use any trap with sawtooth or spiked jaws for the taking of any fur-bearing mammals is guilty of a misdemeanor. Trapping
mammals

 CHAPTER 208.

An act to amend section 3 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes and adopting those provisions, not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection

and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," approved May 26, 1927.

[Approved by the Governor May 2, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 1566,
amended.

SECTION 1. Section 3 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes and adopting those provisions, not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and distribution of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," is hereby amended to read as follows:

Incorporation
by reference

Sec. 3. All provisions, penalties and requirements now contained in said "original act," or any amendments thereto, not inconsistent herewith, are hereby adopted and made a part of this act, notwithstanding any repeal of said "original act," hereafter.

CHAPTER 209.

An act to amend section 1142 of the Political Code, relating to boards of election, appointment and duties of election officers.

[Approved by the Governor May 2, 1929. In effect August 14, 1929.]

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

Stats 1921,
p. 873,
amended
Election
board

SECTION. 1. Section 1142 of the Political Code is hereby amended to read as follows:

1142. (a) At each general election, and at each election, where other provisions are not made by law or charter, the election officers appointed for each precinct shall constitute a board of election for such precinct. Such board shall consist of one inspector, two judges and three clerks; *provided*, that in any precinct in which the total registration does not exceed one hundred electors or at any special election for selection of a board of freeholders or at which propositions, not exceeding four in number, are presented to the electors (including proposals for issuance of bonds, for annexation of territory and adoption or amendment of a charter), or at any special elec-

tion where other provisions as to election officers is not made by law, the board shall consist of one inspector, one judge and two clerks. Each of such officers shall be a registered, qualified elector of the precinct for which he is appointed and in which he acts and shall serve only in such precinct; *provided*, that in the case of consolidated election precincts the election officers appointed therefor and who act therein shall be registered qualified electors of one of the precincts of which such consolidated precinct is composed; *and provided, further*, that in the event a sufficient number of qualified persons have not applied for the position of election officer as hereinafter provided to constitute such board, then in that event each of such officers shall be a registered, qualified elector of the precinct for which he is appointed and in which he acts, or a registered, qualified elector of a precinct adjoining the precinct for which he is appointed and in which he acts.

Exception.

(b) The board of supervisors, or other board having charge or control of elections in each of the counties, and cities and counties, must, at least thirty days prior to an election, issue its order appointing the members of the several boards of election and designate the polling places unless otherwise provided herein or by law.

Appoint-
ment.

(c) If the election officers for any precinct have not been appointed or can not serve, or the polling place therein, have not been designated by the fifteenth day prior to any election, the county clerk or registrar of voters shall immediately appoint the election officers for that precinct, or designate the polling place therein, as the case may require.

Failure to
designate.

(d) Any elector who has filed an application for the position of an election officer as herein provided, who, having been regularly appointed as an election officer, shall without lawful excuse fail to act as such, shall be guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars or by imprisonment in the county jail not to exceed thirty days or by both such fine and imprisonment. Any elector serving as an election officer at any election, shall, on the day of such election, be entitled to absent himself from any service or employment in which he, or she, is then engaged or employed; and such elector shall not, because of so absenting himself, or herself, be liable to any penalty, nor shall any deduction be made on account of such absence, from his or her usual salary or wages, nor shall such elector be suspended or discharged from any service or employment because of so absenting himself or herself. In appointing election officers preference shall so far as possible be given to any elector otherwise qualified, who has passed a civil service examination involving a test for a clerical position, or who has previously rendered satisfactory service as an election officer if otherwise qualified. Any elector may file an application for the position of an election officer on blanks prepared by the officer in charge of registration, which shall be substantially as follows:

Failure to
serve as
officer.

Preference.

Application

Application to serve as Election Officer.

State of California, }
County of----- } ss.

My name in full is-----;
My actual residence is-----;
My age is-----; my occupation is-----;
I am employed at-----
(give place of employment).

I am not, and have not been, within the last ninety days, employed in any capacity, other than that of election officer or as a clerk engaged in the registration of voters, by the state, county, city and county, or incorporated city or town in which I now reside.

I have-----acted as an election officer at an election-----

(If applicant has previously acted as an election officer state the time and place when so acting and the nature of the office held, otherwise insert the word "not" after the word "have".)

I have----- passed a civil service examination-----

(If applicant has previously passed such examination state the time and place thereof and the position for which it was held, otherwise insert the word "not" after the word "have".)

My experience in clerical work has been as follows: (State briefly.)

For further information, I would refer to the following:

(Names and addresses of two or three well-known citizens of the community, who are acquainted with the qualifications of applicant; to be filled out if applicant is not, through previous service or otherwise, already known to the appointing board.)

I am now registered as an elector in this county (or city and county).

I can read and write the English language and all of the matter written in the foregoing answers is in my own handwriting.

Signature of applicant.

In a city and county, the registrar of voters may require such applications to be sworn to and such registrar or his deputy shall take such oath without charge.

Persons eligible.

(e) No person shall be eligible to act as an officer of election who is not actually a resident of the precinct in which he, or she, acts and a registered and a qualified elector thereof, except as provided in subdivision (a) hereof, or who has, within ninety days preceding such election, been employed in any capacity, other than that of an election officer, or as a

clerk engaged in the registering of electors, by the state, county, city and county, or incorporated city and town in which he resides.

(f) Upon filing a list of the names and addresses of those who have been appointed election officers the county clerk or registrar of voters shall immediately mail or deliver to each elector appointed a notice that he, or she, has been appointed, stating therein the position to which he or she has been assigned, and the penalty for failure to serve, also such other matter as the county clerk or registrar of voters may determine. He shall also publish the names of the election officers appointed and polling places designated for each election precinct in a daily or in a weekly newspaper published in the county, or city and county where the election is to be held, for two issues, the last publication to be at least one week before the day such election is to be held. He shall also mail or deliver to each person appointed as inspector for any precinct immediately after such appointment a notice of the electors appointed to serve as election officers in that precinct. Said notice shall be substantially in the following form:

Notice of appointment.

Office of the county clerk (or registrar of voters).
County of -----

Notice to Election Officers.

To -----, inspector for ----- precinct.

The polling place for the ----- precinct at the election to be held on ----- the ----- day of ----- is ----- and the board of election for said precinct is composed of the following electors:

Position	Name	Address
-----	-----	-----
-----	-----	-----
-----	-----	-----

You, as inspector, must, before the polls are opened, see that each of these persons have taken the oath required by law and that no person is permitted to act as election officer unless he or she has taken such oath and is registered as an elector thereof and is not and has not been employed in any capacity, other than that of election officer, or as clerk engaged in the registering of electors, within ninety days of the election, by the state, county or city and county or by the incorporated city and town in which he, or she resides. If any of these persons is not qualified to act or in case any of them do not appear at the opening of the polls, the qualified electors present, including members of the board, shall appoint in his or her place one who is qualified who shall take the required oath of office which will be found set forth in the tally list.

County clerk (or other official).

Oath of
inspector

Accompanying said notice shall be an oath of office in blank which shall be immediately sworn to by the inspector free of charge before any officer authorized to administer oaths, and before performing any of the duties required of him, and which oath shall be returned to the county clerk or registrar of voters within twenty-four hours after receipt thereof. Said oath shall be substantially in the following form :

State of California, }
County of _____ } ss

I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States and the constitution of the State of California, and that I will faithfully discharge the duties of the office of inspector on the board of election for _____precinct according to the best of my ability.

Subscribed and sworn to before me this _____day of _____, 19_____.

(Name and designation of official before whom taken.)

Oath of
other officers

(g) On the day of election and before entering upon the performance of their duties, each of the other election officers shall take a similar oath before said inspector, or in case he is not present, before any other of themselves, each of whom is for this purpose authorized to administer an oath. Such oaths shall be taken and subscribed upon a form which shall be provided for that purpose in the tally list for that precinct.

Persons
eligible

(h) No person shall be eligible to act as a member of any election board who can not read and write the English language, nor shall any person be appointed an election officer or act as such who is not at the time in every respect qualified to act as such election officer, except as hereinbefore provided, nor shall any elector so appointed serve as such until he has taken the oath required. The inspector, judges and clerks upon each board of election shall distribute the extra duties devolving upon such board of election, in addition to their own duties in such a manner as they themselves shall deem most advantageous, and such extra duties assigned to the several officers or clerks of boards of election by other sections of this code shall be performed by the members of each board as the said duties have been distributed in accordance with this provision.

Canvass
of votes.

Not more than two members of any board of election shall be absent from the polling place at any one time. Such board of election shall canvass the votes for such precinct, and all of said board must be present at the closing of the polls. The members of said board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least four members of the board; *provided*, that there shall always

be two members simultaneously keeping the tally sheets, and always two members looking at the vote on the ballot from which one of said two members is reading; *and provided, further*, that the final certificate shall be signed by a majority of the whole.

(i) In any city and county having a registrar of voters all preliminary or other lists of electors qualified to act as election officers and all appointments of election officers shall be made by said registrar of voters and he shall have power to excuse electors appointed from serving whenever he is satisfied any such elector ought to be excused, and to substitute new appointees in all cases when any elector appointed shall be excused or found disqualified or deemed incompetent down to a time when said registrar of voters shall send a final or amended list of such election officers to the inspector, for the precinct, which list shall be the registrar's final order of appointment for such precinct; such appointments shall be in the form prescribed in subdivision (f) of this section, and in addition shall have at the head thereof the words in capitals "Final precinct list of election officers."

In city
and county
having
registrar

In a city and county having such a registrar of voters he may require inspectors of election who have been appointed to take the oath of office at the office of said registrar of voters at least ten days before the day of election, and if such inspector shall refuse or fail to so take such oath of office said registrar may substitute and appoint an inspector and administer such oath of office to such newly appointed inspector. In a city and county the publication of the list of election officers referred to in this section, may, in the discretion of the registrar of voters, be made only once.

CHAPTER 210.

An act to amend section 596 of the Political Code, providing that no company shall transact any insurance business in this state without complying with the law and being authorized so to do; that no person, firm or corporation shall act as agent for any unauthorized insurance company; that no person, firm or corporation shall negotiate or effect certain classes of insurance with unauthorized companies except through a surplus line broker and the terms and conditions relative thereto; also relating to surplus line brokers and the conditions upon which they may do business in this state.

[Approved by the Governor May 2, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 596 of the Political Code is hereby amended to read as follows:

Stats 1917,
p 147,
amended.

Transaction
of insurance
business in
state

Sec. 596. No company shall transact any insurance business in this state without first complying with all the provisions of the laws of this state and thereafter procuring from the insurance commissioner a certificate of authority and continuing to comply with the laws of this state. Every such certificate of authority shall expire on the first day of July after its issuance unless sooner revoked. No certificate of authority shall be granted or renewed to any company in arrears to the state, or to any county, city and county, city or town in the state, for fees, licenses, taxes, assessments, fines, or penalties, accrued on business previously transacted in the state, nor while said company is otherwise in default for failure to comply with any of the laws of this state regarding the governmental control of such company by the state.

Certificate of
company in
arrears for
taxes.

No person, firm or corporation shall in this state act as agent, in any transaction of insurance, on property or risks located within this state for any insurance company not authorized to transact such insurance in this state.

Surplus line
broker.

No person, firm or corporation within this state shall solicit, negotiate or effect any insurance of the kinds described in section 594, marine insurance and insurance on the property of steam railroads or of other common carriers engaged in interstate trade excepted, on property or risks located within this state with companies not authorized to transact such business in this state, except by and through a surplus line broker upon the terms and conditions hereinafter stated.

When and only when the total amount of insurance, of kinds hereinbefore prohibited from being placed with unauthorized companies, desired on any property or risk located within the state can not be procured from a majority of companies authorized to transact such kinds of insurance within the state, such remaining part of the insurance as can not be procured from a majority of such authorized companies may be procured from unauthorized companies by a surplus line broker, and by no other person.

License for
surplus line
broker.

The insurance commissioner may issue a license authorizing any person, firm or corporation applying therefor, who is trustworthy and is competent to transact an insurance brokerage business in such manner as to safeguard the interest of the assured, to act as a surplus line broker from the date of such license until the first day of July succeeding, on the following conditions:

(a) Payment in advance to the insurance commissioner of a fee of twenty-five dollars.

(b) Delivery to the insurance commissioner of a bond to the State of California in the sum of five thousand dollars with sureties having the qualifications mentioned in sections 1056 and 1057 of the Code of Civil Procedure, conditioned that said licensee will fully and faithfully comply with the requirements of section 596 of the Political Code.

The following are the duties of a surplus line broker with which he is required to comply:

Duties of surplus line broker.

1. To maintain in good faith an office in this state.
2. To keep in said office a complete book of record of the business transacted by him, under his license as a surplus line broker, with unauthorized companies showing: The dates of such insurance going into effect; the names of the insurers and of the insured; the gross premium payable therefor; the terms and character of insurance and location of the insured property. Such book of record shall also contain statements in the same detail of all such insurance canceled, or on which premiums have been increased or reduced and the amounts of additional or of return premiums thereon. Such books are to be open at all times for the inspection of, and examination by, the insurance commissioner or any one appointed by him for said purpose.

Before any insurance as hereinbefore provided may be so procured or placed by a surplus line broker under authority of his license with unauthorized companies, such broker shall satisfy himself that the insurance to be placed by him with unauthorized companies is only such part of the insurance required as can not be procured from a majority of such authorized companies.

Whenever required so to do by the insurance commissioner, such surplus line broker shall furnish to said commissioner a list comprising a majority of the authorized companies from which the entire amount of insurance desired was not obtainable.

The insurance commissioner, whenever he deems necessary, may make an examination of the books and accounts of any surplus line broker for the purpose of determining whether or not such surplus line broker is conducting his business in accordance with the provisions of this section. For the purpose of making such examination the insurance commissioner shall have free access to all the books and papers of such surplus line broker, and must thoroughly inspect and examine all of its affairs. All examinations must be at the expense of the surplus line broker, such expenses to be paid in advance, and if any such broker refuses to pay such expenses in advance, the insurance commissioner may refuse to issue a renewal of the license of such surplus line broker and must revoke any existing license authorizing such surplus line broker to transact business under this section.

Books and accounts of surplus line broker

The surplus line broker shall within one week or as soon thereafter as practicable, after receipt by him of the complete information as to with what companies or other insurers and at what rate the insurance has been placed, file with the insurance commissioner a true report showing the names of the insured and of the insurers, the character of the insurance, location of the property, or risk, gross premium payable therefor and the date such insurance takes effect and the terms thereof. As soon as practicable after any such insur-

Report by surplus line broker.

ance has been canceled, or any premium thereon has been increased or reduced, such surplus line broker shall file with the insurance commissioner a report thereof in the same detail as required in the case of the report above referred to.

Statement of
business

On or before the first day of March of each year the surplus line broker shall file with the insurance commissioner a sworn statement of all business transacted under his license during the last preceding calendar year ending December thirty-first.

Such statement shall contain true accounts of the gross amount of insurance procured from and placed with unauthorized companies during the calendar year, the gross premium charged therefor, including additional insurance premiums, the gross amount of all insurance canceled during said year, and the gross return premiums thereon. Such statement shall also include any additional premiums charged, and the gross premium returned during said calendar year on insurance previously effected. All such reports and statements shall be made on blanks to be furnished to the surplus line broker by the insurance commissioner on application therefor.

Payment of
tax by
broker.

Every surplus line broker shall on or before the first day of April of each year pay to the insurance commissioner for the use of the State of California a tax of three per cent upon the amount of gross premiums upon all insurance placed under authority of such license, less three per cent of all return premiums on policies canceled, or upon which premiums have been reduced during the year ending December thirty-first last preceding.

Penalty for
failure to
report.

Any surplus line broker who wilfully fails or refuses to report to the insurance commissioner any insurance on property or risks located within this state placed under his name with unauthorized companies, or who shall by wilful omission from the records required to be maintained by him for such purpose, attempt to evade the payment of taxes on any such insurance, shall upon conviction thereof in addition to being required to pay the tax thereon, be further penalized by a fine of not exceeding one hundred dollars for each offense and the insurance commissioner shall further forthwith revoke the license of any such surplus line broker.

Revocation
of license.

The insurance commissioner shall also revoke the license of any surplus line broker who wilfully fails or refuses to perform any of the other duties hereinbefore specified as required of said broker.

If in the opinion of the insurance commissioner the solvency of any surety on a bond hereby required has become impaired or doubtful, he shall notify the surplus line broker in writing, and unless within ten days after receipt of such notice the solvency of such surety is proved to the satisfaction of the insurance commissioner, or a new bond is substituted therefor, said insurance commissioner shall revoke the license of the surplus line broker. The removal of the office of the surplus line broker from this state, or the removal therefrom of his

accounts of his business as such, or the closing of his said office for a period of more than twenty consecutive days, shall constitute a termination of the authority of said surplus line broker, and shall be tantamount to an express revocation of his license, whether or not the insurance commissioner thereafter revokes the same. No new license shall be issued to any surplus line broker whose license has been revoked for any reason other than the insufficiency of his sureties, within the period of one year after such revocation, and until all indebtedness of said surplus line broker on former business has been paid to said insurance commissioner. Every insured for whom insurance has been effected with unauthorized companies shall produce for examination by the insurance commissioner, whenever requested by him, in writing so to do, all policies, contracts, and other documents evidencing such insurance and disclose to him the true amount of the gross premiums paid or agreed to be paid therefor, or upon refusal so to do, he shall forfeit to the State of California the sum of two hundred dollars for each refusal. Nothing in this section shall be construed to deprive any citizen of this state of the right to negotiate and effect insurance on his own property with any unauthorized company. Nothing in this section shall be construed to permit any broker to solicit or place marine insurance or insurance on property of railroads or other common carriers engaged in interstate trade with nonadmitted insurers until three-quarters of the companies duly authorized to transact such class of insurance in this state shall have first been given a refusal of such insurance at equal rates and same conditions as may be bona fide obtainable from insurance companies admitted to do the same character of insurance under the laws of the state of New York.

Examination
of policies,
etc., by com-
missioner

Construction
of act.

Section 439 of the Penal Code, in so far as it is inconsistent with the provisions hereof, is hereby repealed. Repealed.

CHAPTER 211.

An act to add a new section to the Penal Code to be numbered 146a, relating to falsely representing a public officer.

[Approved by the Governor May 2, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered 146a and to read as follows: New section

146a. Any person who falsely represents himself to be a public officer and in such assumed character arrests or detains any person or searches the person, building, or other property of any person, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year or by both such fine and imprisonment. Impersona-
tion of
officers.

CHAPTER 212.

An act to amend section 539 of the Civil Code, relating to the recovery of damages for the breaking or injuring of subaqueous telegraph, telephone and electric power cables.

[Approved by the Governor May 4, 1929. In effect August 14, 1929.]

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

Stats. 1905,
p. 492,
amended.
Damage to
subaqueous
cables.

SECTION 1. Section 539 of the Civil Code is hereby amended to read as follows:

539. No telegraph or telephone or electric power corporation can recover damages for the breaking or injuring of any subaqueous telegraph or telephone or electric power cable, unless such corporation has previously erected on either bank of the waters under which the cable is placed, a monument, indicating the place where the cable lies, and publishes for one month in some newspaper most likely to give notice to navigators, a notice giving a description and the purpose of the monuments, and the general course, landings, and termini of the cable.

CHAPTER 213.

An act to amend section 538 of the Civil Code, relating to malicious injury to telegraph, telephone and electric power property.

[Approved by the Governor May 4, 1929. In effect August 14, 1929.]

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

Stats. 1905,
p. 492,
amended.
Penalty for
malicious
injury to
property.

SECTION 1. Section 538 of the Civil Code is hereby amended to read as follows:

538. Any person who wilfully and maliciously does any injury to any telegraph or telephone or electric power property, mentioned in the preceding section, is liable to the corporation for one hundred times the amount of actual damages sustained thereby, to be recovered in any court of competent jurisdiction.

CHAPTER 214.

An act to amend section 537 of the Civil Code, relating to liability for damage done fixtures and cables of telegraph, telephone or electric power corporation.

[Approved by the Governor May 4, 1929. In effect August 14, 1929.]

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

Stats. 1905,
p. 492,
amended.

SECTION 1. Section 537 of the Civil Code is hereby amended to read as follows:

537. Any person who injures or destroys, through want of proper care, any necessary or useful fixture of any telegraph or telephone or electric power corporation, is liable to the corporation for all damages sustained thereby. Any vessel which, by dragging its anchor, or otherwise, breaks, injures, or destroys the subaqueous cable of a telegraph or telephone or electric power corporation, subjects its owner to the damages hereinbefore specified.

Liability for
damaging
property.

CHAPTER 215.

An act to amend section 12 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to registration fees and return of fee paid where no position is secured.

[Approved by the Governor May 4, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 12 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, is hereby amended to read as follows:

Stats 1927,
p. 555,
amended.

Sec. 12. No such licensed person shall accept a fee from any applicant for employment, or send out any applicant for employment without having obtained, either orally or in writing a bona fide order therefor, and in no case shall such licensed person accept, directly or indirectly, a registration fee of any kind.

Applicants'
fees

In case the applicant paying a cash fee fails to obtain employment such licensed agency shall repay the amount of said fee to such applicant upon demand being made therefor, and unless the same is returned within forty-eight hours after

demand, then the applicant shall be compensated for the time waited by the said licensed person paying to the applicant an additional sum equal to the amount of the fee paid. A notice to this effect must be inserted in the employment receipt given the applicant and included in the schedule of fees required to be posted in a conspicuous place in the office of the agency. Nothing in this provision, however, shall be construed to apply to controversies arising on account of other provisions of this act.

In cases where the applicant paying or agreeing to pay a fee is sent beyond the limits of the city in which the employment agency is located, such licensed agency shall, in addition to repaying any fee paid, reimburse the said applicant for any actual expenses incurred in going to and returning from any place where such applicant has been sent; *provided, however*, where the applicant is employed and the employment lasts less than seven days by reason of the discharge of the applicant, the employment agency shall return to said applicant the fee paid by such applicant to the employment agency, or such portion of said fee as in the judgment of the commissioner of labor may be adequate.

CHAPTER 216.

An act to regulate the sale, possession, distribution and use of habit forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof.

[Approved by the Governor May 4, 1929 In effect August 14, 1929.]

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

Narcotic
drugs. sale,
possession or
disposition.

SECTION 1. It shall be unlawful for any person, firm or corporation to sell, furnish, administer, or give away or offer to sell, furnish, administer, or give away or to have in their or his possession any cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, flowering tops and leaves of hemp or loco weed (*cannabis sativa*), Indian hemp, extracts, tinctures, or other preparations of hemp or loco weed (*cannabis sativa*) or Indian hemp, or chloralhydrate, or any of the salts, derivatives or compounds of the foregoing substances or any preparation or compound containing any of the foregoing substances or their salts, derivatives or compounds excepting upon the written order or prescription of a physician, dentist or veterinary surgeon, licensed to practice in this state, which order or prescription shall be dated by the person writing said prescription as of the date on which said prescription is written, and shall contain the name and address of the person for whom prescribed written in by the person writing said prescription, or if ordered by a veterinary surgeon it shall

Prescrip-
tions.

state the kind of animal for which ordered and the name of the owner, or person having custody, of said animal, and shall be signed and dated as of the date on which said prescription is written by the person writing the prescription or order. No physician shall antedate or postdate any prescription for any of the drugs enumerated in this act, and no person shall obtain or have in his possession any such antedated or postdated prescription nor any prescription not bearing the correct name and address of the person for whom such prescription was written nor any of the drugs mentioned herein obtained by any such antedated or postdated prescription, or obtained by any prescription not bearing the correct name and address of the person for whom said prescription was written. No person, other than a physician, dentist or veterinary surgeon, duly licensed to practice in this state, shall write any prescription for any of the drugs mentioned in this section and every prescription written by any such physician, dentist or veterinary surgeon shall conform to all of the regulations in this act contained. Such order or prescription shall be retained on file by the person, firm or corporation who shall compound or dispense the articles ordered or prescribed, and it shall not be again compounded or dispensed. No copy or duplicate of such written order or prescription shall be made or delivered to any person other than an inspector of the board of pharmacy or of the state division of narcotic enforcement or the chief of said division of narcotic enforcement, but the original shall be at all times open to inspection by the prescriber and properly authorized officers of the law, including all inspectors of the division of narcotic enforcement and of the state board of pharmacy, and shall be preserved for at least three years from the date of the filing thereof; *provided*, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to pharmacies, as defined in section 1 of an act entitled "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905, and acts amendatory thereof; nor to sales to physicians, nor by physicians to each other, nor to the sale at retail in pharmacies by pharmacists to physicians, dentists or veterinary surgeons duly licensed to practice in this state; *provided, further*, that all such wholesale jobbers, wholesalers and manufacturers, in this section mentioned, shall keep in a manner readily accessible, the written orders or blank forms required to be preserved under the provisions of section 2 of the act of congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves and salts, derivatives or preparations, and said records shall always be open for inspection by any peace officer or any inspector or member of the board of pharmacy or the chief or any inspector of the

Exceptions

Inspection
of records.

division of narcotic enforcement, and such records shall be preserved for at least three years after the date of the last entry therein. The taking of any order, or making of any contract or agreement, by any traveling representative, or any employee, of any person, firm or corporation, for future delivery in this state, of any of the articles or drugs mentioned in this section shall be deemed a sale of said articles or drugs by said traveling representative, or employee, within the meaning of the provisions of this act; *provided, further*, that a true and correct copy of all orders, contracts or agreements, taken for narcotic drugs specified in this section shall be forwarded by registered mail to the division of narcotic enforcement within twenty-four hours after the taking of such order, contract or agreement, unless such order, contract or agreement is recorded as required under the provisions of section 2 of an act of congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves, their salts, derivatives or preparations of some wholesale jobber, wholesaler, or manufacturer permanently located in this state, as provided for in said section. It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine or any other person to administer to himself as an habitual user or administer to or furnish to or prescribe for the use of any other habitual user of the same, or of anyone representing himself as such, any cocaine, opium, morphine, codeine, heroin, or chloralhydrate, or any salt, derivative or compound of the foregoing substances or their salts, derivatives or compounds; and it shall also be unlawful for any practitioner of medicine, osteopathy or dentistry to prescribe, administer to or furnish any of the foregoing substances for himself or any person not in the regular practice of his profession under his treatment for a pathology or condition other than narcotic addiction, except as hereinafter provided, or for any veterinary surgeon to prescribe, administer to or furnish any of the foregoing substances for the use of himself or any other human beings; *provided, however*, that the provisions of this section shall not be construed to prevent any physician duly licensed as such in the State of California, from administering, furnishing or prescribing in good faith to any habitual user of narcotics who is under the professional care of such physician for a disease, ailment, or injury, other than narcotic addiction, or for the infirmities attendant upon old age, such substances as such physician may reasonably deem necessary for the treatment of such disease, ailment, injury, or infirmities, when such substances are furnished or prescribed in good faith in the course of treatment for such disease, ailment, injury, or infirmities, and are not so furnished or prescribed in order to satisfy the narcotic addiction of an habitual user of narcotics; *provided*, that such licensed physician shall report in writing, over his signature, by registered mail, to the office of the division of narcotic enforcement of

Contracts for
future
delivery

Recordation
of agree-
ments

Administra-
tion.

Treatment of
habitual
users
permitted

the State of California, within five days after the first treatment, each and every habitual user of such drugs as are enumerated in this section, such report to contain the date, name and address of such patient, and the name and quantity of the narcotic or narcotics prescribed in such treatment, and such physician so treating any habitual user shall upon request in writing from the narcotic division of the State of California furnish such additional reports upon the treatment of such habitual user as said narcotic division may in writing request; *and provided, further*, that the above provisions shall not apply to preparations of the United States pharmacopœia and national formulary or other recognized or established formula or to remedies or prescriptions sold or prescribed in good faith for medicinal purposes only and not for the purpose of satisfying the addiction of an habitual user of narcotics, containing not more than two grains of opium, or one-fourth grain of morphine, or one grain of codeine, or one-eighth grain of heroin, or ten grains of chloralhydrate, or four grains of Indian hemp or loco weed in one fluid ounce, or, if a solid preparation, in one ounce avoirdupois, except tincture opii camphorata (commonly known as paregoric) which may be sold only upon the prescription of a physician licensed to practice in this state and said prescription shall not be again refilled or dispensed. No physician, surgeon, osteopath, or other person shall prescribe, administer, or furnish any of the substances or drugs mentioned in section 1 hereof except under the conditions and in the manner in this act prescribed.

Preparations
excepted.

SEC. 2. Any of the drugs mentioned in section 1 of this act employed in treating a habitue or addict for narcotic addiction must be applied or administered by a licensed physician and surgeon of this state, or a registered nurse acting under his instruction, and except during emergency treatment or where the patient's addiction is complicated by the presence of incurable disease, serious accident or injury, or the infirmities attendant upon age, shall be permitted only in institutions approved by the state board of medical examiners, where the patient is kept under restraint and control, or in city or county jails or state prisons or state narcotic hospitals; *provided, further*, that any licensed physician treating any habitue for narcotic addiction shall not prescribe for or furnish such habitue more than eight grains of opium, or four grains of morphine, or two grains of cocaine, or two grains of heroin for each daily treatment and at the end of fifteen days of such treatment the said physician shall not prescribe for or furnish to such habitue, for each daily treatment, more than four grains of opium, or two grains of morphine, or one grain of cocaine, or one grain of heroin, and at the end of thirty days from the first treatment, the prescribing or furnishing of any of the drugs above enumerated shall be entirely discontinued; and the physician shall report by registered mail to said division of narcotic enforcement as required in section 1 of

Treatment
of addicts
regulated.

this act, and shall in the same manner further report in fifteen days, and in thirty days, and as often thereafter as requested in writing by said division of narcotic enforcement, the progress of the patient under the treatment so administered by him; *provided, however,* that any licensed physician may prescribe for or furnish or administer to his patient as the physician of such patient employed by such patient as such physician, when such patient is suffering from some disease, ailment or injury, other than narcotic addiction, and which such physician in good faith believes requires such treatment for such disease, ailment or injury, any of the drugs mentioned in section 1 hereof in such quantity and for such length of time as may be reasonably necessary. The physician so prescribing, or furnishing such drugs to an habitual user must personally furnish, by registered mail, to the division of narcotic enforcement within five days after first prescribing or furnishing said drug, a detailed report containing the name of the patient, the character of the injury or ailment, the quantity and kind of drug used and a statement as to whether or not the patient is an addict. The physician so administering said drugs shall keep a record of the person to whom such drugs were administered, the date of such administration, and the pathology for which said drugs were administered, which record shall be preserved for two years and shall at all times be open to inspection by the inspectors of the division of narcotic enforcement and the inspectors of the state board of pharmacy. The division of narcotic enforcement may employ a licensed physician to interview and examine any patient for whom any of said drugs have been prescribed or to whom any of such drugs have been furnished or administered, and who is an habitual user of any of said drugs, and such patient shall submit to such interview and examination and shall not in any manner hinder or impede such interview or examination. The physician so employed by the division of narcotic enforcement to conduct such interview and examination shall report the results of said examination and interview to the division of narcotic enforcement, and said physician so employed may testify in any action brought under the provisions of this act or in any hearing before the state board of medical examiners and such testimony shall not be privileged. Any person violating any provision of this section is guilty of a misdemeanor.

Report of treatment.

Record of treatment

Examination of addicts

Penalty

Opium smoking.

SEC. 3. It shall be unlawful for any person to open or maintain, to be resorted to by other persons, any place where opium, or any of its preparations, or hemp or loco weed (*cannabis sativa*), Indian hemp, or extracts or preparations thereof, is sold or given away to be smoked on the premises.

SEC. 4. Every person who visits or resorts to any place described in the foregoing section for the purpose of smoking opium or its preparations, or hemp or loco weed (*cannabis sativa*) or its preparations, is guilty of a misdemeanor.

SEC. 5. It is hereby made the duty of the district attorney of the county wherein any violation of this act is committed to conduct all actions and prosecutions for the same; *provided, however,* that the chief of the division of narcotic enforcement of the State of California may employ special counsel to assist the district attorney in such actions and prosecutions; *provided, further,* that no attorney employed as special counsel shall receive as compensation therefor any sum in excess of four thousand dollars in any one year. Prosecutions

SEC. 6. Any person convicted under this act for selling, furnishing, or giving away, or offering to sell, furnish or give away, any of the drugs or substances or their derivatives mentioned in section 1 of this act, shall upon conviction for the first offense be punished by imprisonment in the county jail or in the state prison for not less than six months nor more than six years and for the second and each subsequent offense, shall be imprisoned in the state prison for not less than one year nor more than ten years. Punishments sale or disposition

SEC. 7. Any person convicted under this act for having in possession any of the drugs or substances mentioned in section 1 of this act, or their salts, derivatives, or any preparation thereof, or of violating the provisions of section 3 hereof, shall upon conviction for the first offense be punished by imprisonment in the county jail or in the state prison for not more than six years, for the second and each subsequent offense of which said person so convicted shall be found guilty, said person shall be punished by imprisonment in the county jail or in the state prison for not less than six months nor more than ten years. Possession

SEC. 8. Any person who shall hire, employ, or use, any minor in unlawfully transporting, carrying, selling, preparing for sale, peddling, or using any of the drugs mentioned in section 1 hereof, shall upon conviction thereof be deemed guilty of a felony and shall be punished by imprisonment in the state prison for not less than one year nor more than six years, and for each subsequent offense upon conviction be imprisoned in the state prison for not less than six years. Employment of minor

SEC. 9. Any person who shall forge or alter any prescription, or who shall utter any prescription bearing a forged or fictitious signature, for any drugs specified in section 1 of this act or who obtains any such drugs by any forged, fictitious or altered prescription or who has in possession any such drugs secured by such forged, fictitious or altered prescription, shall upon conviction for the first offense be punished by imprisonment in the county jail or in the state prison for not less than six months nor more than six years, and for each subsequent offense shall be imprisoned in the state prison for not less than one year nor more than ten years. Forging or altering prescriptions.

SEC. 10. Any person violating any of the provisions of this act, except those for which a penalty is otherwise in this act specifically provided, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than thirty Other offenses

Disposition
of fines and
forfeitures

dollars, nor more than five hundred dollars, or by imprisonment for not less than thirty days, and not more than one hundred eighty days, or by both such fine and imprisonment. All moneys, forfeited bail or fines received under the operation of this act shall be sent without delay by the magistrate receiving same, seventy-five per cent to the state treasurer to be deposited in the state treasury and twenty-five per cent to the city treasurer of the city, if incorporated, otherwise to the county treasurer of the county in which the prosecution is conducted.

Seizure and
destruction
of drugs and
appliances

SEC. 11. All drugs and substances specified in section 1 and also all pipes used for smoking opium (commonly known as opium pipes) or the usual attachments thereto, flowering tops and leaves, or extracts, tinctures, or other preparations, of hemp, or loco weed, their preparations or compounds containing more than four grains of Indian hemp or loco weed to each fluid or avoirdupois ounce (except corn remedies containing not more than fifteen grains of the extract or fluid extract of hemp to the ounce, mixed with not less than five times its weight of salicylic acid combined with collodion), may be seized by any peace officer, and in aid of such seizure a search warrant or search warrants may be issued in the manner and form prescribed in chapter three of title twelve of part two of the Penal Code. All such drugs, pipes used for smoking opium (commonly known as opium pipes) or the usual attachments thereto, and all such hemp or preparation of hemp or loco weed seized under the provisions of this act shall be ordered destroyed by the judge of the court in which final conviction was had; said order of destruction shall contain the name of the party charged with the duty of destruction as herein required; *provided, however*, that the judge shall turn all such evidence over to the division of narcotic enforcement of the State of California for such destruction; *and provided, further*, that any drugs specified in section 1 hereof, opium pipes and the usual attachments thereto, or smoking opium, seized under the provisions of this act, now in the possession of any city or county official or officials, or the California state board of pharmacy, or said narcotic division, or which may hereafter come into their or its possession, in which no trial was had, shall be delivered to the division of narcotic enforcement for destruction; *provided, however*, that none of the drugs specified in section 1, opium pipes and the usual attachments thereto, or smoking opium coming into the possession of said division as above described, shall be destroyed within a period of six months from the date of such seizure; *and provided, further*, that the said narcotic division may dispose of all narcotics now on hand or hereafter coming into their possession (other than smoking opium), either by gift to the medical director of California state prisons or state hospitals or by sale to wholesale druggists, the funds received from such sales to be deposited in the state treasury.

SEC. 12. The California state board of pharmacy may revoke the registration of any registered pharmacist or assistant pharmacist upon conviction of violating any of the provisions of this act, and in such case said registration shall not be restored before the period of one year from the date of said revocation.

Revocation of registration

SEC. 13. It is hereby made unlawful for any person to sell, vend, give away, or furnish, either directly or indirectly, to any person other than a duly licensed physician, licensed to practice and prescribe medicines in this state, or a nurse duly registered under the laws of the State of California, or to a dentist or a veterinarian, or a pharmacist licensed to practice in this state, or person holding an unrevoked license to practice osteopathy, an instrument commonly known as a hypodermic syringe, or an instrument commonly known as a hypodermic needle, without a written, signed order from a duly licensed physician, dentist or veterinarian licensed to practice and prescribe medicine in this state, said order to contain the name and address of the party for whom ordered; or for any person other than a physician, dentist, registered nurse, veterinarian or pharmacist licensed to practice in this state, to have in his possession such an instrument commonly known as a hypodermic syringe or an instrument commonly known as a hypodermic needle, or an instrument or contrivance used for the same purpose as a hypodermic syringe or hypodermic needle, unless said instrument or contrivance was purchased by said person through and with a written order signed by a duly licensed physician, dentist or veterinarian licensed to practice and prescribe medicine in this state or person holding an unrevoked license to practice osteopathy, as above provided. No order, certificate or prescription shall be for more than one hypodermic syringe or for more than three hypodermic needles and no copy of duplicate of such order shall be made for or delivered to any person and said order or prescription shall be accepted and filled only once; *provided, however*, that the above restrictions shall not prevent any duly registered nurse of this state or student nurse in any hospital or training school for nurses from obtaining or possessing any hypodermic syringe and hypodermic needles when working under the immediate direction and supervision of a licensed physician or licensed dentist; *provided, further*, that the board of pharmacy may upon application and at its discretion issue a permit, revocable at the discretion of the said board, to any duly registered pharmacist, for a limited period, permitting and authorizing such pharmacist to sell and dispense hypodermic syringes and needles for specific purposes, to persons not addicted to the use of the drugs enumerated in section 1 of this act, and sales made under the authority of and in conformity with the terms of such permit shall not be construed to be in violation of the provisions of this section.

Regulation of traffic in hypodermic syringes and needles

Definitions

SEC. 14. For the purpose of this act the terms veterinarian, dentist, pharmacist shall be construed to mean and shall refer only to persons who hold valid, unrevoked certificates to practice their respective professions in this state, issued by their respective examining boards in California. The term "physician" or "duly licensed physician," or "physician duly licensed to practice in this state," or "duly licensed physician licensed to practice and prescribe medicine in this state," or "practitioner of medicine," or "licensed physician," shall be deemed to mean and refer only to persons holding a valid and unrevoked physician's and surgeon's certificate, or certificate to practice medicine and surgery, issued by the board of medical examiners or the board of osteopathic examiners of the State of California or under the terms of provisions of any preceding medical practice act of the State of California.

Seizure and forfeiture of vehicles used to transport drugs

SEC. 15. Any automobile or other vehicle used to convey, carry or transport any of the drugs mentioned in section 1 of this act, which are not lawfully possessed or transported, is hereby declared to be forfeited to the state, and may be seized by any duly authorized peace officer and when such seizure is made shall be considered as part of the evidence under this act and the magistrate shall upon conviction of the party charged with the violation of said act, turn the automobile or other vehicle over to the department of finance of the State of California and said department of finance shall deliver to the division of narcotic enforcement of the State of California such number of said automobiles or other vehicles as may be needed by the said narcotic division in enforcing the provisions of this act; *provided*, that nothing contained herein shall apply to common carriers, or to an employee acting within the scope of his employment under this act.

Constitutionality

SEC. 16. If any section, subdivision, sentence, clause or phrase of this act be for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act, and the Legislature hereby declares that it would have passed this act and each and every other section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases of this act be declared unconstitutional.

Act not retroactive

SEC. 17. This act shall not affect any act done, ratified, or confirmed, or any offense committed, or any action or proceeding had or commenced in a civil or criminal cause before this act takes effect.

CHAPTER 217.

An act to amend section 12 of the state medical practice act, approved June 2, 1913, as amended, relating to commissioned officers in the medical corps of the army, navy and public health service of the United States.

[Approved by the Governor May 4, 1929 In effect August 14, 1929]

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

SECTION 1. Section 12 of the state medical practice act, approved June 2, 1913, as amended, is hereby amended to read as follows: Stats 1917,
p 104,
amended

Sec. 12. Any medical director, medical inspector, passed assistant surgeon, or assistant surgeon of the United States navy, honorably discharged or temporarily detached, or placed upon the retired list without being discharged or on active duty, from the medical department of the United States navy, or who by resignation has honorably severed all connection with the service, and any surgeon of the United States army, honorably discharged, or temporarily detached or placed upon the retired list without being discharged or on active duty from the medical department of the United States army, or who by resignation has honorably severed all connection with the service and any commissioned officer, viz: surgeon general, assistant surgeon general, senior surgeon, surgeon, passed assistant surgeon and assistant surgeon of the United States public health service on active duty with such service, temporarily detached or who has honorably severed all connection with the United States public health service, is hereby authorized to practice medicine and surgery within the State of California by filing a sworn copy of his discharge, if he be discharged, or of the order temporarily detaching him or the order placing him upon the retired list, with the state board of medical examiners or by proving to the satisfaction of the board that by resignation he has honorably left the service of either the army or navy, and paying said board a fee of fifty dollars, of which sum forty dollars shall be returned to the applicant should a certificate not be issued; *provided*, that when it appears to the satisfaction of the board, that in the year in which the applicant was appointed or commissioned in the United States army, navy or public health service, that the requirements of such service for such appointment or commission, were in any degree or particular less than those which were required for the issuance of a similar certificate to practice in California at the date of such issuance, then the board in its discretion may require the applicant to pass a practical, clinical, oral examination given by the board of medical examiners of the State of California before a certificate shall be issued or said board may in its discretion refuse to issue such certificate; *provided, further*, that the provisions of this Army and
navy surgeons
authorized
to practice Fee When exami-
nation may
be required
or certificate
refused Exceptions,

section shall not apply to any contract surgeon in the United States army, navy or public health service, and shall not apply to any officer of the medical reserve corps of said army, navy or public health service.

CHAPTER 218.

An act to amend the "California water storage district act," approved June 3, 1921, as amended, by amending sections 4, 17, 18, 19, 21, 32, 35, 40, 51, 64b, 64c, 64d, 64e, 64f, 64g, 64h and 68 of said act.

[Approved by the Governor May 4, 1929 In effect August 14, 1929.]

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

Stats 1923,
p. 942,
amended.

SECTION 1. Section 4 of the "California water storage district act," approved June 3, 1921, as amended, is hereby amended to read as follows:

Petition
to state
engineer

Sec. 4. In order to propose the organization of a water storage district, a petition signed as provided in the preceding section setting forth generally the boundaries of the proposed district or describing the lands situated therein, and the location proposed for the storage of water to be used for such irrigation, any drainage or reclamation connected therewith, and any incidental development of hydro-electric energy, and the nature of the proposed works, and praying that the territory embraced within said proposed district may be organized as a water storage district under the provisions of this act, shall be presented to the state engineer. The petition may consist of any number of separate instruments, and must be accompanied with a good and sufficient undertaking, to be approved by the state engineer, in double the amount of the probable cost of organizing such district as estimated by said state engineer, conditioned that the sureties shall pay all of said costs in case said organization shall not be finally effected, and said state engineer shall have power to require the furnishing of any additional undertaking, or undertakings, or payments of money, in case he should deem the same necessary. Upon the presentation and filing of said petition and undertaking in the office of the said state engineer the said engineer shall forthwith fix a time and place at which he will hear said petition, which place shall be either the office of the state engineer at Sacramento or some place within the county, or one of the counties, within which any portion of the lands of said proposed district are situated and which time shall be not less than thirty nor more than sixty days after the presentation and filing of said petition. Said petition, together with a notice stating the time and place of the hearing so fixed by said

Bond for
costs

Time and
place of
hearing

Publication
of petition
and notice.

engineer, shall be published in each county in which any of the lands of said proposed district are situate by said state engineer once a week for three successive weeks before said hearing. Said notice shall be issued by said state engineer, shall refer to said petition, and shall be directed to the persons named as petitioners therein, and to all other persons holding title or evidence of title to any lands included within the water storage district proposed in said petition, and to all other persons who may be interested in or affected by the project contemplated in said petition, and shall be substantially in the following form :

Before the state engineer, State of California.

Form of
notice

To the persons named as petitioners in the foregoing petition, to all persons holding title or evidence of title to lands included within the water storage district proposed therein ; and to all other persons who may be interested in or affected by the project contemplated in said petition :

You, and each of you, are hereby notified that the foregoing petition was filed with the state engineer on the ----- day of ----- and will be heard by said engineer at ----- on the ----- day of ----- at the hour of --- m. of that day, at which time and place said engineer will hear and receive evidence in support of said petition or any objections which may be presented thereto, and will hear and determine the right of all parties holding title or evidence of title to lands not included in the water storage district proposed in said petition, but which lands are already irrigated or susceptible of irrigation from the same common source and by the same system of storage and irrigation works as are particularly referred to and described in said petition, to have said lands included in said district.

This notice is given pursuant to the provisions of an act, approved June 3, 1921, and known as California water storage district act, to which said act particular reference is hereby made.

Dated-----

State Engineer.

When contained upon more than one instrument one copy only of said petition need be published but the names attached to all said instruments must appear in such publication. Signatures to the petition may be withdrawn at any time before the publication is commenced as in this section required, by filing a declaration signed by the petitioner, with the state engineer, stating that it is the intention of the petitioner to withdraw therefrom, which declaration shall be acknowledged in the same manner as conveyances of real estate are required to be acknowledged.

Withdrawal
of signatures

The notice herein in this section provided to be published, shall not be published until five days after the presentation and filing of said petition and undertaking in the office of said state engineer as herein provided.

Time for
commencing
publication

Stats. 1927,
p. 1240,
amended.
Examination
and study of
proposed
project

SEC. 2. Section 17 of said act is hereby amended to read as follows:

Sec. 17. The board of directors shall upon the organization of a water storage district as in this act provided, proceed to make or cause to be made, all such examinations, surveys, detailed plans and specifications, and estimates of costs for the acquisition, appropriation, diversion, storage, conservation and distribution of water, any drainage or reclamation works connected therewith, and the generation of hydro-electric energy incident thereto, and the sale and distribution thereof, as may be necessary or requisite to enable said board of directors to ascertain and estimate the requirements and works necessary as aforesaid, for the purpose of said water storage district, and the probable cost and expense thereof, and to make a report thereof as hereinafter provided, in which connection said board may use and adopt all previous estimates, surveys, reports and other data it may have acquired or which are available to it, adapted to that purpose, and may employ all necessary engineers, attorneys and other assistants for the accomplishment of said purposes, and the cost thereof shall be deemed a part of the expense of said project, and such board may issue warrants therefor, which shall be payable out of the funds of said district and may be included in any bond issue authorized for the purposes of said district.

Report of
proposed
acquisitions

If the board of directors proposes to acquire any property of any kind or character, or any interest or easement therein for the purposes or use of said water storage district by purchase or lease, or in any manner other than by condemnation proceedings, that fact shall be stated in their said report and a true copy or copies of any instrument or instruments evidencing such proposed acquisition of such property, interest or easement therein, or the right to acquire same shall be made a part of said report.

Property of
water corpo-
rations.

Except where it is proposed to be acquired by eminent domain proceedings no property of any kind or interest therein belonging to any water corporation which is a public utility, shall be acquired by a water storage district, nor shall any such properties of such public utility be included in the report of the directors in this paragraph provided for, unless and until the railroad commission of California shall have first made its order authorizing such sale and such abandonment or curtailment of service by such public utility as would result from the acquisition by said water storage district of said properties of such public utility.

Authoriza-
tion by
railroad
commission

A certified copy of any order of authority so made by the said railroad commission shall be made a part of and filed with said report of said board of directors and unless such order of the railroad commission in effect finds and declares that such sale and such abandonment or curtailment of service of such public utility through the acquisition of such properties by the water storage district will be to the interest of the con-

sumers of such public utility and that the terms and conditions of such acquisition of such properties of such public utility by the water storage district is fair, just and equitable to the consumers of such public utility, such report shall be deemed insufficient for any of the purposes of this act.

Said board of directors may at their option segregate and divide the plans, specifications and estimates of cost into one or more units of construction, and may in said plan provide that one or more individual units of construction shall not be entered upon immediately, but shall be authorized and undertaken in such order and at such future time as the board of directors shall thereafter determine. Upon the completion of said examination and study of the proposed project by the said board of directors, the said board shall prepare and file in the office of the state engineer, and a true copy thereof in the office of the secretary of said board, a report thereof, in which said report shall be set forth in full and in detail the character and nature of the proposed works, a description of the rights both to waters and lands it will be necessary to acquire to carry said project to completion, accompanied by detailed plans and specifications, and a detailed estimate of the cost of said project, including the acquisition of all rights, necessary to the completion and operation thereof. The board of directors shall attach to said report a recommendation that said project shall be carried out in accordance with the plans and specifications in said report contained, or that said project be abandoned. Such report when completed shall be signed by a majority of the board of directors, and entered in full upon the minutes of said board. If said board shall determine to segregate and divide the plans, specifications and estimates into more than one unit of construction, such plans, specifications, and estimates shall be complete as to each unit, and the board shall in its report specify the particular unit or units the construction of which shall be immediately entered upon and the particular unit or units reserved for future action.

Division of costs.

Report to state engineer

If the board of directors of any district organized under this act shall fail, neglect, or refuse to complete and file its said report within ten years from the date of the filing of the order of the state engineer declaring said district duly organized as provided in section 11 hereof, the project of said district shall be deemed abandoned and the board of directors thereof shall within ninety (90) days thereafter, pay all outstanding debts and claims against said district and shall within said time remit to the assessment payers of said district in proportion to the amount paid by said assessment payers on the last call or assessment levied by said board of directors, the balance of any funds then remaining with the treasurer of said district or to its credit with the county treasurer or county treasurers within which the lands of said district are situated. Nothing herein contained shall affect, impair, modify or invalidate in any way any report which has already been adopted or approved at an election within the district;

Abandonment by failure to file report.

and the district and the directors thereof may proceed with such report as so originally adopted.

Stats 1927,
p. 1241,
amended

SEC. 3. Section 18 of said act is hereby amended to read as follows:

Procedure
where aban-
donment is
recom-
mended

SEC. 18. If the said board of directors recommends that said project be abandoned the state engineer shall make such further investigation of said project as is in his judgment desirable and shall within sixty days after the filing of said report make and enter upon the records kept by him an order either (a) approving and confirming the said report and recommendation and declaring said project abandoned, which said order shall be without prejudice to the presentation of another petition covering the same matter, or (b) approving and adopting the said report but taking no action with respect to the said recommendation, and calling another election to be held in the district for the purpose of determining whether or not the recommendation of said board of directors shall be

Election

adopted or rejected. In the event the said order so made and entered by the state engineer shall call an election, said state engineer shall within thirty days after the entry of said order give notice of such election. Said notice shall be published once a week for at least three weeks previous to such election in each county in which any land in the district is situated. Said notice shall require ballots to be cast, which shall contain the words "Completion of project—Yes" or "Completion of project—No." For the purposes of said election the state engineer must establish a convenient number of election precincts in said district and define the boundaries thereof and said state engineer at the time of calling said election shall in his order designate voting places and appoint three land holders of the district to act as a board of election at each voting place. Such election shall be conducted as nearly as practicable in accordance with the provisions of this act relating to general water storage district elections, but no particular form of ballot shall be required. The qualification of voters at said election shall be the same as prescribed for the original election on organization of district, and the votes cast at said election shall be canvassed in the same manner as votes cast at said original election, and the result of such election shall be declared and entered of record in the minutes of the board. If such result shall show more than one-half of all the votes cast are "Completion of project—No," or that more than one-half of the qualified voters who voted at said election voted "Completion of project—No," the state engineer shall make and enter in his records an order declaring said project abandoned, and requiring all persons, except the holders of warrants issued pursuant to the provisions of this act and which have been duly presented for payment, having claims against said district, or proposed district, to file them with the necessary vouchers within three months from the making of said order in the office of said state engineer. Notice of said order requiring presentation of claims stating the time

Order
declaring
project
abandoned

and place thereof shall be published in the county in which the office of the district is located by said state engineer once a week for four successive weeks, the first publication of which said notice shall be made within ten days after the making of said order. After all warrants issued under the provisions of this act which have been duly presented for payment and all claims that have been duly presented and have been allowed and approved by said state engineer or the board of directors of said district, have been paid, said state engineer shall forthwith cause a copy of said order declaring said project abandoned, duly certified by said state engineer, to be filed for record in the office of the county recorder of each county in which any portion of the land embraced in said district is situated, and from and after such filing said district shall be deemed dissolved and all liens which may have attached to any of the lands therein under any provisions of this act shall be discharged and any undertaking given pursuant thereto shall be annulled and of no further effect. If the canvass of the votes cast at such election show more than one-half of all votes cast are "Completion of project—Yes" and also shows that more than one-half of the qualified voters who voted at said election voted "Completion of project—Yes" said state engineer shall thereupon appoint the commissioners provided for in section 19 of this act and thereafter such proceedings shall be taken and followed as are provided in said section 19 and subsequent sections of this act.

Procedure where result of election favors completion

SEC. 4. Section 19 of said act is hereby amended to read as follows:

Stats 1927, p 1242 amended.

Sec. 19. If the board of directors recommends that said project be carried out in accordance with the plans and specifications in its said report contained, the state engineer shall make such further investigation of such project as is in his judgment desirable and shall as soon as possible after the expiration of sixty days after the filing of said report make and enter upon the records kept by him an order either approving and confirming said report and recommendation or disapproving the same. Pending final approval or disapproval by the state engineer, the board of directors may amend, modify, or supplement their report and the plans, specifications and estimates and other matters accompanying the same, either on their initiative or in response to suggestions by the state engineer.

Procedure where completion is recommended

Immediately after making and recording such order, the state engineer shall call a district election for the purpose of determining whether such recommendation and report shall be adopted, such election to be noticed, held, and conducted and the result thereof determined and declared in all respects as nearly as possible as provided in section 18 of this act, the notice of election to state whether such report and recommendation is approved or disapproved by the state engineer.

Election

Result of
election

If the result of such election shows that more than one-half of all votes cast are "Completion of project—No" or that more than one-half of the qualified voters who voted at said election voted "Completion of project—No," the project shall be deemed abandoned and proceedings shall be thereafter taken as provided in section 18 in case of abandonment. If the result of such election shows a majority of all votes cast are "Completion of project—Yes" and also shows that a majority of the qualified voters who voted at said election voted "Completion of project—Yes," said report and recommendation shall be deemed to be adopted by the district. In case of the adoption of said report and recommendation the state engineer shall forthwith appoint three (3) commissioners whose duty it shall be to assess the cost of the project, or in the event said board shall have divided the project into units of construction, the cost of the unit or units specified for immediate construction, upon the benefited lands within the district, and the said cost shall be apportioned in accordance with the benefits that will accrue to each tract of land held in separate ownership in said district by reason of the expenditures of said sums of money, and the completion of the project, or such unit or units thereof as have been specified for immediate construction, such assessment to be in gold coin of the United States; *provided, however,* that if the project shall include plans for the generation of electric power, then the commissioners shall ascertain the total cost of all the properties which are necessary to be used in connection with the generation of electric power as set forth in said plan, and shall also ascertain what portion of the assessment of benefits to accrue to each tract made as herein provided consists of costs of the properties which are necessary to be so used; *and provided, further,* that where any such tract of land consists of more than one section such apportionment to such tract of land shall be made according to legal subdivisions thereof or to other boundaries sufficient to identify the same in subdivisions not greater than one section in area, but any failure or defect in complying with this requirement shall not invalidate said apportionment or said assessment. One of said commissioners shall be a civil engineer and one shall have a practical knowledge of irrigation, and none of said commissioners shall have any interest in any land in the district either directly or indirectly, and each commissioner before entering upon his duties shall take and subscribe an oath that he is not in any manner interested directly or indirectly in any land in the district and that he will perform the duties of commissioner to the best of his ability, and said commissioners shall be paid as compensation for the services rendered by them such sum, or sums, as the state engineer shall fix and determine, which shall be considered a part of the cost of the project, and said state engineer may issue warrants therefor, which shall be payable out of the funds of said district and may be included in any bond

Commission-
ers to assess
cost.

Qualifications
of commis-
sioners

issue authorized for the purposes of said district. The said commissioners shall receive from the board of directors of the district a copy of the detailed plans, specifications, and estimate of the costs of the project, which have been duly filed with the state engineer. The said commissioners shall thereupon prepare and certify to the state engineer in triplicate rolls which shall contain :

Preparation
and contents
of triplicate
rolls.

(1) A description of each tract held in separate ownership by legal subdivisions, governmental surveys or other boundaries sufficient to identify the same; *provided, however*, that if any area composed of more than one tract held in separate ownership is not assessed because the lands therein will not be benefited by the expenditure of the funds to be raised by the assessment, a description of such area as a whole without a description of each tract thereof shall be sufficient;

(2) The number of acres in each tract;

(3) The name and address of the owner of each tract, if known, and if unknown, that fact, but no mistake or error in the name of the owner or supposed owner of the property assessed, and no mistake in any other particular, shall render the assessment thereof invalid;

(4) The rate per acre of such assessment upon each tract assessed or if no assessment is made upon any tract, or area composed of more than one tract, a statement of that fact;

(4½) The rate per acre of such assessment upon each tract assessed for the costs of the properties which are necessary to be used in connection with the generating of electric power, or if no assessment of such costs is made upon any tract, or area composed of more than one tract, a statement of that fact;

(5) The total amount of the assessment as computed;

(6) Any other statement which may be required by the state engineer and as to which notice is given in writing to the commissioners at the time of transmitting the plans and specifications and costs of the work for the district before mentioned.

The roll shall be separately made for lands lying within different counties contained within said district. Said rolls when completed shall be accompanied by the written report of the commissioners wherein is set out with particularity the exact nature and quantum of the benefits so assessed, both in respect of the right in and to stored surplus waters, and the right to store water in the reservoir or reservoirs of the district, apportioned and allocated to each such tract of land in said district and also through any drainage or reclamation work connected therewith and also the portion of the assessment attributable to the cost of the properties which are necessary to be used in connection with the generation of electric power. In such report lands embraced within a comprehensive area or a political subdivision of the state may be referred to generally as lands lying within such area or subdivision without further description.

Report of
commis-
sioners.

Said rolls when completed shall be duly certified by said commissioners and forthwith by them filed in the office of the state engineer. Said state engineer shall forthwith transmit

Certification
and filing
of rolls.

Adjustment
board to
equalize
assessments.

two copies of said rolls to the board of directors of said district, who shall file one copy in their records and thereupon transmit to the county treasurer of each county within such district that portion of the roll relating to the lands within such county. Thereafter the executive directors and the president of the board of directors of the water storage district in which the lands described in said rolls are situated shall become and constitute a board, in the nature of a board of equalization, which shall be known and designated as the "adjustment board" and whose functions shall be to consider and act upon objections, if any, presented as herein provided to the assessment made by said commissioners. For that purpose said adjustment board shall at once organize by the election from its members of a president and a secretary and shall thereupon appoint times and places not less than thirty days after said rolls have been filed in the records of said board of directors when and where it will meet within each county wherein lands of said district are situated for the purpose of hearing objections to said assessments, and notice of such hearing shall be published at least once a week for two successive weeks in each county in which any land within said district may be situated. Said objections, if any, must be in writing verified and filed with the state engineer, and shall set forth the grounds of such objections. Such verification shall be made by the affidavit of the objector or some other person who is familiar with the facts. Said adjustment board may postpone such hearings from time to time. At such hearings the adjustment board shall hear such evidence as may be offered touching the correctness of such assessment, and may modify, amend, or approve the said assessment in any particular and may reapportion the whole or any part thereof; *provided, however*, that no assessment shall be increased except after personal notice or notice by registered mail given to the owner, if known, by depositing in the post office at the place in which the office of said district is located, in a sealed envelope addressed to each of such owners at his last known, if any, place of residence or business, otherwise at the county seat of the county in which any portion of his lands are situated, with full postage paid, at least two weeks before said hearing, or if unknown by publication at least once a week for two successive weeks in the county in which said land in the district may be located, and upon a hearing of objections thereto if made.

Order and
approved
assessment
roll.

Said adjustment board, after said hearings, must make an order approving such assessment as finally fixed or modified, which order shall be filed with and entered in the records of the state engineer, and the apportionment and determination of said adjustment board shall be final and conclusive, and no action or defense shall ever be maintained attacking the same in any respect. Two copies of said assessment roll as finally fixed and approved by the adjustment board shall be forthwith certified by the secretary of such adjustment board

and transmitted to the board of directors of the said district, who shall file one copy in their records and thereupon immediately transmit to the county treasurer of each county within such district that portion of the roll relating to the lands within such county together with a copy of the order of approval of such assessment roll by said adjustment board. Thereafter said assessment roll shall be conclusive evidence before any court or tribunal that said assessment has been made and levied according to law.

When the board of directors shall file with the county treasurer of a county within such district the said assessment list or roll as finally approved as hereinbefore provided the charges assessed thereby upon the several tracts of land within the county shall constitute a lien thereon which shall be prior to all other liens except state, county and municipal taxes, and assessments or taxes levied or assessed by or under statutory authority and shall impart notice thereof to all persons. Where bonds of such district have been issued upon any such assessment no act or conduct on the part of such board of directors, or any officer herein mentioned, shall invalidate any such assessment after the same shall have become a lien in the manner herein provided.

Lien of assessments

In the event of the division of the project into units of construction, and the specification of one or more units for future construction, the board of directors shall at such time as it shall determine upon the construction of any such unit or units, pass a resolution to that effect and cause a certified copy thereof to be transmitted to the state engineer. At such time the board may amend the plans, specifications and estimates of costs of such unit or units by making such changes therein, modifications thereof, and additions thereto, as it shall deem desirable, and in the event of any such change, modification, or addition, the board shall cause to be filed with the state engineer, the plans, specifications and estimates of costs of such unit or units as amended. Upon receipt by the state engineer, of such certified copy of resolution and such amended plans, specifications and estimates of cost, if any, the same proceedings for levying, approving and collecting an assessment to meet the cost of the unit or units to be constructed shall be had as hereinbefore provided for an assessment to meet the cost of the unit or units first constructed.

Construction of additional units

Any proceedings taken under this section prior to the going into effect of this act amending the same, and conforming to said section as it read before such amendment, shall not be invalidated by the passage of this act, but all subsequent proceedings shall be taken into accord with said section as so amended.

Effect of amendment

SEC. 5. Section 21 of said act is hereby amended to read as follows:

Stats 1927, p. 1247, amended

Sec. 21. At the end of thirty days the county treasurer must make return to the board of directors of the district of all assessments paid. All unpaid assessments shall bear inter-

Payment of unpaid assessments

est at the rate of seven per cent per annum. Thereafter all unpaid assessments and accrued interest shall be collected when and as called, and paid to the treasurer of the county or counties, who shall collect and hold such moneys to the credit of the district. Unless bonds shall have been authorized as hereinafter provided, all such payments shall be made in such amounts or installments and at such times respectively as the said board, from time to time, in its discretion, by order entered in its minutes, may direct. Upon making any order fixing and calling such installment or amount, the secretary shall also enter in the minutes of the board, and certify to each county treasurer for signature and mailing or publication in the counties in which any lands within the district are situated a notice in substantially the following form:

Notice.

(Name) water storage district. (Location of the principal place of business.) Notice is hereby given that at a meeting of the board of directors held on-----an installment of -----per cent of assessment number----was ordered paid within sixty days from the date thereof to the respective county treasurers of the counties wherein lands of such district are situate. Any installment which shall remain unpaid on the (day fixed) will be delinquent, together with the accrued interest thereon, with ten per cent of such installment and interest added as penalty.

(Signed)-----

Treasurer of-----County.

Such notice must be sent through the mail, addressed to each owner of land in the district at his place of residence if known, and if not known, at the place where the principal office of the district is situated, or in lieu thereof such notice shall be published once a week for two consecutive weeks in each such county.

Delinquent
installments

If any such installment shall remain unpaid at the expiration of said sixty days from the date of the order, then the said installment of said assessment shall become delinquent, together with the accrued interest thereon and a penalty of ten per cent of the amount of said installment and interest shall be added thereto and collected for the use of the district.

Delinquent
list.

Immediately after the said installment has become delinquent the said county treasurer or county treasurers must prepare and as soon as the same is complete publish once a week for two consecutive weeks in each county wherein lands of the district are situated, in one notice a list of all delinquencies in such county, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed or a statement that it is assessed to unknown owners, if such is the fact, the amount then due on said property, and a notice that the property assessed will be sold on the date therein stated in front of the courthouse of said county to pay the amount then due on said property. The date of said sale shall not be less than ten days after the date of the last publication of said notice. At the time stated in said notice, or such other time to which said sale

Sale for
nonpayment

may have been postponed, the county treasurer must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the county treasurer must deposit the amount due on said property as shown in said notice to the proper fund of the said district. The county treasurer must pay to the owner of said property any surplus remaining after said deposit to the credit of the district, after first deducting any expense of sale. Except where bonds have been issued upon an assessment the board of directors may direct the county treasurer to postpone said sale from time to time, for not less than ten nor more than thirty days at one time, by a written notice posted at the place of sale.

If no bid is made for said property equal to the amount due thereon, it must be struck off to the district for the said amount so due. A certificate of such sale shall be executed by the county treasurer to the purchaser, or to the district if the property shall have been struck off to the district, and this certificate of sale shall be recorded in the office of the county recorder of said county. Any person interested in said property may redeem the same at any time within three years after the date of said sale, by paying to the county treasurer the amount for which the said property was sold, and interest on the said sum at the rate of one per cent per month from the date of said sale, which amount shall be credited to the proper fund of said district.

If no redemption shall be made within said three years, the purchaser or the district, if the property shall have been sold to the district, shall be entitled to a deed executed by the county treasurer or his successor in office, and the effect of such deed shall be to convey said property free and clear of all liens and incumbrances except state, county and municipal taxes, assessments or taxes levied or assessed by or under statutory authority and any water storage district assessment or portion thereof remaining unpaid at the date of said sale, each installment whereof may be called and collected as herein provided. The board of directors may sell such property sold to the district at any time at public auction after notice given for the same period and in the same manner as is herein provided for sale of delinquent assessments, but not for a sum less than the amount for which said property was sold, with interest at seven per cent per annum, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances except as herein above provided for said deed by the county treasurer.

SEC. 6. Section 32 of said act is hereby amended to read as follows:

Sec. 32. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any construction or supply contract awarded or to be awarded by the board, or in the profits to be derived therefrom, but no other character of contract shall be invalid because of interest on the part of a director or officer, unless such director or officer participate in or influence the making or authorization of such con-

Certificate
of sale

Redemption

Deed to
purchaserStats 1927,
p 1265,
amendedInterest of
officers in
contracts

Punishment. tract on behalf of the district; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor and conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Stats 1921,
p 1756,
amended
Election
precincts **SEC. 7.** Section 35 of said act is hereby amended to read as follows:

Sec. 35. The board of directors of a water storage district shall establish a convenient number of election precincts in the district and define the boundaries thereof and at least one such precinct must be established for each division of the district, and said board whenever it is deemed advisable for the best interests of the district and the convenience of the voters may at any time, but not less than sixty days before an election to be held in the district change the boundaries of any such election precinct, which changes when made must be entered upon the minutes of the board.

Redivision
of districts

After any such district shall have adopted its project, the state engineer shall, not less than sixty days prior to the next general election thereafter to be held in said district, but not otherwise, redivision the said district by dividing the same into the same number of divisions into which the said district had heretofore been divided, but changing the basis of said divisions and the boundaries thereof so that said divisions shall be as nearly equal as to the number of landowners entitled to vote therein as may be conveniently possible. Said order of the state engineer shall be filed in the office of said state engineer, and a copy thereof certified by said state engineer filed in the office of the secretary of said district. Thereafter, said board of directors shall at its next regular meeting establish a convenient number of election precincts in each of said new divisions and no precinct shall include any lands situate in more than one of said divisions. The directors theretofore in office at the time said new divisions are established shall continue to hold for the divisions from which they were elected until the expiration of the terms for which said directors were elected, but their successors, and the successors of each of them, shall be elected from said new divisions in accordance with the provisions of this section.

Stats 1921,
p 1757,
amended.

SEC. 8. Section 40 of said act is hereby amended to read as follows:

Oaths of
election
officers.

Sec. 40. The inspector is chairman of the election board and may administer all oaths required in the process of an election; and appoint judges if, during the progress of the election, any judge ceases to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the board must take and subscribe an oath to faithfully perform the duties imposed upon him by law. Any voter of the precinct may administer and certify such oath. The polls

must be opened at six a.m. on the morning of the election, and be kept open until seven p.m., when the same must be closed.

SEC. 9. Section 51 of said act is hereby amended to read as follows:

Stats 1921.
p. 1763.
amended

Sec. 51. For all purposes of this act relating to signing petitions and voting at any election, and for all other purposes when the question of title to or value of land claimed to be owned by a petitioner or voter is involved, the county assessment roll last equalized at the time of the election or filing of the petition, in each county wherein any such land is situated shall be sufficient evidence of ownership and value. If any parcel of land is assessed on any such assessment roll to unknown or fictitiously named owners, or to unnamed owners in addition to any owner or owners named thereon, said parcel of land shall be deemed for any of the purposes of this act to have but one owner in addition to any owner or owners whose true name or names may be purported to be given on such assessment roll. The holder of title or evidence of title to an undivided interest in any land affected by any of the provisions of this act may sign any petition or vote at any election provided for in this act, and such undivided interest shall be counted and valued as though it were a separate interest, and if the assessment roll shall fail to indicate the extent of any such undivided interest the holders of title or evidence of title whose undivided interests in any land are not specifically defined shall be deemed to have equal shares therein. Where property has been conveyed prior to the election and such change of interest does not appear by such assessment roll the original deed of conveyance, or a copy thereof duly certified by the county recorder of the county wherein the same has been recorded, or otherwise authenticated, shall be sufficient evidence to entitle the holder thereof to vote the acreage therein described. Any person not legally qualified to vote who shall make any false statement in respect to his right to vote shall incur all of the penalties provided in the Penal Code of the State of California for persons illegally voting at elections. The certificate of the register of the United States land office for the district in which the lands are situated, or of the surveyor general of the State of California, shall be sufficient evidence of possessory right in any lands entered under the laws of the United States or of the State of California. Guardians, personal representatives and other persons holding land in a trust capacity under appointment of court may sign any petition and may vote at any election in behalf of the estate represented by them without obtaining any special authority therefor. A certificate of acknowledgment taken before a notary public or justice of the peace of any state, or an affidavit by any person in the presence of whom a petition was signed, shall be sufficient evidence of the genuineness of such signature and of the fact of place of residence of any petitioner under this act. The state engineer shall, prior to the election on organization, and

Assessment
roll deter-
mines voting
qualifica-
tions

Punishment
for unlawful
voting

Evidence of
voting rights

at all subsequent elections the board of directors shall cause to be prepared and certified and furnished to the election board at each voting place in the district a copy of each of said assessment rolls so far as the same pertains to any land in the respective precincts, and shall likewise cause to be prepared and furnished to the election boards lists certified by the register of the United States land office or the surveyor general of the State of California, as the case may be, showing the lands entered under the law of the United States or of the State of California, respectively, which said lists, so far as disclosed by the records of said offices, shall contain the names of the persons entitled to possessory rights therein and the quantity of land held by each of said persons by virtue of said rights. Said assessment rolls and said lists shall be used by the election boards in determining the qualifications of voters and the number of votes each voter is entitled to cast.

Voting land
partially in
precinct

Where a tract of land is situated partly within and partly without the boundaries of an election precinct and the assessment roll contains a valuation of said tract as a whole the same must be apportioned according to the number of acres lying within and without the boundaries of said precinct. If there shall be included in any assessment roll or list as furnished to an election board any land which has no valuation assigned to it, then the state engineer or the board of directors, as the case may be, shall request the county assessor of the county in which such land is situated to value said land and it shall be the duty of such county assessor to prepare and furnish to the state engineer or board requesting it a statement of the value of such land as the same shall be appraised by him, which value shall be arrived at as nearly as may be done in the same manner and upon the same basis as was the valuation for purposes of taxation assessed upon other lands in the precinct similarly situated, and the valuation so made by the county assessor shall be furnished to the election board of the precinct in which the land so valued is situated and shall be used by the election board in determining the number of votes which the holder of title or evidence of title to such land is entitled to cast.

Stats 1927,
p. 1270,
amended.

Petition for
exclusion
of land

SEC. 10. Section 64b of said act is hereby amended to read as follows:

Sec. 64b. The holder or holders of title or evidence of title to one or more tracts of land which constitute a portion of a water storage district may jointly or severally file with the state engineer a petition, praying that such tract or tracts, and any other tracts contiguous thereto, may be excluded and taken from the district. The petition shall state the grounds and reasons upon which it is claimed that such lands should be excluded and shall describe the boundaries thereof, and also the lands of such petitioner or petitioners which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the

county assessor. Such petition must be acknowledged in the same manner and form as is required in the case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance.

SEC. 11. Section 64c of said act is hereby amended to read as follows:

Sec. 64c. The state engineer shall cause a notice of the filing of such petition to be published once a week for two successive weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of the said board at a time named in said notice, and show cause, in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made.

Stats 1927,
p. 1271,
amended.

Notice of
petition and
time of
hearing

SEC. 12. Section 64d of said act is hereby amended to read as follows:

Sec. 64d. The state engineer at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. The failure of any person interested in said district, other than the holders of bonds thereof outstanding at the time of the filing of said petition with said board, to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with said state engineer as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. The expenses of giving said notice and of the aforesaid proceeding shall be paid by the person or persons filing such petition.

Stats 1927,
p. 1271,
amended.

Hearing on
petition

Expenses of
notice.

SEC. 13. Section 64e of said act is hereby amended to read as follows:

Stats 1927,
p. 1272,
amended.

Action on
petition

Sec. 64e. If upon the hearing of any such petition it appears that the lands sought to be excluded will not be benefited by irrigation from water supplied from said district or by reclamation or drainage of the land not made necessary by the irrigation of other lands the land shall be excluded from the district, but if no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the state engineer deem it not for the best interest of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the state engineer shall order that said petition be denied as to such lands; but if the said state engineer deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing why the said petition should be denied in whole or in part, or if, having shown cause, withdraws his objections, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of said state engineer to, and he shall forthwith, make an order that the lands mentioned, and described in the petition, or some defined portion thereof, be excluded from said district.

Stats 1927,
p. 1272,
amended.
Waiver of
bondholders'
liens.

Sec. 14. Section 64f of said act is hereby amended to read as follows:

Sec. 64f. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the lands mentioned in the petition, or such portion thereof as may be excluded from said district by order of said state engineer, may be excluded from the district, and if said lands or any portion thereof be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the state engineer and must be recorded in the minutes of the state engineer; and said minutes, or a copy thereof, certified by the state engineer, shall be admissible in evidence, with the same effect as the said assent, and such certified copy thereof may be recorded in the office of the county recorder of the county wherein said lands are situated.

Stats 1927,
p. 1272,
amended.

Record of
order exclud-
ing lands.

Sec. 15. Section 64g of said act is hereby amended to read as follows:

Sec. 64g. In the event the said state engineer shall exclude any lands from said district upon petition therefor, it shall be the duty of the state engineer to make an entry in the minutes of the state engineer describing the boundaries of the district, should the exclusion of said lands from said district change the

boundaries of said district, and for that purpose the state engineer may cause a survey to be made of such portions of the district as the state engineer may deem necessary; and a certified copy of the entry in the minutes of the state engineer excluding any land, certified by the state engineer, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district; but said district, notwithstanding such exclusion, shall be and remain a water storage district as fully, to every intent and purpose as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

SEC. 16. Section 64*h* of said act is hereby amended to read as follows: Stats 1927,
p 1273,
amended

Sec. 64*h*. In case land is excluded from any district, the state engineer, if he deems it desirable, but not less than sixty days before any election in such district, may reestablish the boundaries of the divisions within such district. New division
boundaries.

SEC. 17. Section 68 of said act is hereby amended to read as follows: Stats 1923,
p 964,
amended.

Sec. 68 Nothing in this act contained shall be so construed as to affect or impair the vested right of any person, association, or corporation to the use of water. Vested
rights

CHAPTER 219.

An act to amend sections 2319a, 2319b, and 2319c of the Political Code, relating to the duties of the state commissioner of horticulture, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor May 4, 1929 In effect Immediately.]

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

SECTION 1. Section 2319*a* of the Political Code of the State of California is hereby amended to read as follows: Stats 1917,
p 640,
amended

2319*a*. It shall be the duty of the state commissioner of horticulture to promote and protect the agricultural industry of the state; to prevent the introduction and spread of injurious insect or animal pests, plant diseases and noxious weeds; to cause to be put into execution such agricultural laws of a regulatory nature as are written into the statutes, and to introduce and distribute such insects as are useful in reducing the cost of crop production. Such commissioner shall collect books, pamphlets and periodicals and other documents containing information relating to agriculture and shall preserve the same; collect and prepare statistics, charts, films, photographs and other illustrative or exhibit material and information showing the actual condition and progress of agriculture in this state and elsewhere; correspond with Duties of
commissioner
of horticulture

horticultural societies, colleges and schools, and with the county horticultural commissions existing or that may exist in this state, and with all other persons necessary to secure the best results to agriculture in this state. He shall require reports from county horticultural commissioners in this state, and may print the same or any part thereof as he may select, either in the form of bulletins or in his annual reports or both, as he shall deem proper. He shall issue and cause to be printed and distributed to county horticultural commissioners in this state, and to such other persons as he may deem proper, bulletins, charts, photographs or other illustrative material or statements containing all the information best adapted to advance the interest, business and development of agriculture in this state, and may broadcast by radio such portions thereof as are adapted to give effect to the provisions of this section and may exhibit or display such data and material as have been collected or prepared.

State
horticultural
quarantine
officer.

Such commissioner shall be deemed to be the state horticultural quarantine officer mentioned in that certain act entitled "An act for the protection of horticulture and to prevent the introduction into this state of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes or vegetables, and to provide for a quarantine for the enforcement of this act," which became a law under constitutional provisions without the governor's approval on March 11, 1899, for the purpose of that act, and shall be empowered to perform the duties which under that act are to be performed by the state horticultural quarantine officer; *provided*, that in any case where it shall become necessary in the judgment of the state commissioner of horticulture to quarantine a county or district within the state against another or other county or counties or districts within the state, or to quarantine the state or a county or district of the state against another state, territory, district or foreign country or portion thereof then it shall be necessary that said quarantine shall be made by and with the approval of the governor as provided in this chapter.

Quarantine
guardians
and
cooperative
agreements.

The state commissioner of horticulture may issue commissions as quarantine guardians to the county horticultural commissioners, deputies and inspectors appointed by them, and may enter into cooperative agreements with associations, boards of supervisors of counties or cities and counties, and with other departments, divisions, bureaus, boards or commissions of the State of California, and with the United States department of agriculture or with other departments of the United States government for the purpose of eradicating, controlling or destroying within this state any infectious disease, insect or other animal pest or noxious weed, dangerous to any article or to the interest of the agricultural industry of this state.

Stats 1917,
p 641,
amended.

SEC. 2. Section 2319b of the Political Code of the State of California is hereby amended to read as follows:

2319b. Said commissioner may, by and with the approval of the governor, establish, maintain and enforce such quarantine regulations as may be deemed necessary to protect the agricultural industry of this state against contagion or infestation by injurious plant diseases, insects, or animal pests or noxious weeds, by establishing such quarantine at the boundaries of this state or elsewhere, within the state, and he may make and enforce, with the approval of the governor, any and all such rules and regulations as may be deemed necessary to prevent any nursery stock, plant, parts of plants, plant product, fruit, vegetable, seed or other commodity or article which is or is liable to be infested or infected by or which might otherwise act as a carrier of any injurious plant disease, or insect or animal pest or noxious weed from passing over any quarantine line established and proclaimed pursuant to this act, and all such articles shall, during the maintenance of such quarantine, be inspected by such commissioner or his duly appointed deputies or inspectors or quarantine guardians and he or the deputies, inspectors or quarantine guardians so conducting such inspection shall not permit any such article to pass over such quarantine line during such quarantine, except upon a certificate of inspection and release signed by such commissioner or in his name by such deputy, inspector or quarantine guardian who has made such inspection. All approvals by the governor given or made pursuant to this act shall be in writing and signed by the governor in duplicate, and one copy thereof shall be filed in the office of the secretary of state and the other in the office of said commissioner before such approval shall take effect.

Quarantine
regulations

SEC. 3. Section 2319c of the Political Code of the State of California is hereby amended to read as follows:

Stats 1919,
p 256,
amended

2319c. (1) Upon information received by such commissioner of the existence of any infectious plant disease, injurious insect or other animal pest or noxious weed not generally distributed within this state, dangerous to any article, or to the interest of the agricultural industry of this state, or that there is a probability of the further spread within this state of any such infectious plant disease, injurious insect or other animal pest or noxious weed, he shall proceed to thoroughly investigate same and may establish, maintain and enforce quarantine as hereinbefore provided, and may make and enforce such other regulations as are in his opinion, necessary to circumscribe and exterminate such infectious plant disease, injurious insect or other animal pest or noxious weed and prevent the extension thereof. Such commissioner may disinfect, or take such other action with reference to, any trees, shrubs, plants, parts of plants, plant products, vines, cuttings, grafts, scions, buds, fruitpits, fruit, seeds, vegetables and containers thereof, or other commodity or article or any crops infested or infected with, or which, in his opinion may have been exposed to infection or infestation by, any such infectious plant disease, injurious insect or other animal pest or noxious

Quarantine
against plant
diseases, etc

weed, as in his discretion shall seem necessary to carry out and give effect to the provisions of this act.

May enter premises

(2) Such commissioner is hereby authorized to enter upon any ground or nursery or other premises to inspect the same or to inspect any tree, shrub, plant, parts of plants, plant product, vine, cutting, graft, scion, bud, fruitpit, fruit, seed, vegetable or other article of agriculture or implement thereof or box, package, or article pertaining thereto, or connected therewith or that has been used in packing, shipping or handling the same, and to open any such package, and generally to do, with the least injury possible under the conditions to property or business, all acts and things necessary to carry out the provisions of this chapter.

Notice that premises are infested.

And provided, however, that whenever there exists on any such ground or nursery or other premises any nursery stock, trees, plants, parts of plants, plant products, shrubs, vines, fruits, vegetables, seeds or other commodity or article which are for planting, propagation or ornamental purposes or for sale, shipment or movement, and which are found to be infested or infested with any insect or animal pest or plant disease or noxious weed, which, in the opinion of the state commissioner of horticulture, would cause damage or be liable to cause damage to the orchards, vineyards, gardens, farms, or farm products in any portion of this state, the owner or person in charge of such premises shall be notified in writing to that effect by the state commissioner of horticulture. Such written notice shall include the name or names of the insect or other animal pest or plant disease or noxious weed and the known hosts or carriers thereof, together with the best known means of eradicating or controlling such insect or other animal pests or plant diseases or noxious weeds, and it shall be unlawful to sell, offer for sale, ship, deliver for shipment, or move from the premises the said host plants or plant products, parts of plants or other commodities or articles liable to carry such infestation or infection, and which are specified in such written notice. When, in the opinion of the state commissioner of horticulture, such insect or other animal pest or plant disease or noxious weed has been eradicated or satisfactorily controlled, he shall in writing release such hosts, plant products, or parts thereof, or other carriers for sale or shipment or other distribution. *And it is further provided* that the state commissioner of horticulture may promulgate such rules and regulations as may be necessary to enforce the provisions of this subsection either by himself or by his duly authorized agents or by the county horticultural commissioners or their deputies and inspectors.

Rules and regulations

Urgency measure.

SEC. 4. Inasmuch as this act concerns, and is necessary to the immediate protection of the public health and safety, for the reason that it is important that at the earliest possible date the state department of agriculture initiate and carry on the work of destroying injurious agricultural pests, which at present are endangering the agricultural industry in certain sections of the state, this act shall take effect immediately.

CHAPTER 220.

An act to amend section 19b of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salaries thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, relating to appointments of referees in juvenile court cases and fixing the salaries thereof.

[Approved by the Governor May 4, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 19b of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salaries thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith." approved June 5, 1915, as amended. is hereby amended to read as follows:

Stats 1927,
p 477,
amended.

Sec. 19b. In counties or cities and counties of the second class, there shall be one probation officer, one chief assistant probation officer, and twenty-four assistant probation officers. The salaries of said officers shall be as follows:

Counties of
2d class (San
Francisco)
Probation
officer and
assistants

Probation officer, three hundred fifty dollars per month; one chief assistant probation officer, two hundred seventy-five dollars per month; one assistant probation officer who shall act as collector, two hundred forty dollars per month; three assistant probation officers at two hundred twenty-five dollars per month each; one assistant probation officer who shall act as cashier-book-keeper, two hundred twenty-five dollars per month; twelve assistant probation officers at two hundred ten dollars per month each; one assistant probation officer at two hundred dollars per month; four assistant probation officers who shall act as stenographers, one hundred eighty-five dollars per month each; one assistant probation officer who shall act as scribe, one hundred sixty-five dollars per month; and one assistant probation officer who shall act as file and information clerk at one hundred seventy-five dollars per month.

Referee

And in addition to the officers and assistants provided for in this section, juvenile courts in counties of the second class may appoint a referee to act in any or all juvenile court matters, which said referee shall have the power of referees in chancery cases, and such additional powers as may be given to said referee upon the reference to said referee of any case pending in said juvenile court, and said referee shall, without any further order of said court, have power in all cases referred, to hear the testimony of witnesses and certify to the judge of the juvenile court his findings in the case referred together with his recommendations as to the judgment or order to be made in said case. The court may upon the presentation of the findings and recommendations of said referee, and after such notice as the court may deem proper to the persons interested in said case, make such order in said case as the court shall deem proper, or may hear additional testimony or evidence, and may approve or set aside the findings and recommendations of said referee, or may re-refer said case for the taking of further testimony or the making of further recommendations by said referee.

In appointing any referee as herein authorized, the court may appoint a male or a female referee as to the court shall seem best suited for the cases and matters to be referred. Said referee shall hold office during the pleasure of the judge of the juvenile court; and the compensation of said referee shall be two hundred dollars per month.

Any referee appointed pursuant to the provisions of this section may in any case referred, from time to time make to the court such recommendations as he or she shall deem proper, regarding the temporary disposition of any case referred, or as to the temporary custody of any minor who may be a party to said case.

CHAPTER 221.

An act to regulate the erection, construction, reconstruction, alteration, maintenance and use of mausoleums, columbariums and all buildings whatsoever called, erected, or used for, the permanent interment of the remains of fifteen or more deceased persons, in all parts of the State of California; provide for the inspection of the same, and to provide penalties for the violation thereof; and repealing all acts and parts of acts in conflict therewith.

[Approved by the Governor May 4, 1929. In effect August 14, 1929.]

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

SECTION 1. Title of act. This act shall be known as the state mausoleum construction act and its provisions shall apply to all parts of the State of California, including all counties, incorporated towns, incorporated cities, and incorporated cities and counties in the State of California. Short title

SEC. 2. Application of act. This act covers and includes all buildings used or intended to be used for the permanent interment of the remains of fifteen or more deceased persons whether erected under or above the surface of the earth where any portion of such building shall be exposed to view or shall, when interment is completed, be less than three feet below the surface of the earth and entirely covered by earth. It expressly includes mausoleums and columbariums, used for the permanent interment of the remains of fifteen or more deceased persons. Scope of act

Terms defined. The term "mausoleum" as used in this act is hereby defined as any building, used, or intended for use, for the permanent interment of the uncremated remains of deceased persons; the term "columbarium" as used in this act is hereby defined as any building, used, or intended for use, for the permanent interment of the cremated remains of deceased persons. "Mausoleum" and "columbarium" defined

SEC. 3. Enforcement in cities by building department. It shall be the duty of the building department of each and every incorporated city and incorporated town and of each and every incorporated city and county, to enforce each and all the provisions of this act pertaining to the erection, construction, reconstruction, conversion and alteration of mausoleums, columbariums, and buildings erected or used for the permanent interment of the human dead; and to issue certificate of final completion and acceptance as hereinafter provided. Duties of building departments of municipalities

Enforcement in cities by health department. It shall be the duty of the health department of each and every incorporated town, incorporated city, and incorporated city and county, to enforce all of the provisions of this act pertaining to the sanitation, ventilation, use and maintenance after such mausoleums or columbariums have been erected, constructed, reconstructed, Duties of health departments

converted or altered. In the event that there is no health department in such incorporated city, incorporated town, or incorporated city and county, it shall be the duty of the officer or officers who are charged with the enforcement of ordinances and laws regulating the sanitation, ventilation and maintenance of buildings, to enforce all the provisions of this act pertaining to sanitation and use of mausoleums and columbariums.

Enforcement
of act outside
of municipal-
ities

Enforcement in counties. In every county it shall be the duty of the officer or officers who are charged with the enforcement of ordinances or laws regulating the erection, construction, conversion or alteration of buildings or of the ventilation, sanitation and maintenance of buildings, to enforce all of the provisions of this act outside of the limits of any incorporated town or incorporated city. Every incorporated town, incorporated city or incorporated city and county in the State of California shall have authority and it is hereby empowered and given authority to designate and charge by ordinances any other department or officer than the department or officers mentioned herein, with the enforcement of this act, or any portion thereof.

SEC. 4. Violation of act. It shall be unlawful for any person, firm or corporation, to violate or cause, or permit to be violated any of the provisions of this act.

Building
permits

SEC. 5. Unlawful construction. It shall be unlawful for any person, firm, association or corporation to build, or construct, or cause or permit to be built, constructed or erected, upon any property belonging to or controlled by such person, firm, association or corporation, any building, or to make any alterations or changes or reconstruction work of any kind whatsoever, upon, in or to any building erected prior to the passage of this act, for use as a place of permanent interment of the remains of deceased persons without first having applied for and procured a building permit therefor as in this act provided.

Conversion
of use of
building.

SEC. 6. Unlawful alteration or conversion. A building not erected for or which is not used as a place of permanent interment of the human dead at the time of the passage of this act which shall hereafter be converted or altered for such use, shall, thereupon, become subject to the provisions of this act.

Penalties.

SEC. 7. Penalties. Any person, firm or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in a county jail not exceeding six (6) months or by both fine and imprisonment and in addition to the penalty therefor shall be liable for all costs and expenses and disbursements paid or incurred by the department, by any of the officers thereof or by any agent, employee or contractor of same in prosecution of such violation. The costs and expenses and disbursements by this section provided shall be fixed by the court having jurisdiction of the matter.

Public nuisance. Any person, firm, cemetery or mutual association or corporation owning and operating or maintaining a mausoleum or columbarium, hereafter erected in violation of the provisions of this act, shall be deemed guilty of maintaining a "public nuisance" and upon conviction thereof shall be punishable by a fine not exceeding five hundred (\$500.00) dollars, or by imprisonment in a county jail not exceeding six (6) months, or by both fine and imprisonment, and, in addition to the penalty therefor, shall be liable to all costs, expenses and disbursements paid or incurred by the department, by any of the officers thereof, or by any agent, employe or contractor of the same in the prosecution of such violation. The costs, expenses and disbursements of this section provided, shall be fixed by the court having jurisdiction of the matter.

Public nuisance.

Penalties

Buildings excepted. *Provided, however,* that this provision and penalty shall not attach to any building now completed or in process of completion, and used or intended for use for the permanent interment of the remains of deceased persons, which, at the time of construction was constructed in compliance with the laws then existing, if and so long as the use thereof shall be not in violation of the laws for the protection of public health.

Buildings commenced or completed

SEC. 8. Building permits. In every incorporated town, incorporated city and incorporated city and county, it shall be unlawful to commence or to proceed with the erection, construction, conversion or alteration of any building for use for the permanent interment of the remains of deceased persons without first obtaining a permit in writing so to do from the department or departments charged with the enforcement of this act.

Building permits

Application, plans and specifications. Any person, firm or corporation desiring such a permit shall file an application therefor with the department charged with the enforcement of this act. Said application shall give a detailed statement in writing by the person making the same, of the erection, construction, reconstruction, or alteration, as the case may be, upon blanks or forms furnished by said department or said departments. The said application must be accompanied with two full, true and complete sets of plans of the building sought or intended to be erected, constructed, converted or altered and if altered, of the alteration as proposed, as the case may be, together with two sets of specifications describing the work proposed; also two plans of the lot and land on which said building is proposed to be erected, constructed, reconstructed or altered as the case may be. Such statement shall give in full the names and addresses by street and number of the owner or owners; also the name and address of the architect, structural engineer and contractor or contractors, if there be such architect or contractor or contractors; and shall give such other data and information as, in the judgment of the department in each case charged with the enforcement of this act, shall be deemed necessary.

Application for permit

Issuance of permit

Examination of plans. The said application shall allege that the plans and specifications are true and contain a correct description of the proposed mausoleum or columbarium and of proposed work. Said department charged with the enforcement of this act shall cause all such plans, specifications and statements to be examined and, if they conform to the provisions of this act, shall then issue a permit to the person, firm or corporation submitting the same. Said department may, from time to time, approve changes in any plans, specifications or statements previously approved, provided that all changes when so made shall be in conformity with the provisions of this act.

Revocation of permit

Cancellation of permit. Said department shall have the power, and it shall be its duty, to revoke or cancel any permit or approval it has previously issued in the case of and upon any refusal, failure or neglect of the person, firm or corporation to whom such permit or approval has been issued to comply with all of the provisions of this act or in case any false statement or misrepresentation is made in any of the said plans, specifications or statements submitted or filed for such permit or approval. The erection, construction, reconstruction or alteration of any such buildings shall be in accordance with the plans and specifications submitted and filed and for which the permit is issued.

Inspection of approved plans

Approved plans, etc., to be kept on premises. A true copy of the plans, specifications and other information submitted or filed upon which a permit is issued, with the approval of the department with which they are filed, stamped or written thereon, and signed by the officer or officers authorizing the same, shall be kept upon the premises of the building for which the said permit is issued from the commencement of the said work to the final completion and acceptance of the same and shall be subject to inspection at all times by the proper authorities.

Effect of permit.

Expiration of permit. The issuance or granting of a permit or approval by the department charged with the enforcement of this act under the authority of this section, shall not be deemed or construed to be a permit or approval of a violation of any of the provisions of this act. Every permit or approval which is issued by the department charged with the enforcement of this act but under which no work has been done within ninety (90) days from the date of issuance, or where work has been suspended for a period of ninety (90) days, shall expire by limitation and a new permit shall be obtained before the work may proceed thereon.

Expiration.

Certificate of final completion.

Inspection and certificate of completion. When, in the judgment of owner or contractor or other person engaged in work upon said mausoleum or columbarium, the work is deemed to be completed in accordance with the plans, specifications and statements previously made and upon which the permit or approval was issued, such person shall notify said department or departments charged with the enforcement of this act and

such department or departments shall inspect or cause said work to be inspected, and issue therefor a certificate of final completion which shall set forth that the work has been performed in accordance with the plans, specifications, and statements or to refuse such work and refuse to issue said certificate of completion because of the failure of the work to have been done and performed in accordance with said plans, specifications or statements.

SEC. 9. Construction requirements. All such specifications shall conform substantially with the following minimum requirements: Minimum construction requirements.

Footings. Footings for any mausoleum, or columbarium hereafter erected shall be of concrete, reinforced with steel and shall comply with all other provisions of this act.

Loads. All live and dead loads of crypts and floors shall be concentrated to individual footings or be distributed over combined footings. Total load shall not exceed safe maximum soil value. Relative size of footings shall be governed by dead loads only. Contents of crypts to be considered as live loads. All stresses due to possible earthquake shall be considered in all structural design.

Walls. Any mausoleum or columbarium walls hereafter erected may only be erected of any one or all of the following materials: Concrete, of the consistency hereinafter specified, cut stone, cast stone, granite or marble, and reinforced and supported in such manner as to insure an enduring and lasting structure and particularly as hereinafter provided under the headings of Reinforcement, Bonding, Anchoring, et cetera. In any building or in any alteration or addition to any building for use for the permanent interment of the remains of deceased persons constructed subsequent to the passage of this act, all bearing walls shall be of granite, marble or reinforced concrete. If building exceeds twenty-five feet in height, bearing walls shall be reinforced concrete. Where any wall is constructed against a bank of earth or rock or other porous material the exterior face of such wall above the footing shall be thoroughly and efficiently waterproofed before backfilling is done.

Anchors. Fastenings on hangers, clasps, clips, wires and doors and other fasteners shall be of brass, aluminum or copper of not less than twenty-two gauge copper bearing iron or steel. All base, architraves, wainscoting and all other vertical work shall be securely clamped to the backing with rods and heavy wire clips or other anchoring devices of materials above specified. All cast clips shall be countersunk into the joint surface and set in plaster.

Settings. Settings on marble floor work shall be set in a full bed of nonstaining cement mortar, the proportion of cement to sand to be one to two and tamped to a uniform bearing true to line. All stone of any description shall be set on an even bed of mortar except lug sills and similar work exposed to uneven pressure which shall be bedded only at the

ends. Mortar joints shall be of uniform thickness not to exceed three-sixteenths ($3/16$) of an inch and must be raked out to a depth of three-quarters ($3/4$) of an inch as the work progresses.

Pointing. On completion of granite, cut stone or cast stone work all joints shall be brushed, cleaned thoroughly, wet and carefully filled with mortar, solidly packed in and pointed. Mortar for pointing shall be composed of one part lime putty, two parts white Monterey sand or its equivalent, and two parts of nonstaining Portland cement.

Mortar. The mortar for setting all stone work shall be composed of not less than one part nonstaining Portland cement, to three parts of clean white, coarse sand.

Bed joints. All bed joints shall be accurately cut or sawed to true planes and shall contain no concave surface.

Exterior veneering. Cut stone or cast stone veneering shall be not less than two (2) inches in thickness for all courses. Marble veneering shall be not less than one and one-half ($1\frac{1}{2}$) inches in thickness for all courses. Terra cotta veneering shall conform to standard practice. All veneering work shall be bonded or tied to the structural steel work and masonry as follows: Corners, belt courses, copings, pilasters, bases, caps, sills, architraves, and other ornamental and special work which may have projecting members shall have sufficient bearing on the walls to balance independent of anchors. Sills shall extend not less than three (3) inches back of the window-sill proper and shall have a fillet to receive the sills. All veneering shall be anchored by placing one-quarter inch diameter anchors at the top of each stone and these anchors must set into seats in the stone not less than one (1) inch in depth and must extend into the concrete work not less than eight (8) inches and the anchor holes must not be less than three (3) inches back of the stone, unless dowel type of anchors are used. All dowel anchor slots shall be made of twenty-two gauge copper bearing galvanized iron. There shall be two anchors for each stone one foot six inches or over in length and one anchor for smaller stones and anchors shall be placed not over one foot from the ends of the stone. All anchors shall be dipped in hot asphaltum.

Fireproof
construction

Buildings to be of class "A" construction. Any mausoleum or columbarium hereafter constructed shall be of class "A" fireproof construction. All footings, bearing walls, beams, columns, floor slabs and other structural members shall be designed and constructed with a safety factor of four. All floors shall be designed for live load of not less than one hundred (100) pounds per square foot.

Incorporation
by reference
of certain
ordinances.

Ordinances governing construction. Unless otherwise specifically provided for in this act, all details of construction such as structural strength, fire proofing, ventilation of rooms and hallways, plumbing, lighting, and all other details commonly specified under class "A" construction, shall be in accordance with the ordinances and specifications governing class "A" construction in the cities of San Francisco or Los

Angeles, and shall be directly in accordance with such ordinances and specifications of that city above named which is the lesser distance from the site of the mausoleum or columbarium, to be constructed; *provided, however*, that if the proposed site is within the jurisdiction of an incorporated municipality having ordinances and specifications governing class "A" construction, that the provisions of the local ordinances and specifications shall not be violated.

Class "A" construction defined. Class "A" designated as "fireproof" or "skeleton" construction shall include every building wherein all external or internal loads or strains are transferred to the foundations by means of reinforced concrete or by means of a skeleton or framework of steel, the columns, beams and girders of which are riveted to each other at their respective juncture points. *Provided, however*, that buildings not exceeding twenty-five (25) feet in height and constructed of granite or marble shall be considered as of class "A" construction when they fulfill all other provisions of this act.

Fireproofing. Every building, vault or structure for use for the permanent interment of the remains of deceased persons shall be constructed throughout of noninflammable material, and all steel work shall be covered with not less than two (2) inches of concrete; *provided, however*, that steel framework for elevators, windows, doors, skylights and other similar openings need not be encased in concrete, but shall be treated with an efficient preservative.

Roofs. The roof of every building coming under this act shall be constructed of reinforced concrete, granite, tile or marble. The upper surface of all reinforced concrete roofs shall be covered with asphaltum, or other fire resisting material.

Skylights. Skylight frames of buildings of this class shall be of galvanized iron not less than number twenty-four gauge. All joints shall be riveted and soldered. All glass in skylights shall be wire glass not less than one-fourth ($\frac{1}{4}$) of an inch in thickness.

Crypt construction. All walls of crypts unless built of granite or marble shall be constructed of concrete mixed with the proportion of not less than one (1) part cement, two and one-half ($2\frac{1}{2}$) parts sand and three and one-half ($3\frac{1}{2}$) parts crushed rock or screened gravel. All crypt walls must not be less than three (3) inches in thickness and shall be reinforced with steel; crypt floor slabs must not be less than three inches and shall be reinforced with steel to conform to slab specifications of class "A" construction. (In no case shall the concrete walls of a crypt or niche be so constructed as to be subject to any of the load strains of the building structure, except where crypt or niche walls intersect or are a part of structural walls.) In mausoleums where air ventilation is used and crypts are situated adjacent to an outside building wall below ground level an air space not less than eighteen inches wide shall be

Buildings
Included

Excluded

Additional
require-
ments

Roofs

Skylights

Crypts

provided between such outside wall and the crypt walls and such air space shall be supplied with ventilation and shall have one or more doorways not less than fifteen (15) inches wide by five (5) feet high.

Construction
of act

SEC. 10. Constitutionality. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Repeal.

SEC. 11. Repealing clause. All acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 222.

An act amending section 9 of the "Workmen's compensation, insurance and safety act of 1917," as amended, prescribing the method of computing the amount of compensation payable in second injury cases; providing a method of compensating for permanent disabilities suffered by employees in industry after previous permanent disabilities and creating a "subsequent injuries fund" to compensate for further disabilities by fixing a liability on all employers subject to the "Workmen's compensation, insurance and safety act of 1917" and amendments thereto, to pay a specified amount into the "subsequent injuries fund" in addition to liability under said act, in cases where their employees sustain fatal injuries in the course of their employment and leave no dependents; for the administration of said fund by the industrial accident commission; for the determination of controversies arising out of this act by said industrial accident commission and by the superior and municipal courts of the State of California.

[Approved by the Governor May 4, 1929 In effect August 14, 1929.]

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

Stats 1925,
p. 640,
amended

SECTION 1. Section 9 of the "Workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, and amendments thereto, is hereby amended to read as follows:

Schedule of
compensa-
tion.

Sec. 9. Where liability for compensation under this act exists, such compensation shall be furnished or paid by the employer and be as provided in the following schedule:

Medical and
hospital
treatment

(a) Such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches and apparatus, including artificial members, as may reasonably be required to cure and relieve from the effects of the injury, the same to be provided by the employer, and in case

of his neglect or refusal seasonably to do so, the employer to be liable for the reasonable expense incurred by or on behalf of the employee in providing the same; *provided*, that if the employee so requests, the employer shall tender him one change of physicians and shall nominate at least three additional practicing physicians competent to treat the particular case, or as many as may be available if three can not reasonably be named, from whom the employee may choose; the employee shall also be entitled, in any serious case, upon request, to the services of a consulting physician to be provided by the employer; all of said treatment to be at the expense of the employer. If the employee so requests, the employer must procure certification by the commission or a commissioner of the competency for the particular case of the consulting or additional physicians; *provided, further*, that the foregoing provisions regarding a change of physicians shall not apply to those cases where the employer maintains, for his own employees, a hospital and hospital staff, the adequacy and competency of which have been approved by the commission. Nothing contained in this section shall be construed to limit the right of the employee to provide, in any case, at his own expense, a consulting physician or any attending physicians whom he may desire. Controversies between employer and employee, arising under this section, shall be determined by the commission, upon the request of either party.

(b) If the injury causes temporary disability, a disability payment which shall be payable for one week in advance as wages on the eighth day after the injured employee leaves work as a result of the injury. If the injury causes permanent disability, a disability payment which shall be payable for one week in advance as wages on the eighth day after the injury. Such indemnity shall thereafter be payable on the employer's regular pay day, but not less frequently than twice in each calendar month, unless otherwise ordered by the commission, subject, however, to the following limitations:

Time of
disability
payments.

(1) If the period of disability does not last longer than seven days from the day the employee leaves work as the result of the injury, no disability payment whatever shall be recoverable.

Disability
less than
seven days.

(2) If the period of disability lasts longer than seven days from the day the employee leaves work as the result of the injury, no disability payment shall be recoverable for the first seven days of disability suffered.

Disability
more than
seven days

2. The disability payment shall be as follows:

(1) If the injury causes temporary total disability, sixty-five per cent of the average weekly earnings during the period of such disability, consideration being given to the ability of the injured employee to compete in an open labor market;

Amount of
disability
payments

(2) If the injury causes temporary partial disability, sixty-five per cent of the weekly loss in wages during the period of such disability;

(3) If the temporary disability caused by the injury is at times total and at times partial the weekly disability payment

during the period of each such total or partial disability shall be in accordance with paragraphs one and two of this subdivision respectively;

Aggregate
disability
payments

(4) Paragraphs one, two, and three of this subdivision shall be limited as follows: Aggregate disability payments for a single injury causing temporary disability shall not exceed three times the average annual earnings of the employee, nor shall the aggregate disability period for such temporary disability in any event extend beyond two hundred forty weeks from the date of the injury.

Computation
of payments
when
disability
permanent

(5) If the injury causes permanent disability, the percentage of disability to total disability shall be determined and the disability payment computed and allowed as follows: For a one per cent disability, sixty-five per cent of the average weekly earnings for a period of four weeks; for a ten per cent disability, sixty-five per cent of the average weekly earnings for a period of forty weeks; for a twenty per cent disability, sixty-five per cent of the average weekly earnings for a period of eighty weeks; for a thirty per cent disability, sixty-five per cent of the average weekly earnings for a period of one hundred twenty weeks; for a forty per cent disability, sixty-five per cent of the average weekly earnings for a period of one hundred sixty weeks; for a fifty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred weeks; for a sixty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks; for a seventy per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks, and thereafter ten per cent of such weekly earnings during the remainder of life; for an eighty per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks and thereafter twenty per cent of such weekly earnings during the remainder of life; for a ninety per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks and thereafter thirty per cent of such weekly earnings during the remainder of life; for a hundred per cent disability, sixty-five per cent of the average weekly earnings for a period of two hundred forty weeks and thereafter forty per cent of such weekly earnings during the remainder of life.

Intermediate
permanent
disabilities

(6) The payment for permanent disabilities intermediate to those fixed by the foregoing schedule shall be computed and allowed as follows: If under seventy per cent, sixty-five per cent of the average weekly earnings for four weeks for each one per cent of disability; if seventy per cent or over, sixty-five per cent of the average weekly earnings for two hundred forty weeks and thereafter one per cent of such weekly earnings for each one per cent of disability in excess of sixty per cent to be paid during the remainder of life.

Account
taken of
nature of
disability

(7) In determining the percentages of permanent disability, account shall be taken of the nature of the physical injury or disfigurement, the occupation of the injured employee, and

his age at the time of such injury, consideration being given to the diminished ability of such injured employee to compete in an open labor market.

(8) Where an injury causes both temporary and permanent disability, the injured employee shall not be entitled to both a temporary and permanent disability payment, but only to the greater of the two. Only one payment

(9) The following permanent disabilities shall be conclusively presumed to be total in character: Loss of both eyes or the sight thereof; loss of both hands or the use thereof; an injury resulting in a practically total paralysis; an injury to the brain resulting in incurable imbecility or insanity. In all other cases, permanent total disability shall be determined in accordance with the fact. Certain disabilities conclusively presumed to be total.

(10) (a) The fact that an employee has suffered previous disability or received compensation therefor shall not preclude compensation for a later injury nor preclude compensation for death resulting therefrom; but in determining compensation for the later injury or death his average weekly wages shall be such sum as will reasonably represent his earning capacity at the time of the later injury; *provided, however*, that an employee who is suffering from a previous permanent disability or physical impairment and shall sustain permanent injury thereafter shall not receive compensation for a later injury in excess of the compensation allowed for such injury when considered by itself and not in conjunction with or in relation to the previous disability or impairment. The employer shall not be liable for compensation to such employee for the combined disability but only for that portion due to the later injury as though no prior disability or impairment had existed. If an employee who has previously incurred permanent disability or impairment incurs such additional permanent disability that the combined effect of such subsequent injury and previous disability or impairment shall amount to seventy per cent or more of total permanent disability as the result of any subsequent injury, as defined in this section he shall be paid in addition to the compensation for permanent partial disability hereinbefore provided, and after the cessation of the payments for the period of weeks prescribed therefor special additional compensation, which shall compensate him for the remainder of the combined disability existing after the last injury to him. Such additional compensation shall be paid out of a special fund created for such purpose in the following manner: The employer, or if insured his insurance carrier, shall pay into such special fund whenever any fatal injury is suffered within this state by an employee under such circumstances as to entitle him to the benefits of this act, but for his death, and such employee does not leave surviving him any person entitled to a death benefit as a dependent under this act the sum of three hundred dollars for each such fatal injury in addition to all other payments required by said act; *provided*, that the total payments Subsequent compensation of an employee previously injured and compensated

Employer's liability.

Additional compensation.

Subsequent injuries fund created.

Maximum payments into fund.

required of the employer under this section shall not exceed the maximum payment due for the employer under this act. All moneys payable under this section shall be paid to the state treasurer and be placed into a special fund to be known as the "subsequent injuries fund," which fund is hereby created and appropriated for the purposes set forth in this section.

Administra-
tion of fund
and disburse-
ments
therefrom

(b) The subsequent injuries fund shall be used to pay the special additional compensation provided for in this section. The industrial accident commission is hereby authorized, and it shall be its duty, to administer said fund, to fix and award the amounts of special additional compensation to be paid under this section, to authorize payments from said fund to carry out the provisions of this section, and to make any orders, rules or regulations which may be necessary or convenient for the administration of said fund.

The industrial accident commission may draw upon said fund for the purposes specified in this section, and the controller is hereby authorized and directed to draw his warrant on said fund from time to time in accordance with the direction of the commission, and the treasurer is hereby authorized and directed to pay the same.

Court actions
to enforce
payments
into fund.

(c) Proceedings to enforce the payment into the subsequent injuries fund, of any sum for which an employer or insurance carrier may become liable under the provisions of this section may be brought by the attorney for the industrial accident commission in the name of the people of the State of California in the superior court, or municipal court, of the county, or city and county in which such fatal injury shall have occurred or in which the defendant resides. Costs shall be allowed or not as in other cases, and if allowed for or against said commission, said costs shall be paid into or from the subsequent injuries fund in the same manner as other expenditures provided by this section. The commission's expenses of litigation shall be payable out of said fund or the general revenues of the commission.

Alternative
proceedings.

(d) Proceedings to enforce the liability created by this section may as an alternative remedy and without interfering with the right to proceed under the preceding subdivision of this section, be instituted before the industrial accident commission of its own motion or upon application of any interested party, in the name of the people of the State of California, and such proceedings shall be tried and determined in the same manner and with the same procedure and effect as other proceedings before said commission. In any proceeding before said commission brought by any person to collect compensation benefits the commission may, if it shall appear from the evidence in said proceedings that the employer is liable under the provisions of this section, award payment of the sum of three hundred dollars herein prescribed to the subsequent injuries fund without joining the people of the State of California as a party.

(e) If an employer or his insurance carrier shall pay said sum of three hundred dollars into the subsequent injuries fund and at any time thereafter an award shall be made by the industrial accident commission against him in favor of any person of a death benefit as a dependent of the deceased employee, it shall be the duty of the commission to order the repayment from the subsequent injuries fund of said sum of three hundred dollars or so much thereof as may be necessary, to be applied upon the liability of the employer or his insurance carrier to such dependent.

Refund to or
for employer

(11) The commission may prepare, adopt, and from time to time amend, a schedule for the determination of the percentages of permanent disabilities, such table to be based upon the proper combinations of the factors indicated in subdivision seven above. Such schedule shall be available for public inspection, and without formal introduction in evidence shall be prima facie evidence of the percentage of permanent disability to be attributed to each injury covered by said schedule.

Schedule for
determina-
tion of
permanent
disabilities

3. The death of an injured employee shall not affect the liability of the employer under subsections (a) and (b) of this section, so far as such liability has accrued and become payable at the date of the death, and any accrued and unpaid compensation shall be paid to the dependents, if any, or, if there are no dependents, to the personal representative of the deceased employee or heirs or other persons entitled thereto, without administration, but such death shall be deemed to be the termination of the disability.

Death of
injured
employee

(c) If the injury causes death, either with or without disability, the burial expense of the deceased employee as hereinafter limited and a death benefit which shall be payable in installments equal to sixty-five per cent of the average weekly earnings of the deceased employee, upon the employer's regular pay day, but not less frequently than twice in each calendar month, unless otherwise ordered by the commission, which death benefit shall be as follows:

Death
benefits

(1) In case the deceased employee leaves a person or persons wholly dependent upon him for support, such dependents shall be allowed the reasonable expenses of his burial, not exceeding one hundred fifty dollars, and a death benefit, which shall be a sum sufficient, when added to the disability indemnity which at the time of his death has accrued and become payable, under the provisions of subsection (b) hereto, to make the total disability indemnity and death benefit equal to three times his average annual earnings, such average annual earnings to be taken at not less than three hundred thirty-three dollars and thirty-three cents nor more than one thousand nine hundred ninety-nine dollars and ninety-two cents; *provided, however*, that said death benefit when added to the disability indemnity which at the time of his death has accrued and become payable shall not exceed the sum of five thousand

If employee
leaves
persons
wholly
dependent

Maximum

dollars except as otherwise provided in subdivision (b) of section 6 of this act and section 29 of this act.

If employee
leaves
persons
partially
dependent.

(2) In case the deceased employee leaves no person wholly dependent upon him for support, but one or more persons partially dependent therefor, the said dependents shall be allowed the reasonable expenses of his burial, not to exceed one hundred fifty dollars, and, in addition thereto, a death benefit which shall amount to three times the annual amount devoted by the deceased to the support of the person or persons so partially dependent; *provided*, that the death benefit shall not be greater than the sum sufficient, when added to the disability indemnity which, at the time of the death, has accrued and become payable, under the provisions of subsection (b) hereof to make the total disability indemnity, and death benefit equal to three times his average annual earnings; such average annual earnings to be taken at not less than three hundred thirty-three dollars and thirty-three cents nor more than one thousand nine hundred ninety-nine dollars and ninety-two cents; *provided, however*, that said death benefit when added to the disability indemnity which at the time of his death has accrued and become payable shall not exceed the sum of five thousand dollars except as otherwise provided in subdivision (b) of section 6 of this act and section 29 of this act

Maximum

If no
dependents

(3) If the deceased employee leaves no person dependent upon him for support, the employer shall be liable for the reasonable expenses of his burial, not exceeding one hundred fifty dollars and such other benefit as may be provided by law.

Discharge of
employer's
liability.

(d) Payment of compensation in accordance with the order and direction of the commission shall discharge the employer from all claims therefor.

Constitution-
ality.

SEC. 2. If any section, subsection, subdivision, sentence clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, subdivision, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases is declared unconstitutional.

CHAPTER 223.

An act to amend sections 1 and 15c of the building and loan commission act, relating to supervision and regulation of building and loan associations and other corporations, associations and societies which are based or are operating on

plans or methods similar to building and loan associations, and defining the powers and duties of the bureau of building and loan supervision in respect thereto.

[Approved by the Governor May 4, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 1 of the building and loan commission act is hereby amended to read as follows:

Section 1. There is hereby created a bureau, to be known and designated as the "Bureau of building and loan supervision," with powers of supervision, examination and license of all building and loan associations, mutual loan associations, cooperative home associations, and all other corporations, associations and societies whenever, wherever and however formed, which are based, or are operating on plans or methods similar to building and loan associations as defined in section 648 of the Civil Code. Said bureau is charged with the enforcement of all laws designed for the formation, government or operation, in this state, of any such association, corporation or society, and is vested with power to determine what associations, corporations and societies come within the purview of the laws, and is vested with full power and jurisdiction over the issuance of all bonds, debentures, certificates, shares of stock, shares of membership, contracts or other securities, or interests therein, of all building and loan associations, mutual loan associations, cooperative home associations, and all other corporations, associations, and societies whenever, wherever and however formed, which are based, or are operating on plans or methods similar to building and loan associations as defined in title sixteen of part four of division one of the Civil Code, whether issued at the time of formation thereof or subsequent thereto.

SEC. 2. Section 15c of the building and loan commission act is hereby amended to read as follows:

Sec. 15c. Before the articles of incorporation of any building and loan association, hereafter desiring to incorporate, under the laws of this state, shall be filed in the office of the secretary of state of the State of California, there must be attached thereto, the certificate of approval of the building and loan commissioner. Such proposed articles shall be submitted to the commissioner, and upon receipt of same, he shall immediately examine into all the facts connected with the formation of such intended corporation, including its location, and proposed incorporators. If it appears to him that such corporation, if formed, will be entitled to commence the business for which it is organized, and authorized under the law to conduct, the commissioner shall execute his certificate of approval; *provided, however*, that the commissioner may refuse to execute such certificate, if, upon his examination and investigation, he has reason to believe that the pro-

Stats. (Ex
Sess) 1911,
p 6,
amended
Bureau of
building
and loan
supervision

Stats. 1925,
p 253,
amended

Investigation
by commis-
sioner prior
to incorpo-
rat'on

Notice to existing associations prior to approval of articles of incorporation.

posed corporation is to be formed for any business, other than legitimate building and loan business, or that the persons proposing to incorporate such corporation, lack the character and general fitness to engage in such business; *and provided, further, however,* that the commissioner shall not issue such certificate until he has given written notice by mail to every building and loan association licensed by him having a name raising the presumption hereinafter mentioned, directed to it with postage thereon prepaid, at its office at its principal place of business in this state, that an application for the issuance by him of such certificate has been made, together with the name of the proposed corporation applying therefor, and that a hearing will be held by him at his office at a time to be therein specified, which shall not be less than ten days after the mailing thereof, and the commissioner shall give such notices, and at the time and place specified in said notices shall hold a hearing at which any person, firm or corporation may appear in person or by agent, or attorney, and orally or in writing show cause why such certificate should not be granted upon the ground that the name of such proposed corporation is the same as one already adopted or appropriated by any building and loan association then existing in this state, or so similar thereto as to be likely to mislead the public, and if, upon such hearing or his examination or investigation, the commissioner shall have reason to believe that the name of the proposed corporation is the same as one already adopted or appropriated by any building and loan association then existing in this state, or so similar thereto as to be likely to mislead the public, he shall refuse to issue the said certificate, and the commissioner shall conclusively presume that the use of any word or words in the name of the proposed corporation the same as or similar in spelling or sound to any word or words already adopted, appropriated, or used in its corporate name by any building and loan association then existing in this state, except the words: "the," "and," "mutual," "guaranty," "guarantee," "building," "loan," "association," "company," "society," or "corporation," constitutes such similarity of names as to be likely to mislead the public; *provided, further, however,* that if any and all building and loan associations then existing in this state causing such presumption file consent in writing thereto with the commissioner, the commissioner may nevertheless issue such certificate; *provided, further, however,* that before any articles of incorporation amended to set forth a new name of any incorporated building and loan association shall be filed in the office of the secretary of state of the State of California, or before any petition for a change of name of any incorporated building and loan association in this state is heard or granted by any court in this state, such corporation shall attach to said amended articles of incorporation, or present to and file with such court at the hearing, as the case may be,

the certificate of approval of the building and loan commissioner of the new name proposed for said corporation, and said certificate shall only be granted by the commissioner, after and upon the same notice, proceedings, and reasons to believe, and subject to the same rules, presumptions and restrictions as hereinabove set forth in relation to the matters of the name of a proposed corporation.

CHAPTER 224.

An act to amend section 2 of an act entitled "An act creating a commission to prepare and submit a report on juvenile delinquency, embodying a plan for the prevention of juvenile delinquency and for the care and training of pre-delinquent, delinquent, psychopathic and maladjusted children, and providing for the payment of the expenses of the commission," approved May 6, 1927.

[Approved by the Governor May 4, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 2 of an act entitled "An act creating a commission to prepare and submit a report on juvenile delinquency, embodying a plan for the prevention of juvenile delinquency and for the care and training of pre-delinquent, delinquent, psychopathic and maladjusted children, and providing for the payment of the expenses of the commission," approved May 6, 1927, is hereby amended to read as follows:

Stats 1927,
p 579,
amended

Sec. 2. It shall be the duty of said commission, in conjunction with the bureau of juvenile research of the Whittier State School, to make a study of juvenile delinquency in the State of California and to report and recommend to the Legislature of the State of California, at the forty-eighth and forty-ninth sessions thereof, plans for the prevention of juvenile delinquency and the proper care and training of pre-delinquent, delinquent, psychopathic and maladjusted children, such as, in the opinion of the commission, will be best calculated to remove the causes of juvenile delinquency and provide for the care and training of such children.

Duties of
commission.

CHAPTER 225.

An act relating to the finances of the state board of education.

[Approved by the Governor May 4, 1929 In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 226.

An act providing for the establishment of courses of instruction for inmates of state institutions.

[Approved by the Governor May 4, 1925. In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 227.

An act to amend section 6 of the "Workmen's compensation, insurance and safety act of 1917," as amended, by making any reduction in payment of compensation because of the serious and wilful misconduct of an employee illegal unless such reduction in compensation has been authorized by the industrial accident commission.

[Approved by the Governor May 4, 1929. In effect August 14, 1929.]

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

Stats 1923,
p 375,
amended

SECTION 1. Section 6 of the "Workmen's compensation, insurance and safety act of 1917," approved May 23, 1927, as amended, is hereby amended to read as follows:

Employer's
liability

Sec. 6. (a) Liability for the compensation provided by this act, in lieu of any other liability whatsoever to any person, shall, without regard to negligence, exist against an employer for any injury sustained by his employees arising out of and in the course of the employment and for the death of any such employee if the injury shall proximately cause death, in those cases where the following conditions of compensation concur:

(1) Where, at the time of the injury, both the employer and the employee are subject to the compensation provisions of this act.

(2) Where, at the time of the injury, the employee is performing service growing out of and incidental to his employment and is acting within the course of his employment.

(3) Where the injury is proximately caused by the employment, either with or without negligence, and is not caused by the intoxication of the injured employee, or is not intentionally self-inflicted.

Misconduct
of injured
employee

(4) Where the injury is caused by the serious and wilful misconduct of the injured employee, the compensation otherwise recoverable by him shall be reduced one-half; *provided, however,* that such misconduct of the employee shall not be a defense to the claim of the dependents of said employee, if the injury results in death, or to the claim of the employee, if the injury results in a permanent partial disability equaling or in excess of seventy per cent of total; *and provided, further,*

that such misconduct of said employee shall not be a defense where his injury is caused by the failure of the employer to comply with any provision of law, or any safety order of the commission, with reference to the safety of places of employment; *and provided, further*, that in case of an injury suffered by an employee under sixteen years of age, it shall be conclusively presumed that such injury was not caused by serious and wilful misconduct.

The reduction of the compensation otherwise recoverable by an injured employee, because of his serious and wilful misconduct as herein provided, shall not be enforceable, valid or binding in any respect until the industrial accident commission shall have determined by its findings and award as provided in section 20 of this act that his compensation shall be reduced one-half because of his serious and wilful misconduct as provided in this section.

(b) Where such conditions of compensation exist, the right to recover such compensation, pursuant to the provisions of this act, shall be the exclusive remedy against the employer for the injury or death; *provided*, that where the employee is injured by reason of the serious and wilful misconduct of the employer, or his managing representative, or if the employer be a partnership, on the part of one of the partners (or a managing representative or general superintendent thereof), or if a corporation, on the part of an executive or managing officer or general superintendent thereof, the amount of compensation otherwise recoverable for injury or death, as hereinafter provided, shall be increased one-half, any of the provisions of this act as to maximum payments or otherwise to the contrary notwithstanding; *provided, however*, that said increase of award shall in no event exceed two thousand five hundred dollars.

Recovery of
compensa-
tion
Misconduct
of employer

(c) In all other cases where the conditions of compensation do not concur, the liability of the employer shall be the same as if this act had not been passed.

Cases where
conditions of
compensation
do not
concur.

CHAPTER 228.

An act to amend section 340 of the Penal Code, relating to pawnbrokers.

[Approved by the Governor May 6, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 340 of the Penal Code is hereby amended to read as follows:

Stats 1881,
p. 73,
amended

340. Every pawnbroker who charges or receives interest at the rate of more than three per cent per month on loans of three hundred dollars and less and more than two per cent

Pawnbrokers.
what charges
may make

per month on loans in excess of said sum or who by charging commissions, discount, storage, or other charge, or by compounding increases, or attempts to increase such interest or charge, is guilty of a misdemeanor; *provided, however*, that a minimum charge of fifty cents may be made in any case where the monthly charge allowed by this act would amount to less than fifty cents.

CHAPTER 229.

An act to amend section 341 of the Penal Code, relating to pawnbrokers.

[Approved by the Governor May 6, 1929 In effect August 14, 1929.]

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

Pen. C.,
1872, p. 83,
amended

Retention,
redemption
and sale of
pledged
goods.

Penalty.

SECTION 1. Section 341 of the Penal Code is hereby amended to read as follows:

341. Every pawnbroker must retain in his possession every article pledged to him, excepting clothing, wearing apparel, furs, trunks and suit cases, or property of similar character, for a period of one year after the last date fixed by contract for redemption, but such excepted property above set forth must be kept for a period of six months after the last date fixed by contract for redemption. The pledgor or his assigns shall have the right of redemption at any time during said one year period. Should such article not be redeemed within respective periods, the pawnbroker shall thereby acquire all the right, title and interest of the pledgor therein, to hold and dispose of as his own property. Every pawnbroker violating the provisions of this section shall be deemed guilty of a misdemeanor.

CHAPTER 230.

An act to amend section 1206 of the Code of Civil Procedure, relating to preferred labor claims filed under attachments, garnishments and executions.

[Approved by the Governor May 6, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 1206 of the Code of Civil Procedure is hereby amended to read as follows:

Preferred
creditors in
cases of
levy of
attachment,
garnishment
and
execution

1206. Upon the levy of an attachment, garnishment or execution, not founded upon a claim for labor, any miner, mechanic, salesman, servant, clerk, laborer, or other person who has performed work or rendered services for the defendant within sixty days prior to the levy, may file a verified state-

ment of his claim therefor with the officer executing the writ, and give copies thereof, containing his address, to the debtor and creditor, or any attorney, clerk or agent representing them, or mail same to them by registered mail at their last known address, return of which by the post office undelivered shall be deemed a sufficient service if no better address is available, and such claim, not exceeding one hundred dollars, unless disputed, must be paid by such officer, immediately upon the expiration of the time for dispute of the claim as prescribed in section twelve hundred and seven, from the proceeds of such levy remaining in his hands at the filing of such statement or collectible by him on the basis of the said writ.

Disputed
claims.

If any claim is disputed within the time, and in the manner prescribed in section twelve hundred and seven, and a copy of the dispute is mailed by registered mail to the claimant at the address given in his statement of claim and the registry receipt is attached to the original of the dispute when it is filed with the levying officer, or is handed to the claimant or served on his attorney, the claimant, or his assignee, must within ten days thereafter commence an action against the debtor for the recovery of his demand, which action must be prosecuted with due diligence, or his claim to priority of payment is forever barred.

The officer must retain in his possession until the determination of such action so much of the proceeds of the writ as may be necessary to satisfy the claim, and if the claimant recovers judgment, the officer must pay the same, including the cost of suit, from such proceeds, immediately after the said judgment becomes final.

Proceeds
of writ.

CHAPTER 231.

An act to amend section 7 of an act entitled "An act to establish and support a bureau of labor statistics," approved March 3, 1883, as amended, relating to the powers and duties of the commissioner and providing penalties for violation of the said section.

[Approved by the Governor May 6, 1929 In effect August 14, 1929]

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

SECTION 1. Section 7 of an act entitled "An act to establish and support a bureau of labor statistics," approved March 3, 1883, as amended, is hereby amended to read as follows:

Stats 1923.
P 511,
amended

Sec. 7. The commissioner and his representatives duly authorized by him in writing shall have the power and authority to take assignments of wage claims and claims for penalties for nonpayment of wages and to prosecute actions for the collection of wages, penalties, and other demands of

Powers of
labor
commissioner
and deputies

Court costs

persons who are financially unable to employ counsel in cases in which, in the judgment of the commissioner, the claims for wages are valid and enforceable in the courts; to issue subpoenas, to compel the attendance of witnesses and parties and the production of books, papers and records, and to administer oaths and to examine witnesses under oath, and to take the verification or proof of instruments of writing and to take depositions and affidavits for the purpose of carrying out the provisions of this act and all other acts now or hereafter passed in the bureau for enforcement. When civil action is brought by the commissioner, or his duly authorized representative, no court costs of any nature shall be payable by the said commissioner in connection with same and any sheriff or constable requested by said commissioner to serve the summons in the said action upon any person, firm, association, or corporation within his jurisdiction or levy an attachment, garnishment or execution in the said action upon any money or property of any defendant within his jurisdiction, shall do so without costs to the said commissioner, except for keeper's fees, mileage fees and storage charges; *provided, however*, that he must specify when such summons or other process is returned, what costs he would ordinarily have been entitled to for such service, and such costs and the other regular court costs that would have accrued were the action not an official action shall be made a part of any judgment recovered by the said commissioner and shall be paid by him if sufficient money is collected by him to cover same over and above the wages actually due the claimants on whose behalf he sued, and not otherwise.

Seal.

The commissioner shall have a seal inscribed "Department of Industrial Relations—State of California" and all courts shall take judicial notice of such seal. Obedience to subpoenas issued by the commissioner or his duly authorized representatives shall be enforced by the courts in any county or city and county and it shall be a misdemeanor offense to wilfully ignore said subpoenas; *provided*, that said subpoenas do not call for an appearance at a distance greater than twenty-five miles.

Access to places of labor.

The commissioner and his representatives shall have free access to all places and works of labor, and any principal, owner, operator, manager, superintendent, or lessee of any mine, mill, ranch, factory, hospital, office, laundry, place of amusement, restaurant, hotel, workshop, manufacturing, mechanical or mercantile establishment, construction camp or other place of labor, or any agent or employee of such principal, owner, operator, manager, superintendent, or lessee, who shall refuse to said commissioner, or his duly authorized representative, admission therein, or who shall, when requested by him, wilfully neglect or refuse to furnish him any statistics or information, pertaining to his lawful duties, which may be in his possession or under the control

of said principal, owner, operator, lessee, superintendent or manager, or agent thereof, shall be guilty of a misdemeanor and be punished by a fine of not more than two hundred dollars.

CHAPTER 232.

An act to amend section 524 of the Penal Code, relating to attempts to extort money or property by means of threats.

[Approved by the Governor May 6, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 524 of the Penal Code is hereby amended to read as follows:

524. Every person who attempts, by means of any threat, such as is specified in section 519 of this code, to extort money or other property from another is punishable by imprisonment in the county jail not longer than one year or in the state prison not exceeding five years, or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Pen C,
1872,
p. 123,
amended
Attempts to
extort money
or property

CHAPTER 233.

An act to amend section 17 of the state medical practice act, approved June 2, 1913, as amended, relating to penalties for violation of the provisions of the act.

[Approved by the Governor May 6, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 17 of the state medical practice act, approved June 2, 1913, as amended, is hereby amended to read as follows:

Sec. 17. Any person who shall practice or attempt to practice, or who advertises or holds himself out as practicing, any system or mode of treating the sick or afflicted in this state, or who shall diagnose, treat, operate for, or prescribe for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition of any person, without having at the time of so doing a valid unrevoked certificate as provided in this act, or who shall in any sign or in any advertisement use the word "doctor," the letters or prefix "Dr.," the letters "M.D.," or any other term or letters indicating or implying that he is a doctor, physician and surgeon, physician, surgeon or practitioner, under the terms of this or any other act, or that he is entitled to practice hereunder, or under any other law, or who shall in any sign or any adver-

Stats 1917,
p. 114,
amended.

Practice
without
license

Penalty

tisement use the word "chiropracist," "orthopedist," "orthopedic specialist," "foot specialist," "osteologist," or "doctor of osteology," without having at the time of so doing a valid unrevoked certificate as provided for in this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as designated in this act, *provided*, that the words "foot specialist" shall not be construed as to include or prohibit the manufacture, the recommendation or sale of either corrective shoes or appliances for human feet.

CHAPTER 234.

An act to amend section 2 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the fish and game commission," approved May 18, 1917, as amended.

[Approved by the Governor May 3, 1929. In effect August 14, 1929.]

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

Stats 1917,
p 653,
amended

SECTION 1. Section 2 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals; and requiring reports to be filed with the fish and game commission," approved May 18, 1917, as amended, is hereby amended to read as follows:

Mode of
killing or
hunting

SEC. 2. Every person who at any time takes, hunts or kills any fur-bearing mammal in any manner other than by trap or gun, or with the use of dogs is guilty of a misdemeanor.

CHAPTER 235.

An act to amend section 3665 of the Political Code, relating to the protest by the county assessor as nonoperative of property shown upon the return of operative property.

[Approved by the Governor May 6 1929. In effect August 14, 1929.]

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

Stats 1917,
p 345,
amended

SECTION 1. Section 3666 of the Political Code is hereby amended to read as follows:

Notice by
assessor of
property
regarded
nonoperative

3666. 1. If any assessor finds in the report of the operative property in his county, city and county, municipality, or district, furnished to him by any of the companies as required in section 3665c of this code, any piece or parcel of property

which he regards as nonoperative property, or partially operative and partially nonoperative, he shall, within thirty days after receiving such report, notify the state board of equalization thereof by mail, which notice shall contain a general description of the property and the assessor's reasons for regarding the same as nonoperative property. He shall also mail a copy of the notice to the company whose property is involved. Within ten days after receipt thereof the company must file with said board a petition for said board to determine the character of the property so protested, mailing a copy of said petition to said assessor. If such petition is not filed within the time herein stated the property covered in said assessor's protest shall be conclusively deemed nonoperative property and shall be placed upon the tax roll by the proper official as nonoperative property. Whenever any such petition is filed by a company, the said board shall investigate the nature of the property and its use, and, if an agreement between the said board, the assessor, and the company as to the proper classification of such property can not be reached, then the said board shall, under such rules of notice as it may deem reasonable, set a date for a hearing, at which the assessor and the company may be present or represented. At such hearing the board shall, from the evidence presented and from the best information it can obtain decide the matter in dispute, and determine whether such property is operative or nonoperative or in what proportion operative and in what proportion nonoperative. The said board shall enter its decision in its minutes, and shall send a copy thereof to the county assessor and the company, and also to the proper officer of any municipality affected thereby. Said decision shall be binding upon all parties, the state, the county, city and county, municipality, or district, and the company, unless set aside by a court of competent jurisdiction, and each such assessor must note the decision on his assessment roll, and must assess such property accordingly.

2. If the state board of equalization shall find in the report of operative property furnished to said board by any company under the provisions of section 3665c of this code, any piece or parcel of property which said board regards as nonoperative property, or partially operative and partially nonoperative, the board shall, within thirty days after receiving such report, notify said company thereof in writing, which notice shall contain a general description of the property and the reasons for regarding the same as nonoperative. It shall also mail a copy of the notice to any assessor in whose county, city and county, municipality, or district the property is located. If an agreement between the said board, the assessor, and the company as to the proper classification of such property cannot be reached, then the said board shall, under such rules of notice as it may deem reasonable, set a date for a hearing, at which the assessor and the company may be present or represented. At such hearing the board shall, from the evidence presented and from the best information it can

Hearing

Notice by
state board
of equaliza-
tion of
property
regarded
nonoperative

Hearing

obtain, decide the matter in dispute, and determine whether such property is operative or nonoperative, or in what proportion operative and in what proportion nonoperative. The said board shall enter its decision in its minutes, and shall send a copy thereof to the county assessor and the company, and also to the proper officer of any municipality affected thereby. Said decision shall be binding upon all parties, the state, the county, city and county municipality, or district, and the company, unless set aside by a court of competent jurisdiction, and each such assessor must note the decision on his assessment roll and must assess the property accordingly.

CHAPTER 236.

An act to amend section 3 of the "Narcotic rehabilitation act," and to add new sections to said act to be numbered 5a, 6a, 6b and 16a, relating to government of the state narcotic hospital, commitments, discharge and parole of inmates; prohibiting escapes and prescribing penalties.

[Approved by the Governor May 6, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 150,
amended
Arrest of
drug addicts

SECTION 1. Section 3 of the act known as the "Narcotic rehabilitation act" is hereby amended to read as follows:

Sec. 3. Whenever it appears by affidavit to the satisfaction of a magistrate of a county or city and county that any person is a drug addict within the meaning of this act, he must issue and deliver to some peace officer for service, a warrant directing that such person be arrested and taken before a judge of the superior court for a hearing and examination on such charge. Such officer must thereupon arrest and detain such person until a hearing and examination can be had. At the time of the arrest a copy of said affidavit and warrant of arrest must be personally delivered to said person. Such affidavit and warrant of arrest must be substantially in the form provided by section 2168 of the Political Code for the arrest of a person charged with insanity. The person charged must be taken before a judge of the superior court, to whom said affidavit and warrant of arrest must be delivered to be filed with the clerk. The judge must then inform him of his rights to make a defense to such charge and produce any witnesses in relation thereto. The judge must by order fix such time and place for the hearing and examination in open court as will give a reasonable opportunity for the production and examination of witnesses. Such order must be entered in the minutes of the court by the clerk and a certified copy of the same served on such person. The judge may also order that such notice of the arrest of such person and the hearing of the charge be served on such relatives of said person known to be residing in the county, or city and county, as the court may

Trial

Commitment.

deem necessary or proper. The judge may cause witnesses to be summoned and examined before him, and after a hearing and examination, if he believes the person charged is a drug addict, the court must make an order that such person be confined in the State Narcotic Hospital for an indeterminate period of not less than eight months nor more than two years; *provided, however*, that the court may commit any female drug addict and drug addicts who are afflicted with tuberculosis or communicable diseases to any state hospital.

SEC. 2. A new section is hereby added to said act to be numbered 5a and to read as follows:

Stats 1927,
p 149,
amended

Sec. 5a. The director of institutions shall adopt rules and regulations not inconsistent with the constitution and the laws of the State of California for the government of the State Narcotic Hospital, and for the conduct and discipline of the inmates of the hospital and may change the same from time to time. Any inmate or other person violating any such rule or regulation shall be guilty of a misdemeanor.

Government
of state
narcotic
hospital.

SEC. 3. A new section is hereby added to said act to be numbered 6a and to read as follows:

Stats 1927,
p. 149,
amended

Sec. 6a. No patient or inmate must be discharged or paroled from the State Narcotic Hospital without suitable clothing adapted to the season in which he is discharged; and, if it can not otherwise be obtained, the superintendent with the approval of the director of institutions shall furnish the same and money, not exceeding twenty-five dollars, to defray his necessary expenses until he can reach his relatives or friends, or find employment to earn a subsistence.

Clothing and
money upon
parole or
discharge.

SEC. 4. A new section is hereby added to said act to be numbered 6b and to read as follows:

Stats 1927,
p 149,
amended

Sec. 6b. Any addict who is charged with a felony at the time of his commitment to the State Narcotic Hospital shall, after the period of commitment, or upon being discharged or paroled, be returned to the court to answer for the felony of which he was charged at the time of his commitment to the State Narcotic Hospital.

Trial upon
discharge or
parole

SEC. 5. A new section is hereby added to said act to be numbered 16a and to read as follows:

Stats 1927,
p 149,
amended

Sec. 16a. Every inmate of said hospital who escapes therefrom is punishable by imprisonment in the county jail for eight months; *provided*, that every such inmate who, having been convicted of a felony, escapes from said hospital is punishable by imprisonment in the state prison not exceeding two years.

Penalties for
escape of
inmates.

CHAPTER 237

An act to add a new section to the Political Code to be numbered 4052c, relating to the appropriation by boards of supervisors of moneys from the general fund for national guard purposes.

[Approved by the Governor May 6, 1929 In effect August 14, 1929]

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

New section

SECTION 1. A new section is hereby added to the Political Code to be numbered 4052c, to read as follows:

County appropriations for national guard

4052c. The boards of supervisors in the several counties shall have, and they are hereby given, the power to appropriate money from the general fund of the county for the use, benefit or assistance of the national guard or for national guard purposes within the county.

CHAPTER 238.

An act to amend section 3612 of the Political Code, relating to the procedure for claiming exemption from taxation under the provisions of section 1½ of article thirteen of the constitution.

[Approved by the Governor May 6, 1929 In effect August 14, 1929]

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

Stats 1919, p 305, amended

Procedure for tax exemption of veterans

Affidavits of applicants

SECTION 1. Section 3612 of the Political Code is hereby amended to read as follows:

3612. 1. The state board of equalization shall prescribe all procedure, affidavits and forms required to carry into effect the tax exemption on property specified in section 1¼ of article thirteen of the constitution.

2. Every person entitled to or applying for the exemption from taxation specified in said provision of the constitution shall appear before the assessor or deputy assessor and shall give all information required and answer all questions contained in the forms and affidavit prescribed by said board, and thereupon shall subscribe and swear to the same before such assessor or deputy. Any false statement made or sworn to in such affidavit shall constitute and be punishable as perjury.

Assessor may require additional proof

3. Any assessor may, in his discretion, require other or additional proof of the facts stated by such affiant before allowing the exemption claimed. Failure upon the part of any person entitled to such exemption to make affidavit or furnish evidence as required by this section between the first Monday in March and the first Monday in July of each year shall be

deemed and treated as a waiver of such exemption by such person.

4. The following are recognized as wars within the intent and meaning of said section of the constitution: Recognized wars.

- (a) Revolutionary war, April 19, 1775—January 14, 1784;
- (b) Second war with England, June 18, 1812—February 17, 1815;
- (c) Black Hawk war, April 6, 1832—August 2, 1832;
- (d) War with Mexico, April 24, 1846—May 30, 1848;
- (e) Civil war, April 18, 1861—August 20, 1866;
- (f) War with Spain, April 21, 1898—April 11, 1899;
- (g) War in Philippines, April 11, 1899—July 4, 1902;
- (h) Campaign against the Rogue River, Yakima, Nez Perce and Snake Indians in Oregon and Washington, 1855—1856;
- (i) Campaign against the Indians in southern Oregon and Idaho and northern part of California and Nevada, 1865—1868;
- (j) Campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches, in Kansas, Colorado and Indian Territory, 1867, 1868 and 1869;
- (k) Modoc war, 1872 and 1873;
- (l) Campaign against the Apaches of Arizona, 1873;
- (m) Campaign against the Kiowas, Comanches and Cheyennes, in Kansas, Colorado, Texas, Indian Territory and New Mexico, 1874 and 1875;
- (n) Campaign against the Northern Cheyennes and Sioux, 1876 and 1877;
- (o) Nez Perce war, 1877;
- (p) Bannock war, 1878;
- (q) Campaign against the Northern Cheyennes, 1878 and 1879;
- (r) Campaign against the Ute Indians in Colorado and Utah, September, 1879, to November, 1880;
- (s) Campaign against the Apache Indians in Arizona, 1885 and 1886;
- (t) Campaign against the Sioux Indians in South Dakota, November, 1890, to January, 1891;
- (u) War with Germany-Austria, April 6, 1917, to and including November 11, 1918.

CHAPTER 239.

An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank act," by amending sections 9, 12, 15a, 21a, 23, 31a, 31c, 31d, 60, 61, 61a, 82, 83, 90, 127, 130 and 136, and by repealing section 132a, and

by adding a new section to be known as section 148, all relating to the definition and regulation of the business of banking.

[Approved by the Governor May 3, 1929 In effect August 14, 1929.]

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

Stats. 1917,
p. 601,
amended.

Approval for
opening
branch
offices

Capital

Discon-
tinuance

Certificate of
authority.

Savings
banks
in schools.

SECTION 1. Section 9 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 9. No bank in this state, or any officer or director thereof, shall hereafter open or keep an office other than its principal place of business, without first having obtained the written approval of the superintendent of banks to the opening of such branch office, which written approval may be given or withheld in his discretion, and shall not be given by him until he has ascertained to his satisfaction that the public convenience and advantage will be promoted by the opening of such branch office; *provided*, that no bank or any officer or director thereof, shall open or maintain any such branch office unless the capital of such bank, actually paid in, in cash, shall exceed the amount required by this act by the sum of fifty thousand dollars for each branch office opened and maintained in the place where its principal business is transacted; *and provided*, that for each branch office opened or maintained by any bank, other than a bank transacting only the business described in section 6 of this act, in any place in this state other than the place where the principal business of such bank is transacted, the capital of such bank, actually paid in, in cash, shall exceed the amount required by this act in the sum required by this act for every bank hereafter organized in the place where each branch office is to be opened or maintained, exclusive of the capital required for a trust department; *and provided, also*, that for each branch office opened or maintained by any corporation which has power to transact only such business as is described in section 6 of this act or in section 453x of the Civil Code, in any place in this state other than the place where the principal business of such corporation is transacted, the capital of such corporation, actually paid in, in cash, shall exceed the amount required by this act in the sum of fifty thousand dollars; *and provided, further*, that no branch office may be discontinued without the previous written approval of the superintendent of banks.

Every bank, before it opens a branch office, shall obtain the certificate of authority of the superintendent of banks for the opening of each of said branch offices. The applicant shall pay for such certificate a fee of fifty dollars; *provided, however*, that, in order to encourage saving among the children of the schools of this state, a bank may, with the written consent of and under regulations approved by the superintendent of banks and, in the case of public schools, by the board of education or board of school trustees of the city or district in

which the school is situated, arrange for the collection of savings from the school children by the principal or teachers of such schools or by collectors. The principal, teacher or person authorized by the bank to make collections from the school children shall be deemed to be the agent of the bank and the bank shall be liable to the pupil for all deposits made with such principal, teacher or other person, the same as if the deposits were made by the pupil directly with the bank.

Every bank and every such officer or director violating the provisions of this section shall forfeit to the people of the state the sum of one hundred dollars for every day during which any branch office hereafter opened shall be maintained without such written approval. Penalty

SEC. 2. Section 12 of said act is hereby amended to read as follows:

Stats 1913,
p. 141,
amended
Advertising
as a bank

Sec. 12. No person, firm, company, copartnership or corporation, either domestic or foreign, not subject to the supervision of the superintendent of banks, and not required, by the provisions of this act, to report to him, and which has not received a certificate to do a banking business from the superintendent of banks, shall advertise that he or it is receiving or accepting money or savings, and issuing notes or certificates of deposit therefor, or shall make use of any office sign, at the place where such business is transacted, having thereon any artificial or corporate name, or other words indicating that such place or office is the place or office of a bank or trust company, that deposits are received there or payments made on check, or any other form of banking business transacted, nor shall any such person or persons, firm, company, copartnership or corporation, domestic or foreign, make use of or circulate any letterheads, billheads, blank notes, blank receipts, certificates or circulars, or any written or printed, or partly written and partly printed, paper, whatever, having thereon any artificial or corporate name or other word or words indicating that such business is the business of a bank, savings bank or trust company; nor shall any such person, firm, company, copartnership or corporation, or any agent of a foreign corporation not having an established place of business in this state, solicit or receive deposits or transact business in the way or manner of a bank, savings bank or trust company, or in such a way or manner as to lead the public to believe that its business is that of a bank, savings bank or trust company. Nor shall any person, firm, company, copartnership or corporation, domestic or foreign, not subject to the supervision of the superintendent of banks, and not required by the provisions of this act to report to him, and which has not received from the superintendent of banks a certificate to do a banking business, hereafter transact business under any name or title which contains the word "bank" or "banker" or "banking" or "savings bank" or "savings" or "trust" or "trustee" or "trust company," and which indicates that such business is the business of a bank or trust company; *provided*, that this

Use of word
"bank."

Not
applicable
to building
and loan
associations

section shall not apply to the corporate name of any building and loan association now or heretofore doing business in this state; *provided*, that any building and loan association having in its corporate name words not clearly indicating the nature of its business shall, on all signs, letter-heads and advertising matter, state "This is a building and loan association" or words to that effect; *and provided, further*, that any building and loan association may borrow money, issue investment certificates or evidences of indebtedness, stating the rate of interest and terms and conditions of repayment, and do such other business as may be authorized by the laws of the state relating to building and loan associations; *and provided, further*, that no such association shall advertise or hold itself out to the public as a savings bank. Any person, firm, company, copartnership or corporation, domestic or foreign, violating any provision of this section shall forfeit to the state one hundred dollars a day for every day or part thereof during which such violation continues. Upon action brought by the superintendent of banks the court may issue an injunction restraining any such person, firm, company, copartnership or corporation from further using such words in violation of the provisions of this section or from further transacting business in such a way or manner as to lead the public to believe that its business is that of a bank, savings bank or trust company during the pendency of such action and for all time and may make such other order or decree as equity and justice may require

Penalty

Injunction.

Stats 1925,
p. 512,
amended

Deposit by
married
woman or
minor.

SEC. 3. Section 15a of said act is hereby amended to read as follows:

Sec. 15a. When any deposit shall be made in any bank by or in the name of any married woman or minor, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all other persons, except creditors, and shall be paid, together with the dividends, or interest thereon, to the person in whose name the deposit shall have been made, and the receipt or acquittance of such depositor shall be a valid and sufficient release and discharge to such bank for such deposit or any part thereof.

Deposits
in trust.

When any deposit shall be made in any bank by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such bank, in the event of the death of the trustee, the deposit or any part thereof, together with the dividends or interest thereon, may be paid to the person for whom the deposit was made; and if the person to whom such payment may be made is a minor, the deposit, after the death of the trustee, shall be governed by the terms of the preceding paragraph of this section.

Joint
deposits.

When a deposit shall be made in any bank by any person or persons whether minor or adult in the names of such depositor or depositors and another person or persons, and in form to be paid to any of them or the survivor

or survivors of them, such deposit and any additions thereto made by any of such persons after the making thereof, shall become the property of such persons as joint tenants, and the deposit together with all dividends or interest thereon, shall be held for the exclusive use of such persons and may be paid to any of them during their lifetime or to the survivor or survivors after the death of one or more of them, and such payment and the receipt or acquittance of the person or persons to whom such payment is made shall be a valid and sufficient release and discharge to such bank for all payments made on account of such deposit prior to the receipt by such bank of notice in writing not to pay such deposit in accordance with the terms thereof. The making of the deposit in such form shall, in the absence of fraud or undue influence, be conclusive evidence, in any action or proceeding to which either such bank or the surviving depositor or depositors may be a party, of the intention of such depositors to vest title to such deposit and the additions thereto in such survivor or survivors.

SEC. 4. Section 21a of said act is hereby amended to read as follows:

Stats 1925,
p. 516,
amended

Sec. 21a. No bank, banker, or bank officer, shall give preference to any depositor or creditor except as otherwise authorized by law; *provided*, that any commercial bank or commercial department of a departmental bank, is authorized and empowered for temporary purposes, to rediscount or to borrow money, or to borrow money and to pledge or hypothecate as collateral security therefor, its assets not exceeding fifty per centum in excess of the amount borrowed, but only to the extent and upon terms and conditions as follows:

Terms and
conditions
upon which
bank may
borrow or
rediscount.

(1) Any amount up to, but not exceeding the amount of its capital and surplus, without consent of the superintendent of banks; *provided, however*, that any amount borrowed, except as otherwise provided in this section, in excess of the amount of its capital and surplus, at such time actually paid in and remaining undiminished by losses or otherwise, must first be approved in writing by the superintendent of banks; *provided, also*, that no excess loan made to any such bank shall be invalid or illegal as to the lender, even though made without the consent of the superintendent of banks; *provided, also*, that the rediscounting with or without guarantee or endorsement with a federal reserve bank, of notes, drafts, bills of exchange and loans secured by obligations of the United States, is hereby authorized and shall not be limited by the terms of this act, and shall not be considered as borrowed money within the meaning of this section.

(2) In the manner authorized by law and without the approval of the superintendent of banks, any amount of the moneys of the United States, State of California, the counties, cities and counties, cities and towns of said State of California and of any other governmental or political subdivision of the State of California, and may receive such moneys or funds on

deposit; *provided, however*, that the total amount of moneys of the State of California, the counties, cities and counties, cities and towns of said State of California and of any other governmental or political subdivision of the State of California that any bank shall borrow, receive or have on deposit at one time shall not exceed three hundred per cent of its entire capital, including all of its departments; *and provided, further*, that the total amount of moneys of the State of California, the counties, cities and counties, cities and towns of said State of California, and of any other governmental or political subdivision of the State of California that any bank shall borrow, receive or have on deposit at any one time, secured by surety bonds, shall not exceed one hundred per cent of its capital, nor shall the total amount of such moneys that any bank shall borrow, receive or have on deposit, secured by surety bonds, together with all borrowed moneys of the class referred to in subdivision (1) of this section, at any one time exceed one hundred per cent of its capital, without the previous written consent of the superintendent of banks.

(3) Any amount of the United States moneys and postal savings moneys of the United States and moneys of bankrupt estates, and may receive such moneys on deposit, and pledge or hypothecate such of its securities and upon such terms as may be required by the laws of the United States or the rules and regulations of the secretary of the treasury of the United States, without the approval of the superintendent of banks.

(4) Any amount, in addition to the amounts authorized to be borrowed in this section, for the purpose of buying from the United States, United States bonds, United States treasury certificates, or notes or obligations of the United States.

(5) To rediscount with and sell to a federal reserve bank any and all such notes, drafts, bills of exchange, acceptances and any other securities, with no other restrictions, and as fully, and to the same extent as this privilege is given to national bank members under the terms of the federal reserve act, or by regulations of the federal reserve board made pursuant thereto.

SEC. 5. Section 23 of said act is hereby amended to read as follows:

Terms upon
which bank
may do a
departmental
business

Sec. 23. When a bank desires to do a departmental business, it shall first obtain the consent of the superintendent of banks, and in its application therefor, file a statement making a segregation of its capital and surplus for each department. Such capital and surplus, when so apportioned and approved by the superintendent of banks, shall be considered and treated as the separate capital and surplus of such department as if each department was a separate bank. Thereafter a bank may, from time to time, with the previous consent and approval of the superintendent of banks and subject to the provisions of section 19 of this act, change any segregation and apportionment of capital and surplus previously made and make

a new segregation and apportionment of its capital and surplus. ^{Name.} Every bank hereafter organized doing a departmental business shall have paid up, in cash,

(1) Capital stock as follows:

(a) In any city or locality in which the population does not exceed twenty-five thousand persons, not less than fifty thousand dollars if it transacts both a commercial and savings business, or not less than one hundred fifty thousand dollars if it transacts both a commercial and trust business, or not less than one hundred fifty thousand dollars if it transacts both a savings and trust business, and not less than one hundred fifty thousand dollars if it transacts a commercial, savings and trust business.

(b) In any city in which the population is more than twenty-five thousand persons, but does not exceed one hundred thousand persons, not less than one hundred thousand dollars, if it transacts both a commercial and savings business, or not less than two hundred thousand dollars if it transacts both a commercial and trust business or not less than two hundred thousand dollars if it transacts both a savings and trust business, and not less than two hundred thousand dollars if it transacts a commercial, savings and trust business.

(c) In any city in which the population is more than one hundred thousand persons, but does not exceed two hundred thousand persons, not less than two hundred thousand dollars if it transacts both a commercial and savings business, or not less than four hundred thousand dollars if it transacts both a commercial and trust business, or not less than four hundred thousand dollars if it transacts both a savings and trust business and not less than four hundred thousand dollars if it transacts a commercial, savings and trust business.

(d) In any city in which the population exceeds two hundred thousand persons, not less than three hundred thousand dollars if it transacts both a commercial and savings business, or not less than five hundred thousand dollars if it transacts both a commercial and trust business, or not less than five hundred thousand dollars if it transacts both a savings and trust business, and not less than five hundred thousand dollars if it transacts a commercial, savings and trust business.

(2) A surplus and contingent fund equivalent to twenty-five per centum of such capital stock.

The foregoing classifications shall not apply to any bank already in existence which has received from the superintendent of banks a certificate to do a banking business nor to any bank the location of which shall have been included by annexation or consolidation within the limits of a city of a class requiring a larger capitalization, but no bank thus excepted shall be permitted to establish any new branch office as provided in section 9 of this act or to remove its place of business from the original limits of the city or township wherein it was located prior to such annexation or consolidation until it shall have the capital required of banks in

such city not within said exception. Such excepted banks may not in any case decrease their capital stock, but may increase the same in the manner provided by law to an amount either greater or less than that required of banks in such city not within said exception. The capital stock referred to herein shall be increased from time to time and to the same extent as provided for in section 19 of this act.

Nothing herein contained shall prevent the superintendent of banks in the exercise of his discretion from granting his license to any bank hereafter organized in a locality which has been included by annexation or consolidation within the limits of a city requiring a larger capitalization with a capital stock paid up in cash equal to that which would have been required for said locality if it had not been included by annexation or consolidation within the limits of a city requiring a larger capitalization; *provided*, that no bank so licensed shall be permitted to establish any branch office as provided in section 9 of this act or to remove its place of business from the original limits of the city or township which has been included by annexation or consolidation within the limits of a city requiring a larger capitalization until it shall have the capital required of banks in such city requiring said larger capitalization.

For the purposes of this act, the population shown and determined by the last preceding federal census, or any subsequent census compiled and certified under any law of this state, shall be deemed to be the population of any city in which any such bank is to be organized. If the principal place of business of any bank so organized is located outside of the corporate limits of any city, then the population of that portion of the judicial township in which said bank is to have its principal place of business, which is not included within the boundaries of any municipal corporation, as such population is shown and determined by such federal or subsequent official census, shall be the basis for classification under the provisions of this act.

Stats. 1921,
p. 181,
amended
Consolidation
of banks

SEC. 6. Section 31a of said act is hereby amended to read as follows:

Sec. 31a. Any bank incorporated under the laws of this state may consolidate with one or more banks incorporated under the laws of this state, its capital stock, properties, trusts, claims, demands, contracts, agreements, obligations, debts, liabilities and assets of every kind and description, upon such terms and in such manner as may be agreed upon by their respective boards of directors, an original copy of which agreement must be filed in the office of the superintendent of banks; *provided*, that such agreement shall be subject to the approval of the superintendent of banks and shall not be valid until such approval be obtained; *provided, further*, that no such consolidation shall take effect until such agreement shall have been ratified and confirmed by the stockholders of each of the constituent banks either in writing by the stockholders of each

Ratification
by stock-
holders.

respective bank holding of record at least two-thirds of the issued capital stock of such bank, or such agreement may be submitted to the stockholders of such bank at a meeting thereof to be called upon notice specifying the time, place and object thereof, addressed to each stockholder at his last known post-office address and deposited in the post office, postage prepaid, at least two weeks prior to the date fixed for said meeting, and published for at least two successive weeks, prior to the date of said meeting, in a newspaper in each of the counties of the state in which any of such banks shall have its principal place of business, and if such agreement shall be approved at each of such meetings of the respective stockholders separately by the vote or ballot of the stockholders owning at least two-thirds of the stock of each such bank, the same shall be the agreement of such banks.

Notice

There shall be attached to the copy of the agreement filed in the office of the superintendent of banks, in behalf of each constituent bank, a memorandum of the ratification and confirmation of such agreement signed and acknowledged by stockholders holding of record at least two-thirds of the capital stock of the respective bank, or there shall be attached to such agreement a certificate of the secretary of the bank executed and acknowledged by him, with the corporate seal of the bank of which he is secretary, certifying that such agreement has been ratified and approved at a meeting called and held as herein provided by the stockholders of such bank holding of record at least two-thirds of the capital stock of such bank.

In case of such consolidation "articles of incorporation and consolidation" must be prepared, setting forth:

Contents of articles of incorporation and consolidation

First—The name of the new corporation;

Second—The purpose for which it is formed;

Third—The place where its principal business is to be transacted;

Fourth—The term for which it is to exist, which shall not exceed fifty years;

Fifth—The number of its directors (which shall be not less than three) and the names and residences of the persons appointed to act as such until their successors are elected and qualified;

Sixth—The amount of its capital stock and the number of shares into which it is divided;

Seventh—The amount of stock actually subscribed, and by whom;

Eighth—The names of the constituent corporations.

Said articles of incorporation and consolidation must be signed and countersigned by the president and secretary of each constituent corporation and sealed with their corporate seals. There must be annexed thereto the approval of the superintendent of banks.

By whom signed

When completed as aforesaid said articles must be filed in the office of the secretary of state, and a copy of the articles of

Filed with secretary of state.

incorporation and consolidation, certified by the secretary of state must be filed in the office of the county clerk of the county in which is located the principal place of business of the new corporation. The secretary of state must issue over the great seal of the state a certificate that the articles of incorporation and consolidation containing the required statement of facts have been filed in his office. A duplicate of the certificate hereinbefore provided for must be filed by the secretary of state in his office and copies thereof duly certified by the secretary of state shall have the same force and effect in evidence as the original. A copy of the articles of incorporation and consolidation certified by said secretary of state must be filed in the office of the superintendent of banks and also in the office of the county clerk of each county in which a principal place of business of either or any of the constituent corporations was situated at the time said corporation was incorporated.

Powers of
consolidated
corporations

When the superintendent of banks issues the certificate of authorization provided for by section 228 of this act the new or consolidated corporation shall be a body politic and corporate by the name stated in the certificate, and for the term of fifty years, unless it is, in the articles of incorporation and consolidation, otherwise stated, and thereupon each constituent corporation named in the articles of incorporation and consolidation must be deemed and held to have become extinct in all courts and places, and said new corporation must be deemed and held in all courts and places to have succeeded to all their several capital stocks, properties, trusts, claims, demands, contracts, agreements, assets, choses and rights in action of every kind and description, both at law and in equity, and to be entitled to possess, enjoy, and enforce the same and every thereof, as fully and completely as either and every of its constituents might have done had no consolidation taken place. Said consolidated or new corporation must also, in all courts and places, be deemed and held to have become subrogated to its several constituents and each thereof, in respect to all their contracts and agreements with other parties, and all their debts, obligations, and liabilities, of every kind and nature, to any persons, corporations, or bodies politic, whomsoever, or whatsoever, and said new corporation must sue and be sued in its own name in any and every case in which any or either of its constituents might have sued or might have been sued at law or in equity had no such consolidation been made. Nothing in this section contained shall be construed to impair the obligation of any contract to which any of such constituents were parties at the date of such consolidation. All such contracts may be enforced by action or suit, as the case may be, against the consolidated corporation, and satisfaction obtained out of the property which, at the date of the consolidation, belonged to the constituent which was a party to the contract in action or suit as well as out of any other property belonging to the consolidated corporation, and the stockholders of each

constituent corporation so entering into such agreement shall continue subject to all the liabilities, claims and demands existing against them at or before such consolidation to the same extent as if the same had not been made. The right of said new corporation to increase or decrease its capital stock, to change the number of its directors, to amend its articles of incorporation, to change its principal place of business, or its name, or to effect any other organic change shall be governed by the general corporation laws of this state and by the bank act, and the procedure to effect any such change shall be that defined by the general corporation laws and the bank act.

The superintendent of banks shall transmit to the secretary of state a duplicate of the certificate of authorization hereinbefore referred to and the secretary of state shall file the same in his office. The superintendent of banks shall also file a duplicate of such certificate in his own office.

SEC. 7. Section 31c of said act is hereby amended to read as follows:

Sec. 31c. Whenever there has been completed the sale of the whole of the business of any bank, authorized and qualified to conduct the business of acting as executor, administrator, guardian of estates, assignee, receiver, depository or trustee, to another bank, likewise authorized and qualified, or whenever two or more banks, any one or more of which being likewise authorized and qualified, are consolidated or merged into a bank likewise authorized and qualified, the superintendent of banks shall, upon request, issue under his official seal, a certificate in writing, duly acknowledged by him, in substantially the following form:

Stats 1927,
p 1793,
amended
Certificate
of merger
of banks
with trust
departments

“State Banking Department

State of California }
City and County of San Francisco } ss.

I, -----, superintendent of banks of the State of California, do hereby certify that the foregoing instrument is a full, true and correct copy of (1. Agreement of sale and purchase between-----and-----, dated the-----day of-----, 19----.) (2. The copy of the articles of incorporation and consolidation of-----created by the consolidation of-----and-----, dated the-----day of-----, 19----, certified by the secretary of state on the-----day of-----, 19----.) (3. Agreement of merger of-----into-----dated the-----day of-----, 19----.) filed in the office of the superintendent of banks of the State of California on the-----day of-----, 19----, under the provisions of section-----of the bank act of this state; and I do further hereby certify that the (sale and purchase) (consolidation) (merger) related to in said instrument has been approved by me in the manner authorized and required by law and that such (sale

and purchase) (consolidation) (merger) has been fully completed and consummated.

Given under my official seal this _____ day of _____, 19_____.

_____ superior agent of banks.”

Determined by the relative transaction, there shall be attached to and made a part of such certificate, a full, true and correct copy of the agreement of sale and purchase required by section 31 of this act to be filed in the office of the superintendent of banks, or of the certified copy of the articles of incorporation and consolidation required by section 31a of this act to be filed in the office of the superintendent of banks, or of the agreement of merger required by section 31b of this act to be filed in the office of the superintendent of banks.

The recordation of such certificate in the office of the recorder of any county shall be, to all persons, in such county, constructive notice that all of the rights, benefits, privileges, duties and obligations of whatsoever kind or nature, held or possessed by or imposed upon the bank so selling its business and assets or that has expired by such consolidation or by such merger, are retained by and imposed upon the successor bank.

Any such certificate shall be prima facie evidence in all courts and places of the regularity of the proceedings taken and of the fact of such sale, consolidation or merger.

SEC. 8. Section 31d of said act is hereby amended to read as follows:

Sec. 31d. Whenever a national banking association authorized and qualified to conduct in this state the business of acting as executor, administrator, guardian of estates, assignee, receiver, depository or trustee under court and private trusts, has been heretofore or is created by the conversion of a state bank likewise authorized and qualified; or whenever one or more state banks or one or more national banking associations so authorized and qualified has been heretofore or is hereafter consolidated with or merged into one or more other national banking associations or into one or more state banks, likewise authorized and qualified, such state bank or national banking association into which such state bank has been or is converted or into or with which such bank or banks has been or are merged or consolidated shall by such conversion, merger or consolidation ipso facto and by operation of law, without further transfer, substitution, act or deed and in all courts and places, be deemed and held to have, and shall become subrogated and shall succeed to, all rights, obligations, properties, assets, investments, deposits, demands, contracts, agreements, court and private trusts, and other relations to any person, creditor, depositor, trustor, principal or beneficiary of any court or private trust, and obligations and liabilities of every kind or nature which such predecessor bank or banks so converted or merged or consolidated into or with such state bank or national banking association shall have held or enjoyed or been subject to, and shall execute and perform all

Stats 1927, p. 1795, amended
Certificate of merger of national banks with trust departments

such court and private trusts in the same manner as though it had itself originally assumed the relation or trust or incurred the obligation or liability. Such state bank or national banking association shall succeed to and be entitled to take and execute and receive the appointment to all executorships, trusteeships, guardianships and other fiduciary capacities in which the bank or banks so converted or merged into or consolidated with such state bank or national banking association may be then or thereafter named, in wills theretofore or thereafter probated, or in any other instruments. When such conversion, consolidation or merger is completed, there may be executed by the president and secretary or cashier of such state bank or national banking association its certificate, in substantially the following form :

“State of California }
 County of----- } ss.

The undersigned,-----, president and
 -----, secretary (or cashier) of-----
 of -----, being duly sworn, each for him-
 self, certifies as follows :

Whereas, the ----- of -----,
 a (-----) is authorized and qualified under
 the laws of (the United States and of) the State of California,
 to conduct in this state the business of acting as executor,
 administrator, guardian of estates, assignee, receiver, deposi-
 tary or trustee; and whereas, said (-----) was
 created by the conversion (or consolidation, merger, sale or
 transfer) of -----, of -----,
 a (-----) likewise authorized and qualified;
 and whereas, said association (or bank) has received from the
 comptroller of the currency (or superintendent of banks) his
 approval of such conversion (or consolidation, merger, sale
 or transfer), and his authorization for the conduct of said
 business under the name of-----,
 of which authorization the following is a full, true and correct
 copy: (Insert copy of authorization): Now, therefore, it is
 hereby certified that the ----- business formerly
 conducted by----- of -----, a-----,
 has been acquired or succeeded to by conversion (or consolida-
 tion, merger, sale or transfer) and is now being conducted by
 ----- of -----, a (-----).”

Such certificate shall be sworn to and duly acknowledged
 before a notary public by the persons executing the same.

The recordation of such certificate in the office of the
 recorder of any county shall be, to all persons, in such county,
 constructive notice that all of the rights, benefits, privileges,
 duties and obligations of whatsoever kind or nature held or
 possessed by or imposed upon the bank so converted or con-
 solidated or merged are retained by and imposed upon the
 successor bank.

Any such certificate shall be prima facie evidence in all courts and places of the regularity of the proceedings taken and of the fact of such conversion or consolidation or merger.

Stats 1931,
p. 1385,
amended

SEC. 9. SECTION 60 of said act is hereby amended to read as follows:

Capital stock
of savings
banks

SEC. 60. Every savings bank hereafter organized must have paid up in cash:

(1) Capital stock of not less than

(a) Fifty thousand dollars if its principal place of business is located in any city or locality the population of which does not exceed twenty-five thousand persons;

(b) One hundred thousand dollars if its principal place of business is located in any city the population of which is more than twenty-five thousand persons, but does not exceed one hundred thousand persons;

(c) Two hundred thousand dollars if its principal place of business is located in any city the population of which is more than one hundred thousand persons, but does not exceed two hundred thousand persons;

(d) Three hundred thousand dollars if its principal place of business is located in any city the population of which is more than two hundred thousand persons.

Excepting that any savings bank organized without capital stock must have a reserve fund of at least one million dollars.

Until the capital stock or reserve fund hereinbefore required shall be actually paid in, the superintendent of banks shall refuse to issue the certificate required by this act.

(2) A surplus and contingent fund equivalent to twenty-five per centum of such capital stock.

Banks not
affected

The foregoing classifications shall not apply to any savings bank already in existence which has received its certificate to do a banking business from the superintendent of banks: nor to any bank the location of which shall have been included by annexation or consolidation within the limits of a city of a class requiring a larger capitalization, but no bank thus excepted shall be permitted to establish any new branch office as provided in section 9 of this act or to remove its place of business from the original limits of the city or township wherein it was located prior to such annexation or consolidation until it shall have the capital required of banks in such city not within said exception. Such excepted banks may not in any case decrease their capital stock, but may increase the same in the manner provided by law to an amount either greater or less than that required of banks in such city not within said exception; *provided*, that nothing herein shall be construed to affect the provisions of section 19 of this act relative to the proportion of capital and surplus to deposits or of section 23 of this act relative to the capital stock required of banks doing a departmental business.

The provisions of section 23 of this act, as to population, shall apply to any bank organized under the provisions of this section; *provided, however*, that nothing herein contained

shall prevent the superintendent of banks in the exercise of his discretion from granting a license to any bank hereafter organized in a locality which has been included by annexation or consolidation within the limits of a city requiring larger capitalization with a capital stock paid up in cash equal to that which would have been required for said locality if it had not been included by annexation or consolidation within the limits of a city requiring a larger capitalization; *provided*, that no bank so licensed shall be permitted to establish any branch office as provided in section 9 of this act or to remove its place of business from the original limits of the city or township which has been included by annexation or consolidation within the limits of a city requiring a larger capitalization until it shall have the capital required of banks in such city requiring said larger capitalization.

SEC. 10 Section 61 of said act is hereby amended to read as follows:

Stats 1923.
p. 58,
amended

Sec. 61. Any savings bank may purchase, hold or sell real or personal property, as follows:

Purchase of
real and
personal
property
by savings
banks

1. The lot and building in which the business of the bank is carried on; furniture and fixtures, vaults and safe deposit vaults and boxes and other personal property such as may be necessary or proper to carry on its banking business; such lot and building, furniture and fixtures, vaults and safe deposit vaults and boxes shall not, in the aggregate, be carried on the books of such bank as an asset to an amount exceeding its paid-up capital and surplus; and hereafter, the authority of a two-thirds vote of all the directors shall be necessary to authorize the purchase of such lot and building, or the construction of such building.

2. Such as may have been mortgaged, pledged or conveyed to it in trust for its benefit in good faith, for money loaned in pursuance of the regular business of the corporation.

3. Such as may have been purchased at any sales under pledge, mortgage, or deed of trust made for its benefit for money so loaned and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon.

4. Gold or silver bullion, and United States mint certificates of ascertained value.

Bullion

5. Bonds and other securities of the following classes:

U. S. bonds

(a) Bonds or other interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, or those issued under the authority of the United States;

(b) Bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or those of any county, city and county, city or school district of this state;

California
bonds

(c) Bonds or stocks or notes of any state in the United States, other than the State of California, that has not, within twenty-

Bonds of
other states

five years previous to making such investment by such bank, defaulted in the payment of any part of either principal or interest, or those of any county, city and county, city or town, or school district, in any state in the United States other than the State of California, issued under authority of any law of such state, which county, city and county, city or town, or school district had, as shown by the federal or state census next preceding such investment, a population of more than twenty thousand inhabitants; *provided, however*, that the entire bonded indebtedness of such county, city and county, city or town, or school district, including such issue of bonds or stocks or notes, does not exceed fifteen per centum of the value of the taxable property therein as shown by its last equalized assessment roll; *and provided, further*, that such county, city and county, city or town, or school district, or the state in which it is located has not defaulted in payment of any part of either principal or interest due upon any legally authorized bond or stock or note issue within twenty-five years next preceding such investment;

District
bonds

(d) Bonds of any district organized under the laws of the State of California which are required to be and are investigated and approved by a commission now or hereafter authorized by a law of this state to conduct such investigation and give such approval and by authority of which approval said bonds are declared to be legal investments for savings banks;

Secured
notes or
bonds

(e) Notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, and mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight of title two of part four of division first of the Civil Code; *provided, however*, that if the superintendent of banks shall ascertain that any mortgage participation certificate issued by any mortgage insurance company and owned or held by any bank exceeds fifty per centum of the market value of the real estate, with improvements, covered by the same, the superintendent of banks shall give thirty days written notice to the mortgage insurance company issuing such certificate of the facts ascertained by him, including a statement of the appraisals on which such ascertainment is based, and if such mortgage insurance company shall not within said period of thirty days have corrected such condition to the satisfaction of the superintendent of banks, he may order such mortgage participation certificate removed from the assets of the bank owning or holding such certificate;

N Y and
Mass

(f) Bonds legal for investment by savings banks in the state of New York or the state of Massachusetts.

6. Bonds and other securities of the following classes; *provided*, that such bonds or securities shall first have been certified by the superintendent of banks after an investigation as provided for under section 61a of this act:

(a) Bonds or interest-bearing notes or obligations of any foreign country or government, or those for which the faith and credit of any foreign country are pledged for the payment of principal and interest;

Foreign government bonds

(b) Bonds of any district organized under the laws of any state in the United States other than the State of California for the purpose of irrigating lands within such district, which are required to be and are investigated and approved by a commission now or hereafter authorized by a law of said state to conduct such investigation and give such approval; *provided*, that the entire indebtedness of such district, including the bonds under consideration, and all prior liens, within the meaning of section 57a of this act, do not exceed fifty per centum of the aggregate market value of the lands within said district, and of the irrigation system owned or to be acquired by said district with the proceeds of said bonds;

Irrigation district bonds of other states

(c) Bonds of any reclamation, drainage, street improvement, county water works, or any other district organized under the laws of the State of California not otherwise provided for in this section;

California district bonds

(d) (1) Bonds of any railroad corporation, as the same is defined in the "Public utilities act," incorporated under the laws of any state in the United States and operating exclusively in the United States; *provided*, that said corporation shall have had net earnings for either its fiscal year or twelve consecutive months in the fourteen months next preceding application for certification of said bonds under the provisions of section 61a of this act, amounting to at least one and one-half times the interest on all bonded indebtedness outstanding at the time of said certification, and on all additional bonds then proposed to be issued; or,

Railroad bonds

(2) Bonds of any railroad corporation, the payment of which is guaranteed, both as to principal and interest, by a railroad corporation whose bonds are a legal investment for savings banks in this state.

(e) (1) Bonds of any other public utility corporation, as the same is defined in the "Public utilities act," incorporated under the laws of any state in the United States and operating exclusively in the United States; *provided*, that said corporation shall have had net earnings for either its fiscal year or twelve consecutive months in the fourteen months next preceding application for certification of said bonds under the provisions of section 61a of this act, amounting to at least one and one-half times the interest on all bonded indebtedness outstanding at the time of said certification, and on all additional bonds then proposed to be issued; or,

Other public utility bonds

(2) Bonds of any similar public utility corporation, the payment of which is guaranteed, both as to principal and interest, by a public utility corporation other than a railroad corporation, whose bonds are a legal investment for savings banks in this state.

In determining the income of any railroad or other public utility corporation mentioned herein, there shall be included

Determining income

the income of any corporation or corporations out of which it shall have been formed through consolidation or merger, and of any corporation the entire business and income-producing property of which the corporation issuing such bonds has wholly acquired.

Security for
utility bonds

All bonds issued by a railroad or other public utility corporation must be secured by a mortgage or deed of trust which at the time of said certification is either

I. A closed first mortgage or deed of trust or,

II. A first mortgage or deed of trust containing provisions restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements heretofore specified in either paragraph (d) or (e) of subdivision six of this section applicable to such corporation after including the additional bonds then proposed to be issued; or,

III. A refunding mortgage or deed of trust providing for the retirement of all prior lien mortgage debts of said corporation and restricting the issuance of further bonds until such time as the income of said corporation shall have been at least sufficient, during the twelve months next preceding the issuance of any additional bonds, to meet the earning requirements of such corporation after including the additional bonds then proposed to be issued; or,

IV. An underlying or divisional closed mortgage or deed of trust of property which forms a part of the operating system of the corporation then owning said property. In the case of bonds secured by an underlying or divisional closed mortgage or deed of trust, the net income required by this section shall be based exclusively upon the income, maintenance charges, operating expenses, taxes and mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust or, if such income, maintenance charges or operating expenses can not be definitely ascertained on the proper proportionate share of such property in the general income, maintenance charges, operating expenses and taxes of the corporation then owning such property and on the mortgage indebtedness of or against the property covered by such underlying or divisional closed mortgage or deed of trust.

Bonds
secured by
lien on
real estate.

(f) Notes or bonds secured by a first mortgage or deed of trust or other first lien upon real estate, improved or unimproved; *provided*, that the entire note or bond issue shall not exceed sixty per centum of the market value of such real estate, or such real estate with improvements, taken as security; *and provided, further*, in case the said note or bond issue is created for a building loan on real estate, that at no time shall the entire outstanding note or bond issue exceed sixty per centum of the market value of the real estate and the actual cost of the improvements thereon taken as security; *and provided, also*, in case said real estate is located outside of this

state, that the provisions of this paragraph shall be subject to the limitations and modifications contained in section 57a of this act; *and provided, also*, that no such notes or bonds shall be disqualified as investments for savings banks for the reason that the payment thereof is guaranteed by a policy of mortgage insurance.

In determining the market value of any real estate under the provisions of the preceding paragraph where such real estate, improved or unimproved, consists of oil or other mineral or timber land, the value represented by such oil or other mineral or timber shall not be included in fixing such market value. Nothing herein contained shall prevent savings banks from making loans secured by mortgage or deed of trust upon lands wherein redwood timber is included in fixing the market value thereof.

Determining
market value

Any bank, however, may, without such certification by the superintendent of banks, purchase any note or bond or issue of notes or bonds provided for in said paragraph (f) of subdivision six of this section, whenever such purchase constitutes the entire amount of notes or bonds executed by the makers thereof and secured by the same real estate; *provided*, that no savings bank shall hold any such notes or bonds unless such holding constitutes the entire issue thereof at any time outstanding; *and provided, also*, that nothing in this paragraph shall be construed to permit savings banks to invest in notes or certificates evidencing participation in any mortgage on real estate unless by law specifically authorized, or in or on any form of obligation secured by any undivided interest in real estate designed to distribute the obligation so secured.

Purchase of
entire issue

(g) Collateral trust bonds or notes:

Collateral
trust bonds
or notes.

(1) When secured by deposit of notes or bonds authorized for investment by this section of a market value at least fifteen per centum in excess of the par value of the collateral trust bonds or notes issued; or,

(2) When secured by deposit of notes or bonds authorized for investment by this section and other securities of a combined market value at least twenty per centum in excess of the par value of the collateral trust bonds or notes issued; *provided*, that the par value of said collateral trust bonds or notes shall in no case exceed the market value of that portion of the security represented by notes or bonds authorized for investment by this section;

(3) When issued by a corporation organized and doing business under the laws of the State of California and having a paid up and unimpaired capital of not less than one million dollars, and when secured by deposit, as hereinafter provided, of money, or of notes accompanied by mortgage or deed of trust constituting a first lien on real estate, improved or unimproved, in the State of California having a market value of not less than one and two-thirds times the amount of each note deposited, and when such security so deposited shall have an aggregate market value of not less than par value of the

collateral trust bonds or notes issued and outstanding, and when such collateral trust bonds or notes have a maturity of not more than twenty (20) years from their date of issue; *provided*, that such security shall be deposited as a court trust with a trust company, authorized to transact business in this state, and under such conditions and regulations as may, from time to time, be prescribed by the superintendent of banks; *provided, however*, that in prescribing such conditions and regulations the superintendent of banks shall permit the exchange, withdrawal and redeposit of any security in this paragraph authorized, so long as the aggregate market value of the security remaining on deposit shall be not less than the par value of the collateral trust bonds or notes issued and outstanding, all securities deposited as herein provided being subject to approval by the superintendent of banks. No such bonds or notes shall be eligible for investment by savings banks, if issued by a corporation having outstanding bonds or notes in an amount greater than fifteen times its paid up capital and surplus.

Railroad
equipment
trust
certificates

(h) Railroad equipment trust certificates or obligations issued or guaranteed by a corporation to which a loan or loans for the construction, acquisition, purchase or lease of railroad equipment has or have been made with the approval of the interstate commerce commission; *provided*, that the entire issue shall not exceed sixty per centum of the cost of such equipment and shall mature serially not later than fifteen years from date of issue; *provided, further*, that said certificates or obligations must be secured by or be evidence of a prior lien upon or reservation of title to such equipment, or by an assignment of or prior interest in the rent or purchase notes given for the hiring or purchasing of said equipment.

Acceptances

(i) Acceptances issued by a discount, acceptance or investment corporation formed under the federal statute commonly known as the "Edge" act or under the "investment companies act" of New York, or by a corporation of identical character and capacity organized under the laws of any state of the United States.

The legality of investments heretofore lawfully made pursuant to the provisions of this section, or of any law of this state as it existed on and subsequent to July 1, 1909, shall not be affected by any amendments to this section or this act; nor shall any such amendments require the changing of investments once lawfully made under this act.

Book value
of bonds

Any bonds authorized by this section as legal investment for savings banks may be carried on the books of said bank at their investment value, based on their market value at the time they were originally bought, unless the superintendent of banks shall require any or all of the bonds which may thereafter have a market value less than the original investment value to be written down to such new market value which shall be done gradually if practicable and in such manner as he may determine or he may, by a plan of amortization to be determined by him,

require such gradual extinction of premium as will bring such bonds to par at maturity.

When it shall be necessary to prevent loss to any savings bank on an obligation owned or on a debt previously contracted in good faith, it may, with the previous written consent of the superintendent of banks, purchase or acquire bonds of any railroad corporation incorporated under the laws of the State of California and operated exclusively therein notwithstanding such bonds do not conform to the requirements in this section contained; *provided*, any bond so purchased or acquired must be sold for the best price obtainable by any bank within five years after such purchase or acquisition.

No savings bank shall hereafter purchase or loan money upon any bond, note or other evidence of indebtedness, issued by any "public utility," subject to the jurisdiction, regulation or control of the railroad commission of this state under the provisions of the "Public utilities act," approved December 23, 1911, and acts amendatory thereof or supplemental thereto, unless each such bond, note or other evidence of indebtedness was either:

(1) Issued prior to the taking effect of the "Public utilities act"; or,

(2) Issued under authority of the railroad commission in accordance with the provision of said act; or,

(3) A note issued for a period not exceeding twelve months, in accordance with the provisions of subdivision (b) of section 52 of said act.

SEC. 11. Section 61a of said act is hereby amended to read as follows:

Sec. 61a. The superintendent of banks shall have power, when any issue of bonds or securities is presented to him for that purpose, to investigate and ascertain whether such bonds or securities come within and fully conform to all the requirements of paragraphs (d), (e), (f) or (g) of subdivision six of section 61 of this act, or either of said paragraphs.

He may also investigate and ascertain for what period of time, and upon what conditions, any franchise granted to or held by any corporation issuing any such bonds or securities will remain in force, and any other facts or conditions bearing upon the value or sufficiency of such bonds. The superintendent of banks may accept and act upon the opinions and appraisements of any attorneys, engineers or appraisers which may be presented by such person or corporation, so applying, and the reports of any of the executive officers of the corporation issuing such bonds or securities on any question of fact concerning or affecting such bonds or securities, the security thereof, the franchise conditions herein mentioned, or the financial condition of the corporation issuing the same. In lieu of or in addition to such opinions, appraisements and reports, the superintendent of banks may, if he deems proper, have any or all such matters passed upon and certified to him by attorneys, engineers, appraisers or accountants of his own selection at the expense of the applicant. If the superintendent of banks shall find from such investigation that the bonds or securities so

Bonds of railroad operating exclusively in state may be purchased when

Conditions of loans on utility bonds

Stats 1921, p 1392, amended.

Investigation of bonds by superintendent of banks

Certification of bonds

presented come within and fully conform to all the requirements of any of said paragraphs of subdivision six of section 61 of this act, and is satisfied from such investigation as to such franchise conditions, he shall so certify unless for any reason he shall be of the opinion that such bonds are not a safe or proper investment for savings banks, and in such event or if such bonds shall fail to meet the requirements of this act such certificate must be refused. The superintendent of banks also shall have power to investigate and ascertain the status and sufficiency as investments for savings banks of any bonds or notes or obligations specified in paragraphs (a), (b), (c), (h), and (i) of subdivision six of section 61 of this act. If upon such investigation it shall be determined in the opinion of the superintendent of banks that any bonds or notes or obligations specified in paragraphs (a), (b), (c), (h), and (i) of subdivision six of section 61 of this act constitute a proper investment for savings banks he shall so certify.

Revocation of certificate

Any certificate issued by the superintendent of banks under authority of the provisions of this section may be revoked at any time in his discretion. Any certificate issued in relation to notes or bonds of a railroad or other public utility corporation shall expire not later than three months after the end of the then current fiscal year of the corporation issuing such notes or bonds.

Renewal.

Any such certificate expiring may be renewed or extended by the superintendent of banks without application therefor from such corporation or other interested parties if he shall be satisfied that the notes or bonds referred to in said certificate are in conformity with the then requirements of section 61 of this act.

At the time when any person, district, or corporation presents for investigation or certification any issue of bonds or securities, such person, district or corporation shall pay to the superintendent of banks a fee in such amount as may be fixed by the superintendent of banks, which fee shall be delivered to the treasurer of the state, who shall deposit the same to the credit of the state banking fund. The superintendent of banks shall keep an official list of all bonds and securities certified by him.

No provision of this act, and no act or deed, done or performed under or in connection therewith, and no finding made or certificate issued under any provision thereof, shall be held or construed to obligate the State of California to pay, or be liable for the payment of, or to guarantee in any manner whatsoever, the regularity or the validity of the issuance of any stock or bond certificate, or bond, note, or other evidence of indebtedness certified under any provision of this act, by the superintendent of banks.

Unlawful advertisement of securities as legal investments.

It shall not be lawful for any individual, firm, association, bank, trust company, stock company, copartnership or corporation to advertise by newspaper or circular or in any other manner that any securities are legal investments for savings

banks in this state unless such securities are at the time of said advertisement legal investments for savings banks in this state, or to use any advertisement which might lead the public to believe that any securities conform to the requirements of the law relating to investments by savings banks unless such advertisement shall have been approved in writing by the superintendent of banks prior to publishing, circulating or otherwise issuing the same. Any individual, firm, association, bank, trust company, stock company, copartnership or corporation who shall advertise any securities in violation of the provisions of this paragraph shall be guilty of misdemeanor and shall be punishable by a fine not exceeding one thousand dollars or by imprisonment in a county jail not exceeding one year or by both such fine and imprisonment.

SEC. 12. Section 82 of said act is hereby amended to read as follows:

Stats 1921,
p. 1403,
amended

Sec. 82. Every commercial bank hereafter organized must have paid up in cash

Capital
stock of
commercial
banks

(1) Capital stock of not less than

(a) Fifty thousand dollars, if its principal place of business is located in any city or locality the population of which does not exceed twenty-five thousand persons;

(b) One hundred thousand dollars if its principal place of business is located in any city the population of which is more than twenty-five thousand persons, but does not exceed one hundred thousand persons;

(c) Two hundred thousand dollars if its principal place of business is located in any city the population of which is more than one hundred thousand persons, but does not exceed two hundred thousand persons;

(d) Three hundred thousand dollars if its principal place of business is located in any city the population of which is more than two hundred thousand persons.

(2) A surplus and contingent fund equivalent to twenty-five per centum of such capital stock.

The foregoing classification shall not apply to any commercial bank already in existence which has received its certificate to do a banking business from the superintendent of banks; nor to any bank the location of which shall have been included by annexation or consolidation within the limits of a city of a class requiring a larger capitalization, but no bank thus excepted shall be permitted to establish any new branch office as provided in section 9 of this act or to remove its place of business from the original limits of the city or township wherein it was located prior to such annexation or consolidation until it shall have the capital required of banks in such city not within said exception. Such excepted banks may not in any case decrease their capital stock, but may increase the same in the manner provided by law to an amount either greater or less than that required of banks in such city not within said exception; *provided*, that nothing herein shall be construed to affect the provisions of section 19 of this act

Existing
banks

relative to the proportion of capital and surplus to deposits or of section 23 of this act relative to the capital stock required of banks doing a departmental business.

Banks in
annexed
territory

The provisions of section 23 of this act, as to population, shall apply to any bank organized under the provisions of this section; *provided, however*, that nothing herein contained shall prevent the superintendent of banks in the exercise of his discretion from granting his license to any bank hereafter organized in a locality which has been included by annexation or consolidation within the limits of a city requiring a larger capitalization with a capital stock paid up in cash equal to that which would have been required for said locality if it had not been included by annexation or consolidation within the limits of a city requiring a larger capitalization; *provided*, that no bank so licensed shall be permitted to establish any branch office as provided in section 9 of this act or to remove its place of business from the original limits of the city or township which has been included by annexation or consolidation, within the limits of a city requiring a larger capitalization until it shall have the capital required of banks in such city requiring said larger capitalization.

Stats 1927,
p 1801,
amended
Loans to
officers,
directors,
etc.

SEC. 13. Section 83 of said act is hereby amended to read as follows:

Sec. 83. No loan shall be made for himself or as agent or partner of another, directly or indirectly, to any officer of any commercial bank by such bank or on the endorsement, surety, or guaranty of any such officer; *provided*, that a loan may be made to a corporation of which any officer of a commercial bank, proposing to make such loan, is a minority stockholder, director, officer, agent or employee. Loans to any director, agent, or employee other than an officer, or to any firm, copartnership or corporation of which any director, agent, or employee other than an officer is a member, stockholder, director, officer, agent or other employee, or to any person, firm, copartnership or corporation on the endorsement, surety, or guaranty of any such director other than an officer, agent, or other employee, can be made by any commercial bank; *and provided, further*, that a loan may be made or a line of credit may be given to any member of an advisory board or body of a commercial bank, not otherwise an officer of such bank, or a loan may be made to any firm, copartnership or corporation of which any member of such advisory board or body is a member, stockholder, director, officer, agent, or other employee, or to any person, firm, copartnership, or corporation on the endorsement, surety or guaranty of any such member of such advisory board or body upon such conditions as are herein fixed for a loan, directly or indirectly, or a line of credit and the report thereof to any director of such bank. Loans herein authorized can be made only on authorization of or confirmation within thirty days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing

To members
of advisory
boards.

or confirming such loan. Such interested director shall not vote or participate in any manner in the action of the board on such loan; *provided*, that by and with the consent of the superintendent of banks previously obtained in writing, all directors may vote on such a loan made to any corporation or bank where all of the outstanding shares of stock of one are owned by, or held in trust for the owners of not less than ninety per centum of the outstanding shares of stock of the other, and where all or a majority of the directors of the borrowing corporation or bank are directors of the loaning bank.

Authoriza-
tion or
confirmation

The board of directors of any such bank may fix the total amount of credit that may at any one time during the twelve months next succeeding be given to any director, agent, or other employee other than an officer, or to any firm, copartnership or corporation in which any director, agent or other employee other than an officer is a member, stockholder, director, officer, agent, or other employee or to any corporation of which any officer of a commercial bank, proposing to fix such total amount of credit, is a minority stockholder, director, officer, agent or employee, and any or all loans made within or up to the total amount of such authorized credit may at any time during said twelve months be renewed from time to time, in whole or in part by the officers of the bank without any further vote or action on the part of the board of directors. Each such authorization shall be entered upon the records or minutes of said bank. No director shall vote or participate in any manner in such action of the board fixing the total amount of credit that may at any one time be given to himself or to any firm, copartnership or corporation in which he is a member, stockholder, director, officer, agent or other employee. The fact of making such loan, the names of the directors authorizing such loan, the name of the director, agent or employee obtaining such loan, or the name of the firm, copartnership or corporation in which such director, agent or employee is interested or the name of the corporation of which any officer of a commercial bank is a minority stockholder, director, officer, agent or employee obtaining such loan, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor, if any, and the fact of final payment when made shall forthwith be reported in writing by the cashier or secretary of such bank to the superintendent of banks; *provided*, that any loan made to any corporation of which any director, officer, agent or employee of such commercial bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation which any two or more directors, officers, agents or employees of such commercial bank own not more than twenty per cent of the paid-in capital of such borrowing corporation shall not be reported to the superintendent of banks. In case a loan is made to a corporation there shall be reported in the

Amount of
credit

Report of
loan

same manner the name of each director and officer of such bank who is a member, stockholder, director, officer or employee of such borrowing corporation and the amount of stock held by him in such borrowing corporation. All the provisions of this section relating to reports shall apply to the granting of credit and all loans made under any credit given and payments made thereon shall also be reported immediately after the same is made. In case of a loan made without the previous authorization of the directors, the fact of making such loan shall forthwith be reported and the action of the board of directors, in confirming or refusing to confirm such loan within thirty days thereafter, and the fact of final payment when made shall be reported in the same manner as herein required for loans made under previous authorization.

Penalties.

Any officer, director, agent, or employee of a commercial bank, who knowingly procures a loan from such commercial bank contrary to the provisions of this section, shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

Loans to religious corporations, clubs, etc.

This section shall not apply to any loan made to a religious corporation, club, or other membership corporation of which one or more directors, officers, agents or employees of such commercial bank may be members, or officers, but in which they have no financial interest.

Loans to controlled corporations

No loan may be made to any corporation a majority of the stock of which is owned or controlled by any one or more of the directors or officers, or directors and officers of such commercial bank collectively, except with the previous consent of the superintendent of banks.

Loans on securities of U S

Loans may be made to any director, other than an officer, directly or indirectly, or to any agent or employee of a commercial bank on the security of bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest or those issued under the authority of the United States, or bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or bonds of any county, city, city and county, or school district of this state, notwithstanding anything in this section contained, and such loans may be made in the usual manner of making loans in which no director of such bank is interested.

SEC. 14. Section 90 of said act is hereby amended to read as follows:

Stats 1923,
p 171,
amended
Trust
companies

Sec. 90. Any corporation which has been or shall be incorporated under the laws of this state, which is authorized by its articles of incorporation to act as executor, administrator, guardian of estates, assignee, receiver, depository or trustee, under appointment of any court or by authority of any law of this state, or as trustee for any purpose permitted by law, which has its principal place of business in a city in which the population does not exceed one hundred thousand persons and which has a capital of not less than one hundred thousand dollars actually paid in, in cash, assigned to or available for the purpose of conducting business in any such capacity, or trust business of any character permitted by law, and which has made with the state treasurer the deposit of money or securities of the character and in the amount required by the terms of section 96 of this act, and which shall have paid up in cash a surplus and contingent fund equivalent to twenty-five per centum of such capital, and which has received from the superintendent of banks the certificate of authority required by the terms of section 127 of this act, to transact such business, and any corporation which has been or shall be incorporated under the laws of this state, which is authorized by its articles of incorporation to act as executor, administrator, guardian of estates, assignee, receiver, depository or trustee, under appointment of any court or by authority of any law of this state, or as trustee for any purpose permitted by law, which has its principal place of business in a city in which the population exceeds one hundred thousand persons and which has a capital of at least two hundred thousand dollars actually paid in, in cash, assigned to or available for the purpose of conducting business in any such capacity, or trust business of any character permitted by law, and which has made with the state treasurer the deposit of money or securities of the character and in the amount required by the terms of section 96 of this act, and which has received from the superintendent of banks the certificate of authority required by the terms of section 127 of this act, to transact such business, may act, or may be appointed by any court to act, in any such capacity in like manner as an individual, and when so qualified shall be known as a trust company. Any such trust company may, as provided in this act, accept or receive any deposit of money or personal property authorized, directed or permitted to be made with any such corporation by any court or law of this state, and may accept and execute any trust provided for in this act, or permitted by any law of this state, to be taken, accepted or executed by an individual. Any such trust company, if located in a city the population of which does not exceed one hundred thousand persons must segregate that portion of its capital and surplus assigned to or available for its trust business and must apportion and set aside at least fifty thousand dollars of such paid-up capital as

security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside at least fifty thousand dollars of such paid-up capital as security for the faithful performance and execution of all court trusts accepted by it and whenever such trust company shall, under the provisions of sections 96 and 98 of this act, be required to make the first additional deposit of securities with the state treasurer, such trust company must apportion and set aside an additional fifty thousand dollars of paid-up capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside an additional fifty thousand dollars of paid-up capital as security for the faithful performance and execution of all court trusts accepted by it, and any such trust company, if located in a city, the population of which exceeds one hundred thousand persons, must segregate that portion of its capital and surplus assigned to or available for its trust business and must apportion and set aside at least one hundred thousand dollars of such paid-up capital as security for the faithful performance and execution of all private trusts accepted by it and must also apportion and set aside at least one hundred thousand dollars of such paid-up capital as security for the faithful performance and execution of all court trusts accepted by it; *provided*, that no such trust company shall at any time be required to apportion and set aside any portion of its surplus as security for the faithful performance and execution of such private trusts, nor shall it be prohibited from so doing; *and provided, further*, that the respective amounts of capital or capital and surplus so apportioned and set aside shall be treated in all respects as the separate capital or capital and surplus of each respective kind or class of business, as though the same were conducted by separate and distinct corporations, and each shall be kept, held, used and disposed of wholly for the exclusive benefit, protection and security of the respective classes of trust business to which the same were respectively so apportioned and set aside. In all cases in which it is required that an executor, administrator, guardian of estates, assignee, receiver, depository or trustee, shall qualify by taking and subscribing an oath, or in which an affidavit is required, it shall be a sufficient qualification by such corporation if such oath be taken and subscribed or such affidavit be made by the president, vice president, secretary, manager, trust officer or assistant trust officer, and such officer shall be liable for the failure of such trust company to perform any of the duties required by law to be performed by an individual acting in the capacity and subject to like penalties; *provided*, any such appointment as guardian shall apply to the estate only, and not to the person.

Trust com-
pany as
member of
federal
reserve bank

Any trust company upon becoming a member of a federal reserve bank is authorized and empowered:

To continue to administer, execute, enjoy and exercise all court and private trusts as defined in the bank act, powers,

rights, privileges, and other fiduciary relations, appointments and business it may have at the time of becoming such trust company member, and also to take, execute and administer all new court and private trusts as defined in said bank act, including the right to the appointment of all fiduciary capacities in which it may be named in wills theretofore and thereafter executed and probated, and other appointments, powers, privileges, and business, of every kind and nature, as may be then or thereafter permitted to, but subject to the same requirements and limitations as may be imposed upon any corporation under all of the provisions of the bank act.

To hold, administer, execute, and in all respects generally handle, manage and dispose of, without charge, restriction, limitation or impairment of any nature, all of its investments, rights, interests, titles to property, contractual, legal and other rights, obligations or liabilities, of every kind or nature, court and private trusts as defined in the bank act, and other powers which it may be then permitted to exercise by law.

A foreign corporation may be authorized to act in this state as trustee for the following purposes:

Foreign corporations as trustee

(1) To deliver bonds, and receive payment therefor.

(2) To deliver permanent bonds in exchange for temporary bonds of the same issue.

(3) To deliver refunding bonds in exchange for those of a prior issue or issues.

(4) To register bonds, or to exchange registered bonds for coupon bonds, or coupon bonds for registered bonds.

(5) To pay interest on such bonds, and to take up and cancel coupons representing such interest payment.

(6) To redeem and cancel bonds when called for redemption, or to pay and cancel bonds when due.

(7) The certification of registered bonds for the purpose of exchanging registered bonds for coupon bonds.

A foreign corporation may be appointed and may accept appointment and act as trustee under any mortgage, deed of trust or other instrument securing bonds or other obligations issued or to be issued by any railroad corporation which owns a railroad operating in the State of California and extending into another state or other states.

SEC. 15. Section 127 of said act is hereby amended to read as follows:

Stats 1915, p 1133, amended

Sec. 127. When any number of persons desire to organize a corporation to conduct any one or more or all of the businesses mentioned in divisions (a), (b) and (c) of section 2 of this act or to circulate stock subscription lists for any such proposed corporation the previous written consent of the superintendent of banks to such proposed organization must be obtained. Such persons shall file with the superintendent of banks an application setting forth such matters and things as may be required by him and shall at the time of said application pay a fee of one hundred dollars. No bank shall transact

Written consent for organizing banks

Certificate
to transact
business

any business in this state without the written approval of the superintendent of banks, and without his written certificate stating that it has complied with the provisions of this act and all the requirements of law, and that he is authorized to transact, within this state, the business specified therein; which certificate may be withheld by the superintendent of banks whenever he has reason to believe that the bank is being formed for any other than the legitimate objects contemplated by this act, or whenever he has reason to believe that the public convenience and advantage will not be promoted by the opening of such bank, or whenever he has reason to believe that the corporate name assumed by such bank resembles, so closely as to be likely to cause confusion, the name of any other bank previously formed under the laws of this state. Before issuing such certificate the superintendent of banks shall examine, or cause an examination to be made, in order to ascertain whether the requisite capital of such bank has been paid up in cash or the requisite reserve or surplus fund has been accumulated. The superintendent of banks shall not authorize such bank to commence business until it appears from such examination, or other evidence satisfactory to him, that the requisite capital has been, in good faith, subscribed and paid in, in cash, or that the requisite surplus or reserve fund has been accumulated or paid in, in cash, and until said bank shall have paid a fee of fifty dollars for each department to be operated by said bank which fee shall be in addition to the fee paid at the time of the application.

Examination
of capital,
etc.

Fee

Stats 1925,
p 528,
amended.
Report to
superin-
tendent.

SEC. 16. Section 130 of said act is hereby amended to read as follows:

Sec. 130. Every bank, organized under the laws of this state, shall, whenever required by the superintendent of banks, make a report in writing to him, verified by the oath of its president and its secretary or cashier, or two principal officers. Such report shall show the actual financial condition of the bank making the report, at the close of any past day designated by the superintendent, and shall set forth such matters and things and be in such form as may be required by the superintendent of banks.

Report of
foreign
corporations.

Every foreign corporation transacting the business of banking in this state shall make the report herein required, as far as such report may relate to the affairs of such corporation in this state, and every such foreign corporation must set forth such matters and things in such report as may be required by the superintendent of banks. Such report shall be made in writing and verified by the oath of one of its duly authorized officers or managers residing in this state.

The oaths of the officers and the statements above required shall state that they and each of them have a personal knowledge of the matters therein contained, and that they believe every allegation, statement, matter, and thing contained therein is true. Any wilful false statement in the premises shall be perjury and shall be punished as such.

Every bank which operates any branch office in any city or locality other than that wherein is located its principal place of business must in addition to the foregoing, report to the superintendent of banks the total of deposits received and held by it through its branch office or offices in each such city or locality in which any such branch may be located.

Report of branch banks

SEC. 17. Section 136 of said act is hereby amended to read as follows:

Stats 1913, p 192, amended

Sec. 136. Whenever it shall appear to the superintendent of banks that any bank has violated the provisions of its articles of incorporation or any law of this state, or is conducting its business in an unsafe or unauthorized manner, or if the capital of any bank is impaired, or if any bank shall refuse to submit its books, papers and concerns to the inspection of any examiner, or if any officer thereof shall refuse to be examined upon oath touching the concerns of any such bank or if any bank shall suspend payment of its obligations, or if it shall appear to the superintendent of banks or the superintendent of banks shall have reason to conclude that such bank is in an unsound or unsafe condition to transact the business for which it is organized, or that it is unsafe and inexpedient for it to continue business, or if any bank shall neglect or refuse to observe any order of the superintendent of banks specified in sections 133 or 134 of this act, the superintendent of banks may forthwith take possession of the property and business of such bank and retain such possession until such bank shall resume business, or its affairs be finally liquidated as herein provided. Such bank may, with the consent of the superintendent of banks, resume business upon such conditions as may be approved by him.

Superintendent of banks may take possession of bank violating law

Whenever any such bank of whose property and business the superintendent of banks has taken possession as aforesaid, deems itself aggrieved thereby, it may, at any time within ten days after such taking possession, apply to the superior court in the county in which the principal office of such bank is located to enjoin further proceedings; and said court, after citing the superintendent of banks to show cause why further proceedings should not be enjoined, and hearing the allegations and proofs of the parties and determining the facts may, upon the merits, dismiss such application or enjoin the superintendent of banks from further proceedings, and direct him to surrender such business and property to such bank. An appeal as above provided shall operate as a stay of the judgment of the superior court, and no bond need be given if the appeal be taken by the superintendent of banks; but if the appeal be taken by such bank, a bond shall be given, as required by section 943 of the Code of Civil Procedure.

Suit to enjoin possession by superintendent

On taking possession of the property and business of any such bank the superintendent of banks shall forthwith give notice of such fact to any and all banks, corporations, partnerships, associations and individuals, holding or in possession of

Notice to other banks

any assets of such bank. No bank, corporation, partnership, association or individual knowing of such taking possession by the superintendent of banks, or notified as aforesaid, shall have a lien or charge for any payment, advance or clearance thereafter made, or liability thereon incurred against any of the assets of the bank of whose property and business the superintendent of banks shall have taken possession as aforesaid.

Authority of
superin-
tendent

Upon taking possession of the property and business of any such bank the superintendent of banks shall have authority to collect all moneys due to such bank and do such other acts as are necessary or expedient to collect, conserve or protect its assets, property and business, and shall proceed to liquidate the affairs thereof as hereinafter provided. The superintendent of banks shall collect all debts due and claims belonging to it, and upon the order of the superior court may sell or compound any bad or doubtful debts. If a purchaser for any bad or doubtful debts can not be obtained and it appears improbable that recovery thereon can be had and that the costs of actions to enforce collection of the same would probably be lost, the court may direct that suits thereon need not be brought. The superintendent of banks may sell any real or personal property of such bank on such terms as the court shall direct or approve. The moneys collected by the superintendent of banks shall be from time to time deposited in one or more state banks of deposit, savings banks or trust companies, and, in case of the suspension or insolvency of the depository, such deposits shall be preferred before all other deposits. For the purpose of executing and performing any of the powers and duties hereby conferred upon him, the superintendent of banks may, in the name of the delinquent bank or in his own name, prosecute and defend any and all suits and other legal proceedings and may, in the name of the delinquent bank or in his own name as trustee execute, acknowledge and deliver any and all deeds, assignments, releases and other instruments necessary and proper to effectuate any sale of real or personal property or other transaction in connection with the liquidation of said bank; and any deed or other instrument, executed pursuant to the authority hereby given, shall be valid and effectual for all purposes, as though the same had been executed by the officers of the delinquent bank by authority of its board of directors. In case any of the real property so sold is located in a county other than the county in which the application to the court for leave to sell the same is made the superintendent of banks shall cause a certified copy of the order authorizing or ratifying such sale to be filed in the office of the recorder of the county in which the said real property is located.

Presentation
of claims

All claims of every kind or nature against such bank or against any property owned or held by such bank must be presented to the superintendent of banks in writing, verified by the claimant or someone in his behalf, within four months after the first publication of the notice to creditors hereinafter

provided for; and any claim not so presented shall be forever barred; *provided, however*, that any deposit claim, appearing upon the books of said bank to be a valid claim, presented after the expiration of the time fixed in the notice to creditors shall be entitled to share in any dividends declared subsequent to the presentation of such claim.

The superintendent of banks shall cause notice to be given by advertisement, in such newspapers as he may direct, weekly for three consecutive months, calling on all persons who may have claims against such bank to present the same to the superintendent of banks, and make legal proof thereof at a place and within the time above provided. The superintendent of banks shall mail a similar notice to all persons whose names appear as creditors upon the books of the bank, and whose addresses appear upon the books of said bank. If the superintendent of banks doubts the justice and validity of any claim, he may reject the same, and serve notice of such rejection upon the claimant, either by mail or personally. An affidavit of the service of such notice, which shall be prima facie evidence thereof shall be filed with the superintendent of banks. Any action upon a claim so rejected must be brought within six months after such service.

Notice to
claim
holders

Upon taking possession of the property and assets of any bank, the superintendent of banks shall make an inventory of the assets of such bank in duplicate, one to be filed in the office of the superintendent of banks, and one with the papers in the liquidation proceeding in the office of the clerk of the county in which the principal office of such bank is located; upon the expiration of the time fixed for the presentation of claims the superintendent of banks shall make in duplicate a full and complete list of the claims presented, including and specifying such claims as have been rejected by him, one to be filed in the office of the superintendent of banks, and one with the papers in said proceeding in the office of the clerk of the county in which the principal office of such bank is located. Thereafter he shall make and file in said offices as above provided before each application to the court for leave to declare a dividend a supplemental list of the claims presented since the last preceding list was filed, including and specifying such claims as have been rejected by him, and in any event he shall make and file as above provided such a list at least once every six months after the filing of the original list, as long as he shall remain in possession of the property and business of any such bank. Such inventory and list of claims shall be open at all reasonable times to inspection.

Inventory
of assets

The superintendent of banks may, from time to time, under his hand and official seal, appoint one or more special deputy superintendents of banks, as agent or agents, with the powers specified in the certificate of appointment, to assist him in the duty of liquidation and distribution, the certificate of appointment to be filed in the office of the superintendent of banks, and a certified copy in the office of the clerk of the county in

Deputies to
assist in
liquidation

Counsel.

which the principal office of such bank is located. The superintendent of banks may employ such counsel and procure such expert assistance and advice as may be necessary in the liquidation and distribution of the assets of such bank, and for that purpose may retain such of the officers or employees of such bank as he may deem necessary. The superintendent of banks shall require from a special deputy superintendent and from such assistants such security for the faithful discharge of their duties as he may deem proper. The compensation of the special deputy superintendents, counsel and other employees and assistants, and all expenses of supervision and liquidation, shall be fixed by the superintendent of banks and shall be paid out of the funds of such bank in the hands of the superintendent of banks. Such expenses of liquidation must be reported by the superintendent of banks to the superior court of the county in which the principal place of business of such bank was located, upon each application for payment of dividend.

Dividends.

At any time after the expiration of the date fixed for the presentation of claims the superior court may by order authorize the superintendent of banks to declare out of the funds remaining in his hands after the payment of expenses one or more dividends, and after the expiration of one year from the first publication of notice to creditors he may declare a final dividend, such dividends to be paid to such persons, and in such amounts, and upon such notice, as may be directed by the superior court of the county in which the principal office of such bank is located. Objections to any claim not rejected by the superintendent of banks may be made by any party interested by filing a copy of such objections with the superintendent of banks, who shall present the same to the superior court at the time of the next application to declare a dividend. The court to which such application is made shall thereupon dispose of said objections or may order a reference for that purpose, and should the objections to any claim be sustained by the court or by the referee, such claim shall not be allowed by the superintendent of banks until the claimant shall have established his claim by the judgment of a court of competent jurisdiction.

Objections to claims

Dividends remaining unpaid in the hands of the superintendent of banks for six months after the order for final distribution shall be by him deposited with the state treasurer in the same manner and subject to the same disposition as provided for in section 1234 of the Code of Civil Procedure. The superintendent of banks may pay over the moneys so held by him to the persons respectively entitled thereto upon being furnished satisfactory evidence of their right to the same. In cases of doubt or conflicting claims he may require an order of the superior court authorizing and directing the payment thereof.

Notice to holders of deposit boxes

Should any bank at the time the superintendent of banks takes possession of its property and business, have in its possession, as bailee for safekeeping and storage, any jewelry,

plate, money, specie, bullion, stocks, bonds, securities, valuable papers or other valuable personal property or should it have rented any vaults, safes or safe deposit boxes or any portion thereof for the storage of property of any kind, the superintendent of banks may at any time thereafter cause to be mailed to the person claiming to be or appearing upon its books to be the owner of such property, or the person in whose name the safe, vault or box stands, a notice in writing in a securely closed, postpaid registered letter, directed to such person at his post-office address as recorded upon its books, notifying such person to remove, within a period fixed by said notice and not less than sixty days from the date thereof, all such personal property and upon the date fixed by said notice, the contract, if any, between such person and bank for the storage of said property or for the use of the said safe, vault or box shall cease and determine, and the amount of the unearned rent or charges, if any, paid by such person shall become a debt of the bank to said person. If the property be not removed within the time fixed by the notice, the superintendent of banks may make such disposition of said property as the superior court, upon application thereto, shall direct. And the superintendent of banks may cause any safe, vault or box to be opened in his presence or in the presence of one of the special deputy superintendents of banks, and of a notary public not an officer or in the employ of the bank or of the superintendent of banks, and the contents thereof, if any, to be sealed up by such notary public in a package upon which such notary public shall distinctly mark the name and address of the person in whose name such safe, vault or box stands upon the books of the bank and shall attach thereto a list and description of the property therein; and the package so sealed and addressed, together with the list and description, may be kept by the superintendent of banks in one of the general safes or boxes of the bank until delivered to the person whose name it bears, or until otherwise disposed of as directed by the court.

Boves may
be opened

Whenever the superintendent of banks shall have paid to each and every depositor and creditor of such bank whose claim or claims as such creditor or depositor shall have been duly proved and allowed, the full amount of such claims, and shall have made proper provision for unclaimed and unpaid deposits or dividends, and shall have paid all the expenses of the liquidation, the superintendent of banks shall call a meeting of the stockholders of such bank giving notice thereof for thirty days in one or more newspapers published in the county where the principal office of such bank is located. At such meeting the stockholders shall determine whether the superintendent of banks shall be continued as liquidator and shall wind up the affairs of such bank, or whether an agent or agents shall be elected for that purpose, and in so determining the said stockholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote,

After
payment
of claims

Meeting of
stockholders

and the majority of the stock shall be necessary to a determination.

Agent to
liquidate

In case it is determined to continue the liquidation under the superintendent of banks, he shall complete the liquidation of the affairs of such bank, and after paying the expenses thereof, shall distribute the proceeds among the stockholders in proportion to the several holdings of stock in such manner and upon such notice as may be directed by the superior court. In case it is determined to appoint an agent or agents to liquidate, the stockholders shall hereupon select such agent or agents by ballot, a majority of the stock present and voting, in person or by proxy, being necessary to a choice. Such agent or agents shall execute and file with the superintendent of banks a bond to the people of the state in such amount, with such sureties and in such form as shall be approved by the superintendent of banks, conditioned for the faithful performance of all the duties of his or their trust, and thereupon the superintendent of banks shall transfer and deliver to such agent or agents, all the undivided and uncollected or other assets of such bank then remaining in his hands; and upon such transfer and delivery, the said superintendent of banks shall be discharged from any and all further liability to such bank and its creditors. Such agent or agents shall convert the assets coming into his or their possession into cash, and shall account for and make distribution of the property of said bank as is herein provided in the case of distribution by the superintendent of banks, except that the expenses thereof shall be subject to the direction and control of a court of record of competent jurisdiction. In case of the death, removal or refusal to act of any such agent or agents, the stockholders, on the same notice, to be given by the superintendent of banks upon proof of such death, removal or refusal to act being filed with him, and by the same vote hereinbefore provided, may elect a successor, who shall have the same powers and be subject to the same liabilities and duties as the agent originally elected.

Death of
agent

Stats 1923,
p 175,
repealed
Stats 1909,
p 87,
amended
Constitution-
ality

SEC. 18. Section 132a of said act is hereby repealed.

SEC. 19. The said act is hereby amended to add a new section to be known as section 143 of said act to read as follows:

Sec. 143. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 240.

An act to amend section 604a of the Civil Code, relating to religious corporations.

[Approved by the Governor May 6, 1929 In effect August 14, 1929]

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

SECTION 1. Section 604a of the Civil Code is hereby amended to read as follows:

604a. For the administration of the temporalities, and for the management of the property and estate of any church, diocese, synod, or district or other organization of such church, or for the administration of the temporalities, and for the management of the property and estate of any religious society or order, community, or other organization of said religious society or order, any church, diocese, synod, or other organization of such church, or any community or other council, or other organization of any such religious society or order, or of any community or other organization of such religious society or order, may elect directors and become an incorporation in the manner prescribed in this title, and with all the powers and duties and for the uses and purposes in this title provided for benevolent or religious incorporations, and subject to all the limitations and provisions in said title prescribed, except as otherwise provided in this section.

Provided, that directors of any such incorporation may be elected and by-laws for its government may be made and amended in accordance with the constitution, by-laws, discipline, rules and regulations of such church, diocese, synod, or district or other organization of such church, or in accordance with the constitution, by-laws, discipline, rules and regulations of such religious society or order, or of any community, or other organization of such religious society or order, at any meeting.

And provided, the certificate of incorporation and of the election of directors to be filed shall be sufficiently attested by the signatures of the presiding officer, president, or other head, and acting secretary of such church, diocese, synod, or other organization of such church, or of the community or other council or other organization of such society or order, and that the limitations of section 595 shall not apply to such corporations heretofore organized or formed, or hereafter organized under this section when land is held or used for churches, hospitals, schools, colleges, asylums, or parsonages.

Every such corporation heretofore organized or formed, or hereafter organized pursuant to the provisions of this section shall have power to contract in the same manner and to the same extent as a natural person, and may sue and be sued, and may defend in all courts and places in all matters and proceedings whatsoever and shall have authority to borrow money, give promissory notes therefor, and secure the payment

thereof by mortgage or other lien upon property real or personal, and may buy, sell, lease, mortgage and deal in real and personal property in the same manner as a natural person. Said corporation may create a bonded indebtedness or increase the same and may issue, sell and dispose of bonds or tie increase thereof, and may secure the payment of such bonds by mortgage or deed of trust of its real or personal property; and may receive bequests and devises for its own use, or upon trusts, to the same extent as a natural person, subject, however, to the provisions of section 1313 of the Civil Code of the State of California and may appoint attorneys in fact.

NOTE--See chapter 711, *post*

CHAPTER 241.

An act to amend section 1238 of the Code of Civil Procedure, relating to the exercise of the right of eminent domain.

[Approved by the Governor May 6, 1929 In effect August 14, 1929]

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

Stats 1925,
p. 170,
amended
Uses for
which right
may be
exercised.

SECTION 1. Section 1238 of the Code of Civil Procedure is hereby amended to read as follows:

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

United
States.

1. Fortifications, magazines, arsenals, navy yards, navy and army stations, lighthouses, range and beacon lights, coast surveys, and all other public uses authorized by the government of the United States.

State
and state
institutions.

2. Public buildings and grounds for use of a state, or any state institution, or any institution within the State of California which is exempt from taxation under the provisions of section 1a, of article thirteen of the constitution of the State of California, and all other public uses authorized by the Legislature of the State of California.

Public
utilities, etc.

3. Any public utility, and public buildings and grounds, for the use of any county, incorporated city, or city and county, village, town, school district, or irrigation district, ponds, lakes, canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes, lands, water system plants, buildings, rights of any nature in water, and any other character of property necessary for conducting or storing or distributing water for the use of any county, incorporated city, or city and county, village or town or municipal water district, or the inhabitants thereof, or any state institution, or necessary for the proper development and control of such use of said water, either at the time of the taking of said property, or for the future proper development and control thereof, or for draining any county, incor-

porated city, or city and county, village or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels; roads, highways, boulevards, streets and alleys; public mooring places for water craft; public parks, including parks and other places covered by water, and all other public uses for the benefit of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, which may be authorized by the Legislature; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.

4. Wharves, docks, piers, warehouses, chutes, booms, ferries, bridges, tollroads, by-roads, plank and turnpike roads; paths and roads either on the surface, elevated, or depressed, for the use of bicycles, tricycles, motorcycles and other horseless vehicles, steam, electric, and horse railroads, canals, ditches, dams, poundings, flumes, aqueducts and pipes for irrigation, public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable, and water, water rights, canals, ditches, dams, poundings, flumes, aqueducts and pipes for irrigation of lands furnished with water by corporations supplying water to the lands of the stockholders thereof only, and lands with all wells and water therein adjacent to the lands of any municipality or of any corporation, or person supplying water to the public or to any neighborhood or community for domestic use or irrigation.

Wharves,
bridges,
ferries, etc

5. Roads, tunnels, ditches, flumes, pipes, aerial and surface tramways and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

Roads,
flumes, etc.,
of mines

6. By-roads leading from highways to residences, farms, mines, mills, factories and buildings for operating machinery, or necessary to reach any property used for public purposes.

By-roads

7. Telegraph, telephone, radio and wireless lines, systems and plants.

Communica-
tions

8. Sewerage of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any buildings belonging to the state, or to any college or university, also the connection of private residences and other buildings, through other property, with the mains of an established sewer system in any such city, city and county, town or village.

Sewerage

9. Roads for transportation by traction engines or road locomotives.

Engine roads

10. Oil pipe lines.

11. Railroads, roads and flumes for quarrying, logging or lumbering purposes.

Pipe lines

Canals,
dams, etc

12. Canals, reservoirs, dams, dikes, flumes, aqueducts, and pipes and outlets natural or otherwise for supplying, storing, and discharging water for the operation of machinery for the purpose of generating and transmitting electricity for the supply of mines, quarries, rail roads, tramways, mills, and factories with electric power; and also for the applying of electricity to light or heat mines, quarries, mills, factories, incorporated cities and counties, villages, towns, or irrigation districts; and also for furnishing electricity for lighting, heating or power purposes to individuals or corporations; together with lands, buildings and all other improvements in or upon which to erect, install, place, use or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth.

Power, light
and heat

13. Electric power lines, electric heat lines, electric light lines, electric light, heat and power lines, and works or plants, lands, buildings or rights of any character in water, or any other character of property necessary for generation, transmission or distribution of electricity for the purpose of furnishing or supplying electric light, heat or power to any county, city and county or incorporated city or town, or irrigation district, or the inhabitants thereof, or necessary for the property development and control of such use of such electricity, either at the time of the taking of said property, or for the future proper development and control thereof.

Cemeteries

14. Cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof.

Abstract
and title
companies

15. The plants, or any part thereof, or any record therein of all persons, firms or corporations heretofore, now or hereafter engaged in the business of searching public records, or publishing public records or insuring or guaranteeing titles to real property, including all copies of, and all abstracts or memoranda taken from, public records, which are owned by, or in the possession of, such persons, firms or corporations or which are used by them in their respective businesses; *provided, however*, that the right of eminent domain in behalf of the public uses mentioned in this subdivision may be exercised only for the purposes of restoring or replacing, in whole or in part, public records, or the substance of public records, of any city, city and county, county or other municipality, which records have been, or may hereafter be, lost or destroyed by conflagration or other public calamity; *and provided, further*, that such right shall be exercised only by the city, city and county, county or municipality whose records, or part of whose records, have been, or may be, so lost or destroyed.

Fairs

16. Expositions or fairs in aid of which the granting of public moneys or other things of value has been authorized by the constitution.

Gas works,
etc

17. Works or plants for supplying gas, heat, refrigeration or power to any county, city and county, or incorporated city or town, or irrigation district, or the inhabitants thereof, together with lands, buildings, and all other improvements in

or upon which to erect, install, place, maintain, use or operate machinery, appliances, works and plants for the purpose of generating, transmitting and distributing the same and rights of any nature in water, or property of any character necessary for the purpose of generating, transmitting and distributing the same, or necessary for the proper development and control of such use of such gas, heat, refrigeration, or power, either at the time of the taking of said property, or for the future proper development and control thereof.

18. Standing trees and ground necessary for the support and maintenance thereof, along the course of any highway, within a maximum distance of three hundred feet on each side of the center thereof; and ground for the culture and growth of trees along the course of any highway, within the maximum distance of three hundred feet on each side of the center thereof.

Trees along
highways.

CHAPTER 242.

An act to amend an act entitled "An act making an appropriation for the purchase of additional lands for the enlargement of Mount Diablo park in California," approved May 21, 1927, by amending section 3 of said act, relating to the Mount Diablo state park fund.

[Approved by the Governor May 6, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 3 of an act entitled "An act making an appropriation for the purchase of additional lands for the enlargement of Mount Diablo park in California," approved May 21, 1927, is hereby amended to read as follows:

Stats 1927,
p 1201,
amended

Sec. 3. There is hereby created a Mount Diablo state park fund. Whenever there shall be deposited in the said Mount Diablo state park fund any sum of money other than the appropriation made hereunder the controller shall transfer from the general fund, out of said appropriation, to the said Mount Diablo state park fund an amount equal to the amount so deposited in said Mount Diablo state park fund, the aggregate amount of such transfers from the general fund in no case to exceed the appropriation made hereunder. The state treasurer is hereby authorized to receive contributions in any amount and from any source whatsoever and credit the same to said Mount Diablo state park fund. All expenditures from said Mount Diablo state park fund shall be made solely for the acquisition of land contiguous to said park as hereinabove provided. Such expenditures from said fund shall be made upon the written order of the said commission and audited by the state board of control or other proper authorities who must allow the same and direct payment thereof to be made and the controller shall draw warrants therefor on

Fund
created

Deposits
into fund

Expenditures
from fund

the state treasury for the payment of the same to the said Mount Diablo state park commission out of the said Mount Diablo state park fund.

CHAPTER 243.

An act to amend section 2 of an act entitled "An act providing for the creation and management of the Tamalpais state park, making an appropriation therefor and creating the Tamalpais state park commission, with power to acquire land and other property for the creation, maintenance and improvement of said park, and for additions thereto, and to maintain and manage the same, and to appoint a guardian thereof," approved May 19, 1927.

[Approved by the Governor May 6, 1929. In effect August 14, 1929.]

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

Stats 1927,
amended

SECTION 1. Section 2 of an act entitled "An act providing for the creation and management of the Tamalpais state park, making an appropriation therefor and creating the Tamalpais state park commission, with power to acquire land and other property for the creation, maintenance and improvement of said park, and for additions thereto, and to maintain and manage the same, and to appoint a guardian thereof," approved May 19, 1927, is hereby amended to read as follows:

Appropriation
containing
deposit
into park
fund

Sec. 2. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, which shall be subject to the control and expenditure of said commission, in the manner hereinafter provided but which shall be used solely for the acquisition of land suitable for the said park hereinafter provided for.

Park fund
created

There is hereby created a Tamalpais state park fund. Whenever there shall be deposited in the said Tamalpais state park fund any sum of money other than the appropriation made hereunder the controller shall transfer from the general fund, out of said appropriation, to the said Tamalpais state park fund an amount equal to the amount so deposited in said Tamalpais state park fund, the aggregate amount of such transfers from the general fund in no case to exceed the appropriation made in section 2 of this act. The state treasurer is hereby authorized to receive contributions in any amount and from any source whatsoever and credit the same to the said Tamalpais state park fund. All expenditures from said Tamalpais state park fund shall be made solely for the acquisition of land suitable for the said park hereinafter provided for. Such expenditures from said fund shall be made upon the written order of the president of said commission and audited by the state board of control, or other proper authorities, who must allow the same and direct payment thereof to be made, and

Contribu-
tions

Expenditures
from fund

the controller shall draw warrants therefor on the state treasury for the payment of the same to the said Tamalpais state park commission out of the said Tamalpais state park fund.

CHAPTER 244.

An act to amend section 1557 of the Penal Code, relating to the return of fugitives.

[Approved by the Governor May 7, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1557 of the Penal Code is hereby amended to read as follows:

1557. When the governor of this state, in the exercise of the authority conferred by section 2, article four, of the constitution of the United States, or by the laws of this state, demands from the executive authority of any state of the United States, or of any foreign government, the surrender to the authorities of this state of a fugitive from justice, who has been found and arrested in such state or foreign government, the accounts of the person employed to bring back such fugitive must be audited by the board of control and paid out of the state treasury; *provided, however,* that the state shall not pay the expenses of any such person so employed where the fugitive so returned is not so arraigned or placed on trial, that such expenses shall be a charge upon the county asking the requisition; *provided, further,* that when a warrant has been issued by any magistrate after the filing of a complaint or the finding of an indictment and its presentation to the court and filing by the clerk, and the person named therein as defendant is a fugitive from justice, who has been found and arrested in any state of the United States or in any foreign government, the county auditor shall draw his warrant and the county treasurer shall pay to the person designated to return the fugitive, the amount of expenses estimated by the district attorney to be incurred in the return of such fugitive; *provided, further,* the person designated to return the fugitive shall make no disbursements from any such fund so advanced without a receipt being obtained therefor showing the amount, the purpose for which said sum is expended, place, date, and to whom paid. Such receipts must be filed by such person with the county auditor or state board of control, as the case may be, together with an affidavit by such person that the expenditures represented by said receipts were necessarily made in the performance of duty, and when such advance has been made by the county treasurer to the person designated to return the fugitive, and has thereafter been audited by the state board of control, the payment thereof shall be made by the state treasurer to the

Stats 1923,
p 638,
amended
Expense
of return
to this state
of fugitives
from justice

Receipts for
disburse-
ments and
affidavits of
necessity.

When no
advance
made.

Return of
excess
advances

county treasury, which has advanced the said funds; *provided, further*, that when no advance has been made to the person designated to return the fugitive the sums expended by him, when audited by the board of control, shall be paid by the state treasury to the said person so designated. In every case where the expenses of such person so employed to bring back such fugitive as herein provided, are less than the amount advanced on the recommendation of the district attorney, such persons so employed to bring back such fugitive shall return to the county treasurer the difference in amount between the aggregate amount of receipts so filed by him, as herein employed, and the amount advanced to such person upon the recommendation of the district attorney.

CHAPTER 245.

An act to amend sections 629a and 629b of the Political Code, relating to group insurance.

[Approved by the Governor May 7, 1929. In effect August 14, 1929.]

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

Stats 1927,
p 1117,
amended

Group life
insurance
and valuation
of policies

SECTION 1. Section 629a of the Political Code is hereby amended to read as follows:

Groups
acceptable

629a. Any life insurance company may issue life or endowment insurance, with or without annuities, with special rates of premiums less than the usual rates of premiums for such insurance, upon the group plan, and may value policies of such insurance on any accepted table of mortality and interest assumption adopted by the company for that purpose; *provided*, in no case shall such standard be lower than the American Men Ultimate Table of Mortality with interest assumption at three and one-half per centum. All policies of group insurance shall be segregated by the company into a separate class and the mortality experience kept separate. In addition to the groups now acceptable to the insurance commissioner and the life insurance companies as being eligible to group insurance, state, county, and municipal government employees or employees of school districts, irrigation districts or other political subdivisions, and members of labor unions and members of the national guard, are hereby declared as being eligible for group insurance. The number of policies, amount of insurance, reserves, premiums and payments to policyholders thereunder, together with the mortality table and interest assumption adopted by the company, shall be reported separately in the company's annual financial statement.

Stats 1927,
p 1115,
amended
Group life
insurance,
defined

629b. 1. Group life insurance is hereby declared to be that form of life insurance covering not less than fifty employees with or without medical examination, written under a policy issued to the employer, the premium on which is to be paid

by the employer or by the employer and employees jointly, and insuring only all of employees, or all of any class or classes thereof determined by conditions pertaining to the employment, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the employer; *provided, however*, that when the premium is to be paid by the employer and employee jointly and the benefits of the policy are offered to all eligible employees, not less than seventy-five per centum of such employees may be so insured.

The following forms of life insurance are also declared to be group insurance within the meaning of this chapter: Life insurance covering the members of any labor union or of any association of employees of the United States, of the state, county, or municipal governments, employees of school districts (including teachers), irrigation districts, or other political subdivisions of government. Such insurance shall be written under a policy issued to such union or association, which union or association shall be deemed to be the employer for the purposes of this chapter, the premium on which is to be paid by the union or the association and the members thereof jointly, and insuring only members of such union who are actively engaged in the same occupation, or of such association, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the union or association or the officials thereof; *provided, however*, that when a premium is to be paid by the union or the association and its members jointly, and the benefits are offered to all eligible members, not less than seventy-five per centum of such members may be so insured; *and provided, further*, that when members apply and pay for additional amounts of insurance, a smaller percentage of members may be insured for such additional amounts of insurance.

Labor
unions

2. No policy of group life insurance shall be issued or delivered in this state unless and until a copy of the form thereof has been filed with the commissioner of insurance and approved by him; nor shall such policy be so issued or delivered unless it contains in substance the following provisions: (a) A provision that the policy shall be incontestable after two years from its date of issue, except for nonpayment of premiums and except for violation of the conditions of the policy relating to military or naval service in time of war.

Form and
provisions
of policies

(b) A provision that the policy, the application of the employer and the individual applications, if any, of the employees insured, shall constitute the entire contract between the parties, and that all statements made by the employer or by the individual employees shall, in the absence of fraud, be deemed representations and not warranties, and that no such statement shall be used in defense to a claim under the policy, unless it is contained in a written application.

(c) A provision for the equitable adjustment of the premium or the amount of insurance payable in the event of a misstatement of the age of an employee.

(d) A provision that the company will issue to the employer for delivery to the employee, whose life is insured under such policy, an individual certificate setting forth a statement as to the insurance protection to which he is entitled, to whom payable, together with provision to the effect that in case of the termination of the employment for any reason whatsoever the employee shall be entitled to have issued to him by the company, without evidence of insurability and upon application made to the company within thirty-one days after such termination, and upon the payment of the premium applicable to the class of risk to which he belongs and to the form and amount of the policy at his then attained age, a policy of life insurance in any one of the forms customarily issued by the company, except term insurance, in an amount equal to the amount of his protection under such group insurance policy at the time of such termination.

(e) A provision that to the group or class thereof originally insured shall be added from time to time all new employees of the employer eligible to insurance in such group or class.

Policies of group life insurance, when issued in this state by any company not organized under the laws of this state, may contain, when issued, any provision required by the law of the state, or territory, or district of the United States under which the company is organized; and policies issued in other states or countries by companies organized in this state, may contain any provision required by the laws of the state, territory, district, or country, in which the same are issued, anything in this section to the contrary notwithstanding. Any such policy may be issued or delivered in this state which in the opinion of the commissioner of insurance contains provisions on any one or more of the several foregoing requirements more favorable to the employer or to the employee than hereinbefore required.

Policyholder,
who.

3. In every group policy issued by a domestic life insurance company, the employer shall be deemed to be the policyholder for all purposes within the meaning of this chapter, and, if entitled to vote at meetings of the company, shall be entitled to one vote thereat.

Freedom
from attach-
ment, etc.

4. No policy of group life insurance, nor the proceeds thereof, when paid to any employee or employees thereunder, shall be liable to attachment, garnishment, or other process, or to be seized, taken, appropriated or applied by any legal or equitable process or operation of law, to pay any debt or liability of such employee, or his beneficiary, or any other person who may have a right thereunder, either before or after payment; nor shall the proceeds thereof, when not made payable to a named beneficiary, constitute a part of the estate of the employee for the payment of his debts.

CHAPTER 246.

An act to amend section 4284 of the Political Code, relating to the salaries of county officers of counties of the fifty-fifth class.

[Approved by the Governor May 7, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 4284 of the Political Code is hereby amended to read as follows:

Stats 1927, p 1103, amended

4284. In counties of the fifty-fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, fees and expenses, to wit:

Counties of 55th class (Trinity) Salaries and fees of officers

- 1. The county clerk, two thousand dollars per annum. County clerk
- 2. The sheriff, three thousand dollars per annum. Sheriff
- 3. The recorder, one thousand dollars per annum. Recorder.
- 4. The auditor, one thousand eight hundred dollars per annum. Auditor

5. The treasurer, one thousand five hundred dollars per annum; provided, that all fees and commissions now allowed by law or which may hereafter be allowed by law to said treasurer by virtue of the said office shall be paid into the county treasury.

Treasurer

6. The tax collector, one thousand two hundred dollars per annum.

Tax collector

7. The assessor, three thousand dollars per annum; provided, that all commissions and fees now allowed by law or which may hereafter be allowed by law to the said assessor on the collection of personal property taxes, road and hospital taxes, shall be paid into the county treasury.

Assessor

8. The district attorney, one thousand eight hundred dollars per annum.

District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Public administrator.

11. The superintendent of schools, one thousand two hundred dollars per annum which said sum of one thousand two hundred dollars shall also be in full payment of the services of such superintendent of schools upon the board of education.

Superintendent of schools

12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual and necessary expenses when at work in the field.

Surveyor.

13. In counties of this class the justices of the peace shall receive the following compensation, to wit:

Justices of the peace

(a) In townships having a population of one thousand or over, twenty dollars per month;

(b) In townships having a population of less than one thousand, ten dollars per month: provided, however, that the justice of the peace residing at the county seat shall receive

twenty dollars per month, even when presiding as justice of the peace in townships having less than a population of one thousand.

The above named salaries shall be in full compensation for all services of said justices of the peace in criminal and civil cases, and when acting as coroner said justices of the peace shall be allowed and paid actual expenses, which expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury. The above compensation shall be in lieu of all other fees received for services and said fees shall be accounted for to the auditor and paid into the county treasury.

The salaries of justices of the peace as herein provided for shall be paid in the same manner, at the same time, and out of the same funds as county officers are paid.

For the purposes of this subdivision the population of the several judicial townships is hereby determined to be the population of said townships as shown by the federal census taken A. D. 1910.

Constables. 14. In counties of this class the constables shall receive the following compensation, to wit:

(a) In townships having a population of one thousand or over, twenty dollars per month;

(b) In townships having a population of less than one thousand, ten dollars per month, together with such fees as may be now or hereafter allowed for mileage for serving papers.

The salaries of the constables as herein provided for shall be paid in the same manner, at the same time, and out of the same funds as county officers are paid.

Supervisors 15. Each member of the board of supervisors, nine hundred dollars per annum; mileage from residence to county seat at each sitting of the board, twenty cents per mile.

Jurors. 16. The fees of grand jurors and trial jurors in the superior courts of counties of this class, in civil and criminal cases, shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of twenty-five cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants.

Appropriations for fees

The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

CHAPTER 247.

An act to authorize the director of the California state department of agriculture to maintain plant quarantine inspection stations for the purpose of inspecting vehicles, boats, vessels, railroad cars, airplanes, and any and all types of conveyances for the purpose of preventing the introduction by such carriers, or by the contents of such carriers, into the State of California or the spread within the State of California of injurious insects, or other animal pests, or plant diseases, or noxious weeds: making an appropriation to carry out the provisions of this act and making the matter hereof an urgency measure.

[Approved by the Governor May 8, 1929. In effect immediately]

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

SECTION 1. For the purpose of preventing the introduction into, or the spread within the State of California of dangerous insects, or other animal pests, or plant diseases, or noxious weeds, the director of the California state department of agriculture is hereby authorized to and shall maintain at such places within the State of California as are deemed by him necessary plant quarantine inspection stations for the purpose of inspecting vehicles, boats, vessels, railroad cars, airplanes, and any and all other such conveyances which may serve to carry plants, parts of plants, or plant products, or other commodities which are or are liable to be infested or infected with such pests as are deemed to be dangerous and a menace to the agricultural industry of California. Quarantine
inspection
stations

SEC. 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be expended by the director of agriculture of the State of California for administering the provisions of this act, the sum of one hundred thousand dollars. Appropriation

SEC. 3. Inasmuch as this act concerns and is necessary to the immediate protection of the public health and safety, for the reason that a dangerous fruit fly infestation has been found to exist within the United States and it is important that at the earliest possible date the state department of agriculture initiate and carry on necessary inspection of carriers of materials which are liable to bring this infestation into the State of California, and which if brought in would greatly imperil and endanger the agricultural industry of this state, and probably cause irreparable damage thereto; and further, for the reason that immediate establishment of additional inspection stations is necessary to so prevent the introduction of dangerous agricultural pests, this act shall, under the provisions of section 1, article four, of the constitution of the State of California, take effect immediately. Urgency
measure

CHAPTER 248.

An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor.

[Approved by the Governor May 9, 1929 In effect August 14, 1929]

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

The California Institution for Women established.

SECTION 1. There shall be established within this state an institution for the confinement, care and reformation of; (a) women convicted of misdemeanor under the provisions of an act entitled "An act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, or of an act entitled "An act to regulate the sale, purchase, distribution and use of habit forming, narcotic and other dangerous drugs and substances, and providing penalties for the violation thereof," adopted at the forty-eighth session of the Legislature, or adjudged vagrants under the provisions of section 647 of the Penal Code, and deemed by the court proper subjects for such confinement, care and reformation, and (b) of women convicted of a felony the punishment for which shall be less than death, to be known as "The California Institution for Women."

Purpose.

SEC. 2. The purpose of said institution shall be to provide custody, care, protection, industrial, vocational, and other training, and reformatory help, for women confined therein.

Board of trustees.

SEC. 3. Said institution shall be under the management and control of a board of trustees of five members appointed by the governor, three of whom shall be women, which board shall be and constitute the division of women's institutions within the department of penology of the State of California. The division hereby created shall be administered by said board of trustees, and the chairman of said board, who shall also be known as chief of the division. The terms of office of said trustees shall be five years each; *provided*, that the terms of office of those first appointed shall be one, two, three, four and five years, respectively, and the governor in making such appointments shall indicate the respective terms for which the appointments are made.

Before entering upon the discharge of their duties, they shall take an oath, in writing, to faithfully discharge the same.

The members of the board of trustees shall be entitled to their reasonable expenses, including traveling expenses, incurred in the discharge of their duties.

SEC. 4. It shall be the duty of said board:

Powers and duties of trustees.

(a) To organize itself, adopt rules for the holdings of its meetings, the transaction of its business, and for the administration and conduct of the institution;

(b) To select, purchase and procure with all reasonable

dispatch, a suitable site of not less than fifty acres, with the necessary appurtenances for said institution. Said site shall be of such character as to afford ample opportunity for agricultural work and the training of those committed to the institution. If there be already owned by the state land suitable for such site, or a part thereof, and not used, or in the opinion of the state department of finance, not necessary for use by the state for another purpose, such land may be appropriated or purchased by said board with the consent of the state department of finance as the site, or part of the site of said institution;

(c) To construct and equip in connection with or appurtenant to the site so procured or appropriated, the buildings, improvements and plant necessary for the accomplishment by said institution of the purposes for which it is established. Said board is authorized, if it deems it advisable, pending the construction of the permanent buildings, improvements and plant, to construct and equip temporary accommodations, and to commence and carry on the work of the institution;

(d) To conduct, supervise and administer the institution for the purposes for which it is established, together with the right to possess, control and administer any and all property given or appropriated to or for the benefit of said institution, either by way of endowment, public or private, or otherwise;

(e) Said board shall employ a skilled superintendent, who shall be a woman, and who shall reside at, and have the immediate charge and management of the institution, subject to the control of said board. Said board shall authorize the employment of such other assistants, officers or employees, as may be necessary;

(f) Said board shall report to the governor biennially, and at such other times as the governor may direct.

SEC. 5. The superintendent shall give a bond to the state in such form as may be prescribed by said board, but not less than ten thousand dollars, conditioned upon the faithful discharge by her of her duties.

Bond of
superin-
tendent.

SEC. 6. All regularly employed assistants, officers and employees whose duties bring them in contact with the inmates of the institution shall be women as far as practicable.

Employees
to be women

SEC. 7. Any woman eighteen years of age or over, confined under a sentence of commitment in any penal or reformatory institution, or prison, within this state may be transferred therefrom, by the state board of prison directors or by the director of the state department of institutions, for the serving of her sentence for the term of her commitment, or the balance thereof, to said institution.

Transfer of
prisoners

SEC. 8. Upon the commitment or transfer of any woman to said institution under the preceding section, it shall be the duty of the officer having custody of her or required to take custody of her, to deliver her to said institution, receiving therefor the fees payable for the transportation of prisoners to the state prisons. Such officer shall at the same time

Delivery of
prisoners.

deliver to said institution a certified copy of the judgment of conviction and of the order of commitment or order of transfer. Every woman so committed or transferred under this act shall be accompanied by a woman attendant from the place of commitment or transfer until delivered to said institution.

Children of
prisoners

SEC. 9. If any woman received by or committed to said institution have a child under two years of age, or gives birth to a child while an inmate of said institution, such child may be admitted to, and retained in said institution until it reaches the age of two years, at which time said board may arrange for its care elsewhere; *and provided, further*, that at its discretion in exceptional cases said board may retain such child for a longer period of time.

Records of
prisoners

SEC. 10. There shall be kept at said institution a record of the history and progress of every woman confined therein during the period of her confinement, and so far as practically possible, prior and subsequent thereto, and all judges, courts, officials and employees, district attorneys, sheriffs, chiefs of police and peace officers, shall furnish said institution with all data in their possession or knowledge relative to any inmate that said institution may request. If upon the arrest of any woman it be discovered that she was theretofore an inmate of said institution, the institution shall be promptly notified of her arrest.

Examination
and treat-
ment of
prisoners

SEC. 11. Every woman upon being committed to said institution shall be examined mentally and physically, and shall be given the care, treatment and training adapted to her particular condition. Such care, treatment and training shall be along the lines best suited to develop her mentality, character and industrial capacity; *provided, however*, no inmate shall be confined longer than the term of her commitment.

Paroles

SEC. 12. Said board shall have the right, with the advice of a competent mental expert, to parole any woman confined in said institution for the commission of a misdemeanor, in the same manner and subject to the same conditions as provided for the parole of persons confined in the state prisons of this state. The parole of any woman confined in said institution for the commission of a felony shall be under the jurisdiction and control of the state board of prison directors.

Prison
industries

SEC. 13. (a) Said institution may manufacture or raise for sale, supplies or produce for use in any state institution, or for the use of any political subdivision of the state, and said board may in its discretion pay to any inmate producing or assisting in the production of such article, or to the dependent family of such inmate, the proceeds or a part of the proceeds of the sale thereof. Said board shall also have the power to employ inmates in actual work in said institution, and to fix their compensation, if any, therefor, and to pay the same at such times and in such manner as said board may see fit;

Disposition
of proceeds

(b) All moneys received from the sale of articles of any description, supplies or produce, as provided in subdivision

(a) of this section, shall be paid to the state treasury, to be placed in a contingent fund to the credit of said institution and for its use.

SEC. 14. When said institution is ready for the admission of women thereto, said board shall certify such fact to the governor, who shall make due proclamation thereof. Certificate of completion

SEC. 15. Said board shall keep or cause to be kept, the cost to the state of inmates of said institution confined therein for the commission of misdemeanors, segregated by counties from which such misdemeanants are committed, and shall transmit in the months of April and November to each county auditor a statement of the cost to the state for such misdemeanants committed from his county, for the preceding six months. Each county auditor must include in a "state settlement report" rendered to the state controller in the months of May and December, the amount due the state as shown by said statement; and the county treasurer at the time of the settlement with the state in May and December must pay to the state treasurer upon the order of the controller, the amount found to be due to the state by reason of the commitments herein referred to. In the event of the failure of the county auditor or county treasurer to do or perform any of the things required in this section, said board may require the county treasurer by writ of mandate to pay to the state treasurer upon an order of the controller all amounts found to be due to the state as aforesaid, at the time of the next settlement of said county treasurer with the state, and it shall be no defense to such a proceeding that the county auditor has failed to include such sums in his said report rendered to the controller, and it shall not be necessary for said board to allege or prove any fact with relation to the condition of the funds of the county. Said board may in its discretion recover sums due from counties as in this section provided, by the presentation of claims against the board of supervisors, and recovery may be had on all sums due the state for a period of three years next prior to the presentation of any such claims. Funds for operating expenses

SEC. 16. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of four hundred seventy-five thousand dollars for the purpose of this act, and the controller of the state is hereby directed on the request of said board of trustees, duly audited by the state department of finance, to draw his warrant on the state treasurer in favor of said board of trustees for any moneys duly appropriated to meet any expenditures under this act. Appropriation

CHAPTER 249.

An act to amend section 33 of the "Workmen's compensation, insurance and safety act of 1917," as amended, by including in the definition of the word "employer" the state, counties, municipalities, school districts, irrigation districts, all other districts established by law, public corporations, quasi-public corporations and public agencies.

[Approved by the Governor May 9, 1929. In effect August 14, 1929.]

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

Stats. 1923,
p 165,
amended

SECTION 1. Section 33 of the "Workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, is hereby amended to read as follows:

Definitions

Sec. 33. The following terms, as used in sections 33 to 54, inclusive, of this act, shall unless a different meaning is plainly required by the context, be construed as follows:

"Place of
employ-
ment "

(1) The phrase "place of employment" shall mean and include any and every place, whether indoors or out or underground, or elsewhere, and the premises appurtenant thereto, where, either temporarily or permanently, any enterprise, project, industry, trade, work or business is carried on, or where any process or operation directly or indirectly related to any enterprise, project, industry, trade, work or business, is carried on, including all excavation, demolition and construction work, and where any person is employed by another, or suffered or permitted to work for hire but shall not include any place where persons are employed solely in household domestic service or any place of employment, concerning the safety of which jurisdiction may have been vested by law heretofore or hereafter in any other state commission or officer, or any offices or department of the federal government.

"Employ-
ment "

(2) The term "employment" shall mean and include any trade, work, enterprise, project, business, occupation or process of manufacture, or any method of carrying on such trade, work, enterprise, project, business, occupation or process of manufacture, including all excavation, demolition and construction work, in which any person may be engaged except where persons are employed solely in household domestic service.

"Employer."

(3) The term "employer" shall mean and include the state, and each county, city and county, city, school district, irrigation district, all other districts established by law, and all public corporations and quasi-public corporations and public agencies therein, and every person, firm, voluntary association, private corporation, officer, agent, manager, representative or other person having direction, management, control or custody of any employment, place of employment or of any employee.

(4) The term "employee" shall mean and include every person who may be required or directed by any employer, to engage in any employment, or to go to work or be at any time in any place of employment. "Employee."

(5) The term "order" shall mean and include any decision, rule, regulation, direction, requirement or standard of the commission or any other determination arrived at or decision made by such commission under the safety provisions of this act. "Order "

(6) The term "general order" shall mean and include such order, made under the safety provisions of this act, as applies generally throughout the state to all persons, employments or places of employment, or all persons, employments or places of employment of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders. "General order "

(7) The term "local order" shall mean and include any ordinance, order, rule or determination of any board of supervisors, city council, board of trustees or other governing body of any county, city and county, city, or any school district or other public corporation, or an order or direction of any other public official or board or department upon any matter over which the industrial accident commission has jurisdiction. "Local order "

(8) The terms "safe" and "safety" as applied to an employment or a place of employment shall mean such freedom from danger to the life or safety of employees as the nature of the employment will reasonably permit. "Safe" and "safety "

(9) The terms "safety device" and "safeguard" shall be given a broad interpretation so as to include any practicable method of mitigating or preventing a specific danger. "Safety device" and "safeguard "

CHAPTER 250.

An act to amend section 5 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the direct primary law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended.

[Approved by the Governor May 9, 1929 In effect August 14, 1929]

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

SECTION 1. Section 5 of an act entitled "An act to provide for and regulate primary elections, and providing a

Stats 1927,
p. 1686,
amended

method for choosing the delegates for political parties to state conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the direct primary law, and also to repeal the act, approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24 of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, is hereby amended to read as follows:

Method of getting name on ballot

Appointment of verification deputies by candidate

Form for appointment.

Sec. 5. (a) The name of no candidate shall be printed on the official ballot to be used at the August primary election unless at least sixty days and not more than ninety days prior thereto there shall be filed a declaration of his candidacy, by such candidate, or a declaration of candidacy by sponsors on behalf of such candidate, and an acceptance of such candidacy by the candidate so proposed. The candidate may appoint verification deputies to serve within the county or city and county in which such deputies reside, in securing the signatures of sponsors to his nomination paper for nomination to the office for which he is a candidate, and the verification deputies thus appointed shall be recognized as the duly authorized verification deputies to secure the signatures of sponsors to the nomination paper of such candidate in such county or city and county. The document in which such verification deputies are appointed as herein provided shall be filed with the county clerk or registrar of voters of the county or city and county in which such verification deputies reside, at or before the time the sponsor certificates of the candidate are left with the county clerk or registrar of voters for filing or for examination. Said document shall be in substantially the following forms:

I, the undersigned, a candidate for the-----party nomination for the office of-----, which nomination is to be made by direct vote at a primary election to be held on the----- day of August, 19--., do hereby appoint the following registered qualified electors of the county of-----, as verification deputies to obtain signatures of sponsors in said county to a nomination paper placing me in nomination as a candidate of said-----party for said office of-----.

Verification Deputies.

Name	Residence
-----	-----
-----	-----
-----	-----
etc.	etc.

(Signature)-----
 (Residence)-----

Filed in the office of the county clerk (or registrar of voters) of the county of-----, this----- day of-----, 19--.

In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of such candidate, one or more similar documents may be filed to supplement the first document. When the office for which the candidate is proposed is a nonpartisan office all reference to party candidacy shall be omitted.

Additional deputies

In the event the said declaration of candidacy is made by sponsors, as herein provided, any five qualified electors of any county or city and county who are registered as intending to affiliate with the same political party may join in proposing a candidate for nomination, and in appointing verification deputies to serve within the county or city and county in which such deputies reside in securing the signatures of sponsors to the nomination paper of such candidate for such office. If the office is an office the candidate for which is to be voted on in more than one county, he may be proposed for nomination as herein provided by five registered qualified electors in each of the counties in which such electors may desire to circulate a nomination paper in his behalf. The document in which such verification deputies are appointed as herein provided shall be filed with the county clerk or registrar of voters of the county or city and county in which such verification deputies reside, at or before the declaration of candidacy by sponsors is left with the county clerk or registrar of voters for filing or examination.

Appointment of deputies by sponsors

In said document the five signers shall make affidavit that the candidate therein named for the office therein specified has given his consent to be thus proposed for nomination to such office; and shall also state that the verification deputies therein appointed are duly registered qualified electors of said county or city and county; and the verification deputies therein appointed shall be recognized as the duly authorized verification deputies to secure signatures to the nomination paper of such candidate in such county or city and county. Said document shall be substantially in the following form:

Form of appointment

State of California, }
County of----- } ss.

We, the undersigned, do solemnly swear (or affirm) that we are each qualified electors of the county of-----, State of California, and that we are each registered as intending to affiliate with the-----party and we do hereby propose-----, who resides at No. ----, -----street in the city of (or in the town of) -----, county of-----, as a candidate for the nomination of such party for the office of -----, to be voted for at the primary election to be held on the----- day of August, 19--; and we do solemnly swear (or affirm) that said-----

has consented to this proposal of his name as candidate for the nomination for said office. We hereby appoint the following registered qualified electors of this county as verification deputies to obtain signatures in this county to the declaration of candidaey by sponsors of said_____to said office of_____.

VERIFICATION DEPUTIES.

Name	Residence
-----	-----
-----	-----
etc.	etc.
(Signed) -----	-----
-----	-----
-----	-----

Subscribed and sworn to before me this_____day of_____, 19__.

(Seal) _____
Notary Public (or other official).

The declaration of such candidaey by such candidate shall be substantially as follows:

Candidate's
declaration
of candi-
dacy

DECLARATION OF CANDIDACY.

I hereby declare myself a_____party candidate for nomination to the office of_____ to be voted for at the primary election to be held_____, 19____, and declare the following to be true:

My name is_____

My present residence is_____

My present occupation is_____

My present business address is_____

The name of my employer (if any) is_____

The address of my employer (if any) is_____

My occupation for the past three years has been as follows:

The duration of my residence in California is_____years.

My address for the past five years has been as follows:

I am at present an incumbent of the following public office (if any): _____

I have held the following public offices (if any): _____

_____ for _____years,

_____ for _____years.

I am registered as affiliated with the_____ party. (The candidate may here insert, at his option, in not over fifty words, a statement of what he considers to be his

special fitness, training or experience in the line of work which he will be called upon to perform in case of his election.)

If nominated, I will accept such nomination and not withdraw and will qualify as such officer if nominated and elected.

Signature of Candidate.

State of California, }
County of----- } ss.

Subscribed and sworn to before me this-----
day of ----- 19-----.

Notary Public (or other official).

Examined and certified by me this-----
day of ----- 19-----.

Registrar of Voters—County Clerk.

In the event the said declaration of candidacy is made by sponsors, as herein provided, each such declaration of candidacy shall be substantially as follows: ^{Sponsors' declaration of candidacy}

DECLARATION OF CANDIDACY BY SPONSORS

I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of the County of ----- State of California, and that I am registered affiliated with the----- party, and I do hereby sponsor, propose and nominate-----

who resides at No.----- Street in the city of (or in the town of) ----- County of ----- State of California, as a party candidate for the nomination of such party for the office of -----, to be voted for at the primary election to be held on the ----- day of ----- 19-----, and I hereby assert as follows:

My knowledge of the said----- is sufficient to warrant my urging his election to the office of----- and in my opinion he is fully qualified mentally, morally and physically for the said office and should be elected to fill it. I am not at this time a signer of any other declaration of candidacy, nominating, proposing or sponsoring any other candidate for the above named office, or in case there are several places to be filled in the above named office, I have not signed more declarations of candidacies than there are places to be filled in the above named office. My residence and occupation are correctly set forth after my signature hereto:

Name	Residence	Occupation
-----	-----	-----
-----	-----	-----

Verification
deputy's
affidavit

VERIFICATION DEPUTY'S AFFIDAVIT.

I, _____ solemnly swear (or affirm) that I have been appointed according to the provisions of subdivision *a*, section five of the direct primary law, as a verification deputy to secure signatures of sponsors in the county of _____ to the nomination paper of _____ as a candidate for the nomination of the _____ party for the office of _____; that all the signatures on this section of said nomination paper, were made in my presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed) _____
Verification Deputy.

Subscribed and sworn to before me this _____ day of _____, 19__.

(Seal) _____
Notary Public (or other official).

Examined and certified by me this _____ day of _____, 19__.

Registrar of voters—County Clerk.

Signatures

Such declaration or declarations of candidacy by sponsors shall contain, in the aggregate, the same number of signatures as required by subdivision (*d*) hereof, and no further signatures shall be necessary or required to place such candidate so proposed on the official primary ballot.

Declaration
of acceptance
of nomination

Such candidate so nominated or proposed by said sponsors shall, if he accepts such nomination, file with the proper officials and within the time provided by law, an affidavit of acceptance, which affidavit shall be substantially as follows:

DECLARATION OF ACCEPTANCE OF NOMINATION.

I hereby accept the nomination as proposed by a certain declaration of candidacy by sponsors, as a candidate of the _____ party for nomination to the office of _____, to be voted for at the primary election to be held _____, 19__, and declare the following to be true:

My name is _____

My present residence is _____

My present occupation is _____

My present business address is _____

The name of my employer (if any) is _____

The address of my employer (if any) is _____

My occupation for the past three years has been as follows:

The duration of my residence in California is _____ years.

My address for the past five years has been as follows:

I am at present an incumbent of the following public office
(if any) : -----

I have held the following public offices (if any) :

----- for ----- years,
----- for ----- years.

I am registered as affiliated with the ----- party.

(The candidate may here insert, at his option, in not over fifty words, a statement of what he considers to be his special fitness, training or experience in the line of work which he will be called upon to perform in case of his election.)

If nominated I will accept such nomination and not withdraw and will qualify as such officer if nominated and elected.

Signature of candidate.

State of California }
County of ----- } ss.

Subscribed and sworn to before me this ----- day of
-----, 19-----

Notary Public (or other official).

(b) The declaration shall be subscribed and sworn to before some officer authorized to administer oaths, and thereupon at least sixty-five days before the August primary election shall be delivered to the county clerk or registrar of voters in the county in which the candidate resides. Such clerk or registrar of voters shall forthwith certify and transmit to the secretary of state the declaration of candidacy and acceptance as herein provided, for each candidate for state officers, United States senators, representatives in congress, members of the state Senate and Assembly, delegates to state conventions from hold-over senatorial districts, and all officers to be voted for in districts comprising more than one county. Filing of declarations

(c) A candidate for a nonpartisan office shall omit all reference to party candidacy or party affiliations from said declaration. Nonpartisan offices

(d) Said declaration shall be signed, certified and filed as provided in this section, and at least sixty-five days before said primary election, the candidate shall cause to be filed sponsor certificates herein provided for, of not less than sixty-five nor more than one hundred sponsors if the candidate is a candidate for a state office or for United States senator, and not less than forty nor more than sixty if the candidacy is for representative in congress, member of the board of equalization, or for any office voted for in more than one county, and not state wide, except for the state Senate or for the Assembly, and not less than twenty nor more than thirty if the candidacy is for the state Senate or for the Assembly, or a candidacy in a Number of sponsor certificates

single county or any political subdivision thereof, or for delegate to state convention from a hold-over senatorial district. In the case of every candidate to be voted for at the primary election for whom the number of sponsor certificates is not above provided, the number shall be not less than ten nor more than twenty; *provided*, that if any political party has less than fifty registered voters in the state or in the county or district in which the election is to be held, a candidate for nomination by such party need not have more sponsors than one-tenth the number of said registered voters of said party; *provided, further*, that if there are less than one hundred fifty registered voters in the county or district in which the election is to be held, the number of sponsors shall not be less than ten nor more than twenty.

Qualifications of sponsors. Sponsors must be electors and qualified to vote at the ensuing primary election in the district or political subdivision in which the candidate is to be voted on, and shall be affiliated with the party, if any, in which the nomination is proposed.

Filing of certificates and declarations by sponsors. (e) Sponsor certificates and declarations of candidacy by sponsors shall be delivered to the county clerk or registrar of voters of the county in which the sponsor resides and is a registered voter and the county clerk or registrar of voters shall not accept for filing any declaration or sponsor certificate unless all blanks therein are filled. The county clerk or registrar of voters shall forthwith file said certificates in his office or forward the same for filing as provided in this act.

Verification of signatures. The county clerk or registrar of voters before filing or forwarding for filing any declaration or sponsor certificate shall verify the signature on each declaration and certificate and the political affiliation set forth therein with the registration affidavits on file in his office and mark "not sufficient" any signature in any declaration or certificate which does not appear in the same handwriting as appears on the affidavit of registration in his office or in which the declaration of party affiliation is not in accordance with the declaration of party affiliation in such affidavit of registration. No more sponsors shall be secured for any candidate than the maximum number required in subdivision (d) of this section; *provided*, that if, through miscalculation or otherwise, more sponsors are secured than said maximum number, the officer with whom said sponsor's certificates are filed, shall with the written consent of the candidate withdraw such excess number. No fee or charge whatsoever shall be made or collected by any officer for the verifying or any declaration of candidacy, sponsors certificates, declaration of acceptances or verification affidavit.

Maximum number of sponsors. (f) Sponsors for candidates for nonpartisan offices shall omit all reference to party candidacy or affiliations from their declarations and certificates.

Nonpartisan offices. (g) All sponsor certificates which by section 6 of this act are required to be filed in the office of the secretary of state shall be delivered to the county clerk or registrar of voters as provided herein at least sixty-five days prior to the August

Delivery of sponsor certificates to county clerk and registrar

primary election and within five days after being so left such certificates shall be forwarded by such county clerk or registrar of voters to the secretary of state, who shall receive and file the same. The county clerk or registrar of voters shall forward with said sponsors' certificates a statement showing the total number which have not been marked "not sufficient," as hereinabove provided, and shall include therewith a type-written list of the sponsors not marked "not sufficient," their addresses and occupations, and shall file a copy of such statement and list in his office

All sponsor certificates which are not required by this act to be filed in the office of the secretary of state shall be filed in the office of the county clerk or registrar of voters. All sponsor certificates shall be so arranged, by pluralizing of pronouns and otherwise, as to admit of the signatures of not exceeding thirty sponsors on the same sponsors' certificates.

Sponsors, other than those who shall sign declarations of candidacy by sponsors, shall certify to the qualification of the candidate as follows:

Sponsor's certificate as to qualification of candidate

SPONSOR'S CERTIFICATE.

I, the undersigned sponsor for _____ for the _____ party nomination to the office of _____, to be voted for at the primary election to be held on the _____ day of _____, 19____, hereby assert as follows:

My knowledge of the said _____ is sufficient to warrant my urging his election to the office of _____ and in my opinion he is fully qualified mentally, morally and physically for the said office and should be elected to fill it. I am a qualified elector of _____ county and I am registered as affiliated with the _____ party and am not at this time a signer of any other certificate nominating any other candidate for the above-named office, or in case there are several places to be filled in the above-named office, I have not signed more certificates than there are places to be filled in the above-named office. My residence and occupation are correctly set forth after my signature hereto.

Name	Residence	Occupation
-----	-----	-----
-----	-----	-----

VERIFICATION DEPUTY'S AFFIDAVIT.

I, _____ solemnly swear (or affirm) that I have been appointed according to the provisions of subdivision a, section five of the direct primary law, as a verification deputy to secure signatures of sponsors in the county of _____ to the nomination paper of _____ as a candidate for the nomination of the _____ party for the office of _____; that all the signatures on this section of said nomination paper, were made in my presence, and that, to the best of my

Deputy's affidavit

knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed) _____

Verification Deputy.

Subscribed and sworn to before me this _____ day of _____, 19___.

(Seal)

Notary Public (or other official).

Examined and certified by me this _____ day of _____, 19___.

Registrar of Voters—County Clerk.

Defects. (h) No defect in any declaration or sponsor certificate presented shall prevent the filing of another declaration or sponsor certificate which is presented within the period allowed for presenting the declaration or sponsor certificate.

Preservation of declarations and certificates (i) The secretary of state, county clerk or registrar of voters shall preserve in his office, for a period of four years, all declarations and sponsors' certificates filed in accordance with this section.

Sponsors (j) Each signer of a sponsor certificate must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, or, in case there are several places to be filled in the same office signed to more certificates for candidates for that office than there are places to be filled for such office.

Pamphlets containing declarations of candidates, etc (k) The secretary of state before any primary election shall cause to be printed in pamphlet form a copy of all declarations of candidates received by him, said declarations to be followed by the names, addresses, and occupations of all sponsors. The pamphlet shall contain the declarations and sponsor list of all candidates for state offices, United States senators, representatives in congress, and all officers to be voted for in districts comprising more than one county, except said senators, assemblymen and delegates to state convention.

The state printer shall furnish to each county clerk or registrar of voters sufficient copies of said pamphlets containing only declarations of candidates and list of sponsors of the candidates to be voted for in such county or city and county to supply one copy to each registered voter in his county; copy for said pamphlet shall be furnished to the state printer by the secretary of state.

The county clerk or registrar of voters shall mail one copy of said pamphlet to each registered voter with his sample ballot. As soon as said pamphlets are printed the county clerk or registrar of voters of each county or city and county, shall send one copy to each candidate whose declaration of candidacy is printed therein.

The names of candidates and sponsors shall be printed in black face type, the names of the candidates to be in capital letters. The size of the pamphlet shall not exceed six by nine inches. Said pamphlets shall be headed in large type "Information concerning candidates to be voted on at the primary election" and below this shall be printed in black face type the following: "Retain this pamphlet until the November election for information concerning candidates nominated at this primary election." These pamphlets shall be printed with appropriate headings and shall contain, first the names of all candidates of that party whose candidate for governor received the highest vote at the last gubernatorial election; secondly, the names of all candidates of that party whose candidate for governor received the second highest vote, and so on. For parties which had no candidate for governor the order shall be as determined by the secretary of state. Every candidate who is the candidate of more than one party shall have his declaration of candidacy or acceptance printed but once; but under each party for whose nomination he is a candidate shall appear a statement that he is a candidate of such party, together with the list of party sponsors who have proposed his nomination by such party. Under each party division of said pamphlet shall appear all the offices for which nominations are to be made, and under the name of each office the names of all party candidates for such office, the names of both offices and candidates to appear in the same order in which they are to appear upon the primary ballot for the first assembly district. After the lists of all party candidates with their respective declarations of candidacy and sponsor lists, shall appear, in the order of offices and names of candidates provided for the primary ballot for the first assembly district, all other offices to be voted on in more than one county, with the declarations of candidacy and sponsor lists for the several candidates under each of said officers.

(l) Nothing herein shall be construed as prohibiting the independent nomination of candidates as provided by section 1188 of the Political Code, as said section reads at the time of said nomination; except one whose name has appeared upon the ballot as a candidate of any political party at a primary election held under the provisions of this act, and who is defeated for such party nomination at such primary election, shall be ineligible for nomination as an independent candidate, or as a candidate named by a party central committee to fill a vacancy as provided in section 25 of this act for the same or any other office at the ensuing general election; and no person shall be permitted to file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election. Nor shall any person whose name has been written in upon any ballot or ballots for any office at any primary election have his name placed upon the ballot as a candidate for such office at the ensuing general election, except under the provisions of

Independent
nominations
and filling
of vacancies

said section 1188 of the Political Code, or of section 25 of this act providing for the filling of vacancies by party central committees, unless at such primary election he shall have received for such office votes equal in number to one per cent of all votes cast for such office at the last preceding general state election.

Filing
record.

(m) The officer with whom declarations of candidacy are filed shall keep a record in which he shall enter the name of the candidate, the title of the office, the party, if any, and the time of filing.

Construction
of section

(n) The provisions of this section of the direct primary law shall not apply to municipal elections nor to the May presidential primary election, but nominations under the provisions of the presidential primary act and under the provisions of section 1188 of the Political Code shall be made through the method of nomination papers provided by the direct primary law as it existed in 1926.

CHAPTER 251.

An act to amend the title and section 1 of an act entitled "An act to provide for the burial of ex-union soldiers, sailors, and marines in this state who may hereafter die without leaving sufficient means to defray burial expenses." approved March 15, 1889, as amended, and providing for the burial of soldiers, sailors, marines and nurses who shall have served in or with the army or navy of the United States and the burial of widows of such soldiers, sailors or nurses.

[Approved by the Governor May 9, 1929. In effect August 14, 1929.]

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

Stats. 1889,
p. 198,
amended.

SECTION 1. The title of an act entitled "An act to provide for the burial of ex-union soldiers, sailors, and marines in this state who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, as amended, is hereby amended to read as follows:

Title.

An act to provide for the burial of soldiers, sailors, marines and nurses who shall have served in or with the army or navy of the United States and for the burial of widows of such soldiers, sailors or marines.

Stats. 1923,
p. 133,
amended.

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Burial of
deceased
soldiers, etc

Section 1. It shall be the duty of the board of supervisors of each county in this state to designate a particular person in the county, who shall be an honorably discharged soldier, sailor or marine, who shall have served in or with the army or navy of the United States, whose duty it shall be to cause to be decently interred the body of any honorably discharged soldier, sailor, marine or nurse, who shall have served in or with the army or navy of the United States, or the widow of any

such honorably discharged soldier, sailor or marine, who may hereafter die without having sufficient means to defray funeral expenses, other than moneys paid or due and payable by the United States, pursuant to the "World war adjusted compensation act." Such burial shall not be made in any cemetery, or burial ground, or any portion of such cemetery or burial ground, used exclusively for the burial of the pauper dead. The expenses of each burial shall not exceed the sum of one hundred twenty-five dollars (\$125) and the claim for burial and the proof required under the terms of this act may be made at any time within sixty (60) days after the date of the death of such deceased soldier, sailor, marine or nurse, or the widow of such soldier, sailor or marine, and it is further provided that in event of the filing of a claim and the proof of right to interment under the terms of this act, that the soldier, sailor, marine or the widow of such soldier, sailor or marine, appointed by the board of supervisors, shall pay upon the burial expenses of said deceased soldier, sailor, marine or nurse or the widow of such soldier, sailor or marine, the sum of one hundred twenty-five dollars (\$125) the same as if such soldier, sailor, marine or nurse or the widow of such soldier, sailor or marine had been interred under the terms and provisions of this act.

CHAPTER 252.

An act to amend section 2 of an act entitled "An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within state hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, as amended.

[Approved by the Governor May 9, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 2 of an act entitled "An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within state hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, as amended is hereby amended to read as follows:

Stats. 1927,
p. 430,
amended

Sec. 2. The term "residence" as used in this act, shall be taken to mean, and shall be considered to mean the actual residence of each of such persons, or the place where such per-

Residence
defined.

son was employed, or in case such person has no employment, then it shall be considered and held to be the place where such person made his or her home, or his or her headquarters.

A person shall be deemed to be a lawful resident of the State of California within the meaning of this act, who shall have lived continuously in the state for a period of one year with the intent to make it his or her home and who has not acquired a residence in another state by living continuously therein for at least one year subsequent to his residence in this state; *provided, however*, that the time spent in a public institution or on parole therefrom or in a private charitable institution shall not be counted in determining the matter of residence in this or another state.

Temporary
expense.

Where a pauper or poor or indigent or incapacitated or incompetent person as herein designated is not a lawful resident of the State of California, all expenses incurred in temporarily supporting and in transporting such person to another state may be paid by the county where such person applies for aid unless it appears that other funds are available.

CHAPTER 253.

An act to amend the "California vehicle act," approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927, by amending sections 7½, 19, 23, 25, 30, 31, 42, 43, 44, 45, 46, 47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 82, 83, 84, 85, 86, 89, 90, 94, 95, 96, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, 155 and 159, and by adding thereto new sections to be numbered 8½, 22½, 23½, 28½, 30½, 31½, 45½, 52½, 72½, 76½, 83½, 98½, 100½, 111½, 114½, 134½, 141½, 150½, 152½, 153½, and 154½, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the division of motor vehicles and creating a California highway patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the record to be kept by public garages and the renting of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations govern-

ing pedestrians and relating to the disposition of fees collected under this act and providing for carrying out the objects of this act.

[Approved by the Governor May 10, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 7½ of the California vehicle act approved May 30, 1923, as amended, is hereby amended to read as follows: Stats 1927,
p. 1421,
amended

Sec. 7½. "Special mobile equipment." Any vehicle or unit of special construction equipment not designed or intended for use as a transportation unit, which is used in connection with construction work, or for agricultural purposes, and which is occasionally or incidentally moved over the public highways from place to place or from job to job, shall be classed as "special mobile equipment." The term "special mobile equipment" shall also include dollies, well-boring apparatus, street improvement and ditch digging apparatus, wood-saws and fumigating and spraying apparatus; *provided*, that all such apparatus and special mobile equipment are not self-propelled. It shall be unlawful to move any special mobile equipment over or leave upon the public highways unless there shall be permanently attached to, or painted in a conspicuous place upon each unit of such special mobile equipment, a sign in letters not less than two inches in height giving the name and address of the owner. Special
mobile
equipment

SEC. 2. Said California vehicle act is hereby amended by adding thereto a new section to be numbered 8½ to read as follows: Stats 1923,
p 518,
amended

Sec 8½. Authorized emergency vehicle. Every vehicle publicly owned and operated by a police or fire department or traffic law enforcement officer in responding to emergency calls or in traffic patrol duty and a vehicle owned and operated by the chief or one assistant chief of an organized fire department in answering fire alarms and public owned ambulances used on emergency calls and emergency repair vehicles of public utility corporations, only when responding to emergency, accident or fire calls. Authorized
emergency
vehicle.

SEC. 3. Section 19 of said act is hereby amended to read as follows: Stats 1927,
p 1422,
amended

Sec. 19. Chauffeur. Every person who is employed by another for the principal purpose of driving a motor vehicle on the public highways and receives compensation therefor. Chauffeur.

SEC. 4. Said California vehicle act is hereby amended by adding thereto a new section to be numbered 22½ to read as follows: Stats. 1923,
p 520,
amended.

Sec. 22½. Through highway or boulevard. (a) Every highway designated by ordinance enacted by local authorities at the entrance to which vehicles are required to stop before entering or crossing such through highway when there shall Through
highway or
boulevard.

be in place upon the highway intersecting any said through highway at or near the boundary line of such through highway appropriate stop signs so located as to be plainly visible at all times to the driver of an approaching vehicle.

(b) Every public highway under the jurisdiction of the department of public works shall be a through highway, and all vehicles shall stop before entering or crossing such through highway when there shall be in place upon each and every public highway intersecting such through highway at or near the boundary line of such through highway appropriate stop signs so placed by or under the authority of the department of public works, and so located as to be plainly visible at all times to the operator of an approaching vehicle.

Stats 1923,
p. 520,
amended.

Intersection
of public
highways.

SEC. 5. Section 23 of said act is hereby amended to read as follows:

Sec. 23. Intersection of public highways. The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of the traversable roadways of two or more public streets or highways which join one another at an angle whether or not one such street or highway crosses the other.

Stats. 1923,
p. 520,
amended

SEC. 6. Said California vehicle act is hereby amended by adding thereto a new section to be numbered 23½ to read as follows:

Safety zone

Sec. 23½. Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by vertical signs or raised markers or raised buttons as to be plainly visible at all times while set apart as a safety zone.

Stats 1923,
p. 520,
amended.

Division.

SEC. 6½. Section 25 of said act is hereby amended to read as follows:

Sec. 25. "Division." The division of motor vehicles of the department of public works of the State of California.

Stats. 1923,
p. 520,
amended.

SEC. 7. Said California vehicle act is hereby amended by adding thereto a new section to be numbered 28½ to read as follows:

Business
district.

Sec. 28½. Business and residence districts. (a) A "business district" for the purpose of this act shall mean the territory contiguous to a public highway when fifty per cent or more of the property fronting on one side of said highway for a distance of six hundred feet, or where fifty per cent or more of the property fronting on both sides collectively of said highway for a distance of three hundred feet is occupied by buildings in use for business. All roads and highways within the grounds of a state university or state, county or municipal institution shall be deemed to be within a business district for the purposes of this act.

Residence
district.

(b) A "residence district" for the purpose of this act shall mean the territory contiguous to a public highway, not comprising a business district as herein defined, when the property fronting on one side of said highway for a distance of at least

a quarter of a mile is occupied by thirteen or more separate dwelling houses or business structures, or where the property fronting on both sides collectively of said highway for at least a quarter of a mile is occupied by sixteen or more separate dwelling houses or business structures.

(c) Every public highway shall be conclusively presumed to be outside of a business or residential district unless its existence within a business or residential district shall be established by clear and competent evidence as to the nature of the district, and unless signposted when and as required by this act.

Presumption.

SEC. 8. Section 30 of the California vehicle act is hereby amended to read as follows:

Stats 1923.
p 520,
amended.

Sec. 30. "California highway patrol."

(a) There is hereby created the "California highway patrol," the administration of which shall be in the division of motor vehicles and under control of the director of the department of public works who is hereby authorized to appoint one superintendent of highway patrol, one assistant superintendent of highway patrol, one secretary to the superintendent of highway patrol, all necessary state inspectors at large, and in addition thereto a sufficient number of state inspectors, captains, traffic officers and clerks to serve in the counties of the state from which they are appointed for the purpose of enforcing the provisions of this act with such salaries as may be fixed by the director of the department of public works.

California
highway
patrol
created

(b) The director of the department of public works, the chief of the division of motor vehicles, the superintendent of highway patrol, the assistant superintendent of highway patrol, the inspectors, captains and traffic officers as provided herein shall constitute the "California highway patrol" and are hereby vested with the authority of peace officers for the purpose of enforcing the provisions of this act with the power of serving warrants issued by any court of this state in any portion thereof.

(c) The division may from time to time and in counties having charters, other than counties of the first and second class, shall establish headquarters or substations in such localities in the rural portions of the state as it shall deem most suitable for the efficient performance of the duties of the California highway patrol and for that purpose may lease or purchase lands and buildings.

Powers
and duties

(d) The division is hereby authorized to:

(1) Establish a school for the training and education of the members of the "California highway patrol" in traffic regulation, their duties and the proper enforcement of this act.

(2) Create districts within the state in the organization of the "California highway patrol."

(3) Adopt rules covering the policy, procedure, regulation and administration of all activities of the "California highway patrol."

(e) The division shall issue to each member of the "California highway patrol" a badge of authority with the words "California highway patrol" encircling the same, the seal of the State of California in the center thereof, and below the designation of the office held by each member thereof.

Impersonation of members.

(f) Any person who without authority wears the badge of a member of the "California highway patrol" or a badge of similar design which would tend to deceive anyone shall be guilty of a misdemeanor.

(g) Any person who impersonates a member of the "California highway patrol" with the intention to deceive anyone shall be guilty of a misdemeanor.

Exempt from civil service.

(h) All persons, with the exception of state inspectors at large, appointed under the provisions of section 30 of this act shall be exempt from the provisions of the civil service act.

Appointments

(i) When appointments are to be made of inspectors, captains, traffic officers, and clerks to serve in any county of the state, the board of supervisors of such county shall be notified of such contemplated appointments and thereupon the said board of supervisors shall submit to the department a list of names of proposed inspectors, captains, traffic officers, and clerks, from which list such appointments shall in the discretion of the director of the department of public works be made. If any board of supervisors should fail or refuse to submit a list of names for such appointments as aforesaid the director of the department of public works shall proceed to make such appointments.

Assignment of members

(j) The chief of the division whenever in his opinion an emergency exists, is hereby authorized to assign the members of the "California highway patrol" for service in any portion of the state; *provided, however*, that no member of the California highway patrol appointed as provided in subdivision (i) hereof shall be assigned for service outside of the county from which he is appointed for a longer period than one week, without the consent of the board of supervisors of such county.

(k) The chief of the division shall make adequate provision for the patrol of the highways both day and night.

Stats 1923, p 521, amended
Officers exempt from civil service.

SEC. 8½. Said California vehicle act is hereby amended by adding a new section to be numbered 30½ to read as follows:

SEC. 30½. The secretary to the chief of the division of motor vehicles, and the branch manager of each branch office of the division of motor vehicles shall be exempt from the provisions of the civil service act.

Stats 1927, p. 1422, amended
Regulations and forms

SEC. 9. Section 31 of the California vehicle act is hereby amended to read as follows:

SEC. 31. Chief of division may adopt rules and regulations and prescribe forms. The chief of the division of motor vehicles is hereby authorized to adopt and enforce such administrative rules and regulations as may be necessary to carry out the provisions of this act.

The chief shall also prescribe and provide suitable forms of applications, certificates of registration and ownership, opera-

tor's and chauffeur's licenses and all other forms requisite for the purposes of this act and shall prepay all transportation charges thereon.

Whenever the term "certificate of registration" or "registration certificate" is used in the California vehicle act it shall be deemed to mean a registration card, and the division is hereby authorized to change the designation "certificate of registration" or "registration certificate" to read "registration card."

No person shall engage in the business of soliciting or receiving any application for the registration, reregistration, or transfer of registration of any motor vehicle or for any non-resident permit for the operation of any motor vehicle within this state nor for any operator's or chauffeur's license and of transmitting or presenting the same to the division of motor vehicles or any branch office thereof when any compensation is solicited or received for any such service; *provided, however*, that the foregoing provisions shall not apply to a common carrier acting in the regular course of its business in transmitting applications, permits and licenses as hereinabove mentioned, and shall not apply to service rendered by a person, agency or bureau to individuals, companies or corporations, where such individuals, companies or corporations have previously in writing informed the chief of the division of their desire to be represented by such person, agency or bureau and the chief of the division has granted permission to said person, agency or bureau to act as such representative.

Solicitation
of applica-
tions,
licenses and
permits

SEC. 10. Said California vehicle act is hereby amended by adding thereto a new section to be numbered 31½ to read as follows:

Stats 1923,
p 521,
amended

Sec. 31½. Regulations governing change of motors. The chief of the division of motor vehicles is hereby authorized to adopt and enforce such rules and regulations as may be deemed necessary and compatible with the public interest governing the temporary change or substitution of one motor in place of another in any motor vehicle.

Regulations
governing
change of
motors.

SEC. 10½. Section 42 of the California vehicle act is hereby amended to read as follows:

Stats 1927,
p 1423,
amended

Sec. 42. Number plates to be furnished by division.

(a) The division shall also furnish to every owner whose vehicle shall be registered one number plate for a motorcycle, trailer or semitrailer, and two number plates for any motor vehicle other than a motorcycle.

Number
plates.

(b) Every number plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, together with the word "California" or the abbreviation "Cal." and the year number for which it is issued. Number plates issued for motor vehicles, other than motorcycles, shall be rectangular in shape thirteen and seven-eighths inches in length and six and one-eighth inches in width.

(c) Number plates furnished for trailers, semitrailers and such vehicles as are exempt from the payment of fees under

this act shall display suitable distinguishing marks or symbols, and the numbers assigned in such cases shall run in different numerical series from the number assigned to other vehicles registered under the provisions of this act.

Stats 1923,
p 524,
amended.

Display
of plates

SEC. 11. Section 43 of the California vehicle act is hereby amended to read as follows:

Sec. 43. Display of plates. (a) Number plates assigned to a motor vehicle other than a motorcycle shall be attached thereto, one in front and the other in the rear; the number plate assigned to any motorcycle or other vehicle required to be registered under the provisions of this act shall be attached to the rear thereof.

(b) Every number plate shall at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a minimum distance of twenty-four inches from the ground, in a position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.

Stats 1925,
p 401,
amended

Renewal of
registration

SEC. 12. Section 44 of the California vehicle act is hereby amended to read as follows:

Sec. 44. Renewal of registration. (a) Every vehicle registration under this act shall expire at midnight on the thirty-first day of December of each year, and shall be renewed annually upon application by the registered owner by presentation of the certificate of registration for the current year and by payment of the same fees as provided for original registration, and such renewal shall take effect on the first day of January of each year. The certificates of registration issued hereunder shall be valid during the registration year only for which issued, and the certificates of ownership shall remain valid until canceled by the division upon a transfer of any interest shown therein and need not be renewed annually. Upon annual renewal whenever the legal owner of a vehicle is other than the registered owner the division shall immediately notify such legal owner by mail of the registration number assigned to such vehicle for the ensuing year.

(b) The owner of a vehicle registered under the provisions of this act who has duly applied for the annual renewal of registration of such vehicle within fifteen days after annual expiration of license, accompanying such application with the proper fee for such registration, shall be entitled to operate such vehicle until midnight of January thirty-first without displaying the registration certificate of the current year, on condition that such owner shall, during said time display upon such vehicle the number plates or plate assigned thereto for the previous year.

Stats 1925,
p. 402,
amended.

Transfer
of title or
interest

SEC. 13. Section 45 of the California vehicle act is hereby amended to read as follows:

Sec. 45. Transfer of title or interest. (a) Upon a transfer of the title or interest of a legal owner or owner in or to a vehicle registered under the provisions of this act as herein-

before required, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of ownership issued for such vehicle, together with the address of the transferee, in the appropriate spaces provided upon the reverse of said certificate.

(b) Within ten days thereafter, the transferee shall forward both the certificate of ownership so endorsed and the certificate of registration to the division, which shall file the same upon receipt thereof.

(c) The provisions of subdivision (b) of this section requiring a transferee to forward the certificate of ownership after endorsement and the certificate of registration to the division shall not apply in the event of the transfer of a vehicle to a dealer intending to resell such vehicle and who operates the same only for demonstration purposes, but every such transferee shall upon transferring his interest or title to another give notice of such transfer to the division and endorse the certificate of ownership as herein provided and deliver the certificate of ownership to the new legal owner and the certificate of registration to the new owner.

(d) The division upon receipt of the certificate of ownership properly endorsed as required herein and the certificate of registration of such vehicle shall register such vehicle as hereinbefore provided with reference to an original registration, and shall issue to the owner and legal owner entitled thereto, by reason of such transfer, a new certificate of registration and certificate of ownership respectively in the manner and form hereinbefore provided for original registration.

(e) Until said division shall have issued said new certificate of registration and certificate of ownership as hereinbefore in subdivision (d) provided, delivery of such vehicle shall be deemed not to have been made and title thereto shall be deemed not to have passed and said intended transfer shall be deemed to be incomplete and not to be valid or effective for any purpose.

(f) In the event of the transfer by operation of law of the title or interest of a legal owner or owner in and to a vehicle registered under the provisions of this act, as upon inheritance, devise or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performance of the terms of a lease or executory sales contract, or otherwise than by the voluntary act of the person whose title or interest is so transferred, the executor, administrator, receiver, trustee, sheriff or other representative or successor in interest of the person whose title or interest is so transferred shall forward to the division of motor vehicles an application for registration in the form required for an original application for registration, together with a verified or certified statement of the transfer of such title or interest which statement shall set forth the reason for such involuntary transfer, the title or interest so transferred, the name or names of the person

Transfer by
operation
of law.

or persons whose title or interest is sought to be transferred, the name or names and addresses of the person or persons to whom such title or interest is to be transferred, the process or procedure effecting such transfer and such other information as may be requested by the division and with such statement shall be furnished such evidence and instruments as may be otherwise required by law to effect a transfer of legal title to or an interest in chattels as may be required in such cases, and in the event the chief of the division shall be satisfied that such transfer is regular and that all formalities as required by law have been complied with, he shall cause to be sent to the owner and legal owner notice of such intended transfer and thereafter, but not less than five days thereafter, shall register such vehicle or effect the transfer of the registration thereof and shall issue a new certificate of registration and a new certificate of ownership to the person or persons entitled thereto. The notice herein required shall be deemed complied with by deposit in the post-office in Sacramento such notice, postage prepaid, addressed to such person or persons at their last known addresses. In the event of the death of an owner or legal owner of not more than one motor vehicle, trailer or semitrailer registered hereunder and not exceeding a value of one thousand dollars, without leaving other property necessitating the procuring of letters of administration or letters testamentary, then the surviving husband or wife or other heir in the order named in section 1454 of the Code of Civil Procedure, unless such property is by will otherwise bequeathed, may secure a transfer of the registration of the title or interest of the deceased in and to such vehicle to the name of the surviving husband or wife or other heir, as above mentioned, upon filing with the division an affidavit of such person setting forth the fact of such survivorship and the names and addresses of any other heirs and such other facts as are hereby made necessary to entitle the affiant to a transfer, and thereupon the division is authorized to make such transfer of the registration of such vehicle.

Assignment
of title or
interest.

(g) Nothing in the foregoing subdivisions of this section shall prevent a legal owner from assigning his title or interest in or to a vehicle registered under the provisions of this act to another legal owner without the consent of and without affecting the interest of the holder of the certificate of registration thereof. Upon the filing with the division of a certificate of ownership endorsed by the legal owner and a transferee of legal ownership, the division shall enter the name of the new legal owner upon the records of the division and shall issue a new certificate of ownership to the new legal owner and a new certificate of registration to the registered owner in the form hereinbefore provided for original registration.

The registered owner upon receiving such new certificate of registration shall immediately sign the same and place it in the vehicle to which it refers, and shall destroy the former

certificate of registration for such vehicle issued to and in the possession of such registered owner.

SEC. 14. Said act is hereby amended by adding thereto a new section, to be numbered 45 $\frac{1}{2}$. Stats. 1923,
p. 526,
amended

Sec. 45 $\frac{1}{2}$. Chattel mortgages. (a) No chattel mortgage on a motor vehicle executed and recorded as provided by the laws of California shall be valid or effective for any purpose, except as between the parties, until the mortgagee named therein is registered as the legal owner thereof in the manner provided for the registration of motor vehicles under the provisions of the California vehicle act approved May 30, 1923, as amended. Chattel
mortgages

SEC. 15. Section 46 of said act is hereby amended to read as follows: Stats. 1927,
p. 1424,
amended

Sec. 46. Registration by manufacturers and dealers. (a) A manufacturer of or dealer in motor vehicles, trailers, or semitrailers having an established place of business in this state, owning any such new or used vehicles and operating them upon the public highways exclusively for the purpose of testing, demonstrating or selling the same, in lieu of registering each such vehicle, may make application upon an official blank provided for that purpose to the division for a general distinguishing number or symbol; *provided*, that vehicles ordinarily used by the dealer or manufacturer in the conduct of his business as work or service vehicles must be registered the same as any other like vehicle as provided in section 36 of the California vehicle act; *provided*, that any person engaged in the business of delivering automobiles from a manufacturing plant, or from a manufacturer's assembly plant, or from a distributing plant to bona fide dealers, or sales agents of such manufacturer shall be classed as a dealer and issued dealer's numbers in the same manner as numbers are issued to dealers. Registration
by manufac-
turers and
dealers.

(b) The application shall be upon a blank to be furnished by the division and the applicant shall furnish such proof as the division may deem necessary that the applicant is a manufacturer or dealer and entitled to register vehicles under the provisions of this section. The division, upon receipt of such application and when satisfied that the applicant is entitled thereto, shall issue to the applicant a certificate of registration containing the latter's name and business address and the general distinguishing number or symbol assigned to him in such form and containing such further information as the division may determine, and every vehicle owned or controlled by such manufacturer or dealer, and permitted to be registered under a general distinguishing number, while being operated for the purpose of testing, demonstrating or selling the same, shall be regarded as registered hereunder.

(c) The division shall also, upon receipt of such application, or thereafter, furnish to the manufacturer or dealer one or more pair of automobile plates or single plates for other vehicles required by the applicant, and every such plate shall have displayed upon it the registration number which is

assigned to the applicant, with a different letter or symbol on each pair of automobile number plates and on each single plate for other vehicles.

(d) No such manufacturer or dealer shall operate any motor vehicle, trailer or semitrailer owned or controlled by him upon any public highway or permit it to be so operated, unless number plates assigned to him are attached thereto, in the manner hereinbefore specified in this act, excepting only that it shall be permissible for such manufacturer or dealer to operate any such vehicle without number plates attached thereto from any vessel, railroad depot or warehouse over the public highways, to the salesrooms or other place of business of such manufacturer or dealer, or to a warehouse or other place of storage under a written permit authorizing such operation first obtained from the police authorities or marshal of the city or town in which said vessel, railroad depot or warehouse is situated, and there is hereby conferred upon police authorities, including town marshals within the State of California, authority to issue such permits in proper cases as hereinbefore provided.

(e) The division of motor vehicles may, at its discretion, grant a temporary permit to operate a vehicle for which registration has been applied.

Stats 1927,
p 1425,
amended

SEC. 16. Section 47 of said act is hereby amended to read as follows:

Registration
by nonresi-
dents

Sec. 47. Registration by nonresidents. (a) A nonresident owner of a motor vehicle, trailer or semitrailer which has been duly registered for the current year in the state or country of which the owner is a resident and in accordance with the laws thereof, may, in lieu of registering such vehicle as otherwise required by this act, apply to the division for the registration thereof as provided in this section, except that the privileges granted in this section shall not apply to any motor vehicle operated within this state for the transportation of persons or property for compensation.

(b) The nonresident owner shall within ten days after commencing to operate such vehicle or causing or permitting it to be operated within this state apply to the division for the registration thereof upon the appropriate official form stating therein the name and home address of the owner and the temporary address, if any, of the owner while within this state, the registration number of said vehicle assigned thereto in the state or country in which the owner is a resident, together with such description of the motor vehicle as may be called for in the form and such other statements of facts as may be required by the division.

Registration
certificate.

(c) The division shall file each application received and register the vehicle therein described and the owner thereof in suitable books or on index cards, and shall without charge, issue to the owner a registration certificate of a distinctive form containing the date it is issued, a brief description of the

vehicle and a statement that the owner has procured registration of such vehicle as a nonresident.

(d) No nonresident owner of a motor vehicle, trailer or semitrailer shall operate any such vehicle or cause or permit it to be operated upon the public highways of this state, either before or while it is registered under this section, unless there shall at all times be displayed thereon registration number plates assigned to said vehicle for the current calendar year by the country or state of which such owner is a resident, nor unless the certificate of registration, when issued thereto as in this section provided shall be placed on the windshield of said motor vehicle in the manner to be specified by the division and on any other vehicle in plain sight and in the manner to be specified by the division.

Display of
plates and
certificates

(e) Nonresidence permits issued hereunder shall permit the operation of a vehicle by a nonresident within this state for a period not in excess of six months in any one calendar year except that in the event such period shall expire in December the nonresident shall be granted an extension until the following January first.

Permits

SEC. 17. Section 48 of said act is hereby amended to read as follows:

Stats 1923,
p. 528,
amended

Sec. 48. Lost certificates or number plates. Duplicates or substitutes may be obtained. In the event that any number plate or certificate of registration or certificate of ownership shall be lost, mutilated or shall have become illegible, the person to whom the same shall have been issued shall immediately make application for and may obtain a duplicate thereof or a substitute or a new registration under a new license number, upon furnishing satisfactory information to the division concerning such loss.

Lost
certificates
and plates

SEC. 18. Section 52 of the California vehicle act is hereby amended to read as follows:

Stats 1923,
p. 529,
amended

Sec. 52. No person shall knowingly buy, receive, dispose of, sell or have in his possession any motor vehicle or motor which has been removed from a motor vehicle, from which the manufacturer's serial number or motor number or any other distinguishing number, or identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealment or misrepresenting the identity of said motor vehicle or motor.

Vehicles
minus
factory
numbers

SEC. 19. Said California vehicle act is hereby amended by adding thereto a new section to be numbered 52½ to read as follows:

Stats 1923,
p. 529,
amended

Sec. 52½. Plates and certificates to be returned to division on dismantling motor vehicle. (a) Whenever the division suspends or revokes the registration of any motor vehicle under the provisions of this act the owner of such vehicle shall immediately forward to the division the certificates of ownership and registration and the license plates in his possession last issued upon registration of such vehicle for the current year.

Surrender
of plates and
certificates

Records of
dismantled
vehicles

(b) Whenever any person purchases or acquires a motor vehicle not intending to operate the same upon the public highways but intending to dismantle or wreck the motor vehicle, such person shall immediately forward to the division the certificates of ownership and registration and the license plates in his possession last issued upon registration of such vehicle for the current year and said person shall maintain a record of all motor vehicles so purchased or otherwise acquired and dismantled or wrecked, containing the name and address of the person from whom purchased or acquired and the date thereof and a brief description of the vehicle, including the make, type, motor or serial number and the registration number under which last registered and said record shall be open to inspection during business hours by any peace officer.

Repossession
of plates
and
certificates.

(c) The division shall have authority acting through its appropriate officers or inspectors to repossess the certificates of ownership and registration and the license plates of any motor vehicle with reference to which the registration has been suspended or revoked or which has been dismantled or wrecked and it shall be unlawful and a misdemeanor for the owner or any other person in possession of either said certificate or license plates to fail, refuse or neglect to surrender the same to the division upon demand.

Stats 1927,
p 1427,
amended

SEC. 20. Section 57 of said act is hereby amended to read as follows:

Public
garage
records

Sec. 57. Public garages, records to be kept. Every person engaged in the business of conducting a public garage shall keep a written record of every motor vehicle stored therein for compensation for a period longer than twelve hours, which record shall include the name and address of the person storing such vehicle together with a brief description of such vehicle including the name or make, the motor number and the license number thereof as shown by the number plates and registration certificate upon such vehicle; *provided, however*, that such registration certificate shall be attached in a clearly discernible position. Every such record shall be open to inspection by any peace officer. Whenever any motor vehicle has been stored in a public garage for thirty days and the owner is unknown to the garage proprietor, the latter shall immediately report the presence of such motor vehicle in the garage to the police or sheriff's office in the city or county wherein such garage is located and at the same time, whether name of registered owner is known or not, the garage proprietor shall report by registered letter to the legal owner of record in the office of the division of motor vehicles.

Stats 1927,
p 1427,
amended

SEC. 21. Section 60 of said act is hereby amended to read as follows:

Licensed
nonresidents.

Sec. 60. What persons need not apply for a license.
(a) A nonresident over the age of sixteen years who has been duly licensed either as an operator or chauffeur under a law requiring the licensing of operators or chauffeurs in his

home state or country and who has in his immediate possession either a valid operator's or chauffeur's license issued to him in his home state or country shall be permitted without examination or license under this act to drive a motor vehicle upon the highways of this state for a period of not to exceed six months in any one year. The privileges hereby granted to nonresidents shall be subject to suspension or revocation in like manner as operators' or chauffeurs' licenses granted to residents of this state.

(b) It shall be unlawful for any nonresident whose home state or country does not require the licensing of operators or chauffeurs, and who has not been licensed either as an operator or chauffeur in his home state or country, to operate any motor vehicle upon any highway in this state without first making application for and obtaining a license as an operator or chauffeur as required under this act, except that any said unlicensed nonresident who is over the age of sixteen years and who is the owner of a motor vehicle which has been duly registered for the current calendar year in the state or country of which the owner is a resident, may operate such motor vehicle upon the highways of this state for a period of not more than thirty days in any one year without making application for or obtaining an operator's or chauffeur's license under this act upon condition that the motor vehicle shall at all times display the license number plate or plates issued therefor in the home state or country of the owner and that the nonresident owner has in his immediate possession a registration card evidencing such ownership and registration in his home state or country.

Unlicensed nonresident

(c) Every person enlisted in the naval or military service of the United States and acting as chauffeur in such service shall while acting in such service be exempt from the provisions hereof requiring that a chauffeur's license be procured.

Naval and military service men

(d) No person shall be required to obtain an operator's or chauffeur's license for the purpose of operating or driving implements of husbandry temporarily drawn, propelled or moved on the public highways.

Operators of farming implements

SEC. 22. Section 61 of the California vehicle act is hereby amended to read as follows:

Stats 1025, p 395, amended

Sec. 61. Form of application. (a) Every application for an operator's or chauffeur's license shall be made upon the approved form furnished by the division and shall state whether the application is for an operator's license or for a chauffeur's license.

Applications Form

Every application shall also contain the name, age, sex and the residence address of the applicant, and whether or not the applicant has heretofore been licensed as an operator or chauffeur and if so when and by what state, and whether or not such license has ever been suspended or revoked and if so the date of and reason for such suspension or revocation.

Contents

(b) Every application shall be verified by the applicant and by any other person or persons required by the provisions

Verification

of this act to sign such application before a person authorized to administer oaths and for the purposes of this section officers and employees of the division are hereby authorized to administer oaths without fee and the application in addition to the foregoing matters, shall contain a statement as to the qualifications of the applicant for a license, including a statement as to the condition of the applicant's hearing and eyesight and whether such person has the normal use of both hands and both feet or has ever been afflicted with epilepsy, paralysis, insanity or other disability or disease affecting such person's ability to exercise reasonable and ordinary control over a motor vehicle while operating the same upon a public highway and whether such person has previously operated any motor vehicle and if so, for what length of time, and whether such person is able to understand highway warning and direction signs.

Applicant's
qualifica-
tions

Notification
of change
in address.

(c) Whenever any person after applying for or receiving an operator's or chauffeur's license shall move from the address named in the application for, or the operator's or chauffeur's license certificate issued, he shall within ten days thereafter notify the division in writing of such change and of his new address

Stats 1923,
p 532,
amended.

Signatures to
applications
of minors.

Sec. 23. Section 62 of said act is hereby amended to read as follows:

Sec. 62. Application of minors and responsibility for minor's negligence. (a) The application to the division of any minor for an operator's license shall not be granted unless such application is signed by both the father and mother of the applicant if both the father and mother are living and have custody of the applicant, otherwise by the parent, guardian, employer or other person having the custody of such minor or by the employer of such minor.

Liability for
negligence
of minors

(b) Any negligence of a minor in driving a motor vehicle upon a public highway shall be imputed to the person or persons who shall have signed the application of such minor for said license, which person or persons shall be jointly and severally liable with such minor for any damages caused by such negligence except in the event the minor is driving a motor vehicle as the agent, or servant or upon the business of a person other than the person who has signed said application.

(c) Also any negligence of a minor, whether licensed or not under this act, in driving a motor vehicle upon a public highway with the express or implied permission of a parent or parents having custody of such minor, shall be imputed to such parent or parents, who shall be jointly and severally liable with such minor for any damages caused by such negligence, except in the event the minor is driving a motor vehicle as the agent or servant or upon the business of a person other than the parent or parents.

(d) Unless the minor be acting as the agent or servant and upon the business of a parent, guardian or employer, the

latter shall not incur liability under this section in any amount exceeding five thousand dollars for injury or death of one person or ten thousand dollars for injury or death of more than one person in any one accident, or one thousand dollars for damage to property in any one accident.

(e) Any person who shall have signed the application of a minor for an operator's license under this section and who desires to be relieved from the joint and several liability imposed by reason of having signed such application, may file a verified application with the division requesting that the license of said minor be canceled and thereupon the division shall cancel the license of said minor and thereafter the said person who originally signed the application shall be relieved from the liability imposed in subdivisions (a) and (b) of this section, on account of subsequent negligent operation of a motor vehicle by said minor.

SEC. 24. Section 69 of the California vehicle act is hereby amended to read as follows: Stats 1927,
p. 1428,
amended.

Sec. 69. Expiration of license. Every chauffeur's license shall expire at midnight on December thirty-first of each year and shall be renewed annually in the same manner and upon payment of the same fee as provided for an original license. Expiration,
cancellation
and renewal
of licenses

The division of motor vehicles is hereby authorized at any time to cancel all operators' licenses heretofore issued which have been outstanding two years or more and to require the renewal thereof, and every operator's license hereafter issued shall expire two years from date of issuance, and every such license hereafter issued shall bear thereon the date of expiration. Renewal shall be made upon application and subject to examination in the discretion of the division.

SEC. 25. Said California vehicle act is hereby amended by adding a new section numbered 72½ to read as follows: Stats 1923,
p 534,
amended

Sec. 72½. Service of notice. Service of notice under the provisions of this act, unless otherwise specially provided, may be personal by delivery to the party or by mail by depositing in the United States postoffice in Sacramento or at any other place where a branch office of the division is located, a copy of said notice enclosed in an envelope with postage prepaid and addressed to such person at his postoffice address as shown by the records of the division. Personal service is complete upon delivery of a copy of the notice to the party. Service by mail is complete upon the expiration of four days after the deposit of a copy of the notice in the United States postoffice as hereinbefore provided. Evidence of the giving of such notice may be given by a certificate of any employee of the division of motor vehicles, or by an affidavit of any citizen of California over eighteen years of age, annexed to the copy of the notice, or the personal service thereof in accordance with the provisions hereof. Service of
notice

Proof of
service.

SEC. 26 Said act is hereby amended by adding thereto a new section to be numbered 76½ to read as follows: Stats. 1923,
p 536,
amended

Renting vehicle to unlicensed persons

Sec. 76 $\frac{1}{2}$. Renting motor vehicle to unlicensed person. (a) It shall be unlawful for any person to rent for hire a motor vehicle to be operated by any person who has not been licensed as an operator or chauffeur under the provisions of this act; or, in case of a nonresident, who has not been licensed as an operator or chauffeur under the laws of his resident country or state.

Records of rentees

(b) It shall be the duty of the renter to inspect a rentee's operator's or chauffeur's license and to compare the signature thereon with the signature of the rentee written in his presence and the renter shall keep a record of the name of the rentee, the number of his license and the date and place issued; also a record of the registration number of the motor vehicle so rented.

Stats 1927, p. 1708, amended.

SEC. 27. Section 77 of the California vehicle act is hereby amended to read as follows:

Registration fees

Sec. 77. Registration fees. (a) A registration fee of three dollars shall be paid to the division for the registration of every motor vehicle, trailer or semitrailer, except for those which are exempted in this act, and such fee shall be paid at the time application is made for registration.

Electric vehicles

(b) In addition to the registration fee specified in subdivision (a) of this section, there shall be paid for the registration of every electric passenger motor vehicle a registration fee of ten dollars, and for the registration of every electric motor vehicle designed, used or maintained primarily for the transportation of passengers for hire, or for the transportation of property, there shall be paid fees according to the following schedule:

For each such vehicle weighing, when unladen, less than six thousand pounds-----	\$50.00
For each such vehicle weighing, when unladen, six thousand pounds or more, but less than ten thousand pounds-----	70.00
For each such vehicle weighing, when unladen, ten thousand pounds or more-----	90.00

Vehicles used for transportation for hire.

(c) The following registration fees in addition to the registration fee specified in subdivision (a) of this section shall be paid for the registration of vehicles, including trailers and semitrailers, designed, used or maintained primarily for the transportation of passengers for hire, or for the transportation of property, according to the following table, except that the fees specified in this subsection need not be paid for electric vehicles.

When such vehicles are equipped wholly with pneumatic tires:

For each such vehicle weighing, when unladen, three thousand pounds or more but less than six thousand pounds-----	\$8.00
--	--------

For each such vehicle weighing, when unladen, six thousand pounds or more, but less than ten thousand pounds and limited under the provisions of this act to a total weight, including vehicle and load, not exceeding twenty-two thousand pounds-----\$40.00

For each such vehicle weighing, when unladen, ten thousand pounds or more and limited under the provisions of this act to a total weight, including vehicle and load, not exceeding twenty-two thousand pounds----- 50.00

For each such vehicle weighing, when unladen, six thousand pounds or more and entitled under the provisions of this act to a total weight, including vehicle and load, in excess of twenty-two thousand pounds----- 70.00

When such vehicles are not equipped wholly with pneumatic tires there shall be paid in addition to the fees specified in subdivision (a) of this section fees according to the weight thereof unladen amounting to twice the fees set forth in the foregoing table

Upon registration issued after the beginning of the registration year, the fees required under subdivisions (b) and (c) of this section shall be reduced by one-twelfth for each month which shall have elapsed since the beginning of the registration year.

Registration for part of year

(d) If the license tax provided for by that certain act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," heretofore adopted by the Legislature at its forty-fifth session is held by the supreme court of the State of California, or by the supreme court of the United States, to be unconstitutional, then beginning with the first year next succeeding the date upon which such decision becomes final there shall be paid upon and for the registration and reregistration of every motor vehicle with the division of motor vehicles, in addition to any other fees imposed by law, a registration fee of five dollars for every electric motor vehicle and for every other motor vehicle a fee amounting to the sum of forty cents for each horsepower or major fraction thereof of such motor vehicle and a proportionate amount thereof for the registration of such vehicle for a period of less than one year. The horsepower of any motor vehicle, except electric or steam driven motor vehicles, shall be determined by the formula commonly known as that of the Association of Licensed Automobile Manufacturers (A.L.A.M.) being as follows: Square the diameter of the cylinder in inches, multiply by the number of cylinders, and divide by two and five-tenths; *provided*, that for the purposes hereof

Fees if gasoline tax is declared unconstitutional

the horsepower of any steam driven motor vehicle shall be the horsepower rating fixed and advertised by the manufacturer thereof. In the event that the registration fees for electric motor vehicles and fees based on horsepower as hereinabove specified shall be collected, all such fees shall be paid into the motor vehicle fund of the State of California, and shall be distributed and used for such purposes as may be provided by law for the distribution and use of such motor vehicle fund; *and provided, further*, that in the event the provisions of this section, relative to registration fees, based upon horsepower rating, shall become effective the provisions of this section contained in subdivisions (a) and (b) shall be deemed to be superseded.

Stats 1925,
p 406,
amended
Fees
Transfer of
registration

SEC. 28. Section 80 of said act is hereby amended to read as follows:

Sec. 80. Fees for transfer of registration and for duplicate number plates or registration certificate. (a) Upon the transfer of registration of a motor vehicle, trailer or semitrailer, by an owner or legal owner other than in the event stated in subdivision (c) of section 45 of the California vehicle act, there shall be paid the following fees:

For a transfer by the owner.....	\$1.00
For a transfer by the legal owner.....	1.00
For a transfer by legal and registered owner at the same time.....	1.00

Duplicate
plate or
certificate

(b) Whenever any certificate of registration or of ownership or container for a registration certificate or number plate shall be lost or destroyed and a duplicate thereof shall be issued upon application the following fees shall be paid:

For a certificate of registration or ownership.....	\$0.50
For a container for registration certificate.....	.25
For every number plate.....	1.00

Stats. 1923,
p. 539,
amended.
Licenses,
badges and
duplicate
certificates.

SEC. 28½. Section 82 of the California vehicle act is hereby amended to read as follows:

Sec. 82. Fees for chauffeurs' licenses and duplicate operators' and chauffeurs' certificate. The following fees shall be paid to the division upon application for and before the issuance of a chauffeur's license and badge or a duplicate operator's or chauffeur's certificate or chauffeur's badge:

For a chauffeur's license with chauffeur's badge...	\$1.00
For a duplicate chauffeur's badge.....	1.00
For a duplicate operator's or chauffeur's license certificate50

Stats 1923,
p 540,
amended
Width of
vehicles

SEC. 29. Section 83 of said act is hereby amended to read as follows:

Sec. 83. Width of vehicles. (a) No vehicle except as herein otherwise provided shall be driven or moved upon any

public highway if the total outside width of said vehicle or the load thereon shall exceed ninety-six inches except that the maximum width from the outside of one wheel to the outside of the opposite wheel, where equipped with pneumatic tires, shall not exceed one hundred inches; *provided, however,* that any city now or hereafter organized under a freeholders' charter may permit an increase beyond the maximum hereinbefore described of the total outside width of vehicles and any loads thereon.

(b) The limitation heretofore prescribed as to the maximum width of vehicles and their loads shall not apply to implements of husbandry temporarily drawn, propelled or moved upon the public highway, or any other special mobile equipment as defined in this act, nor to loads not exceeding ten feet in width of loosely piled material not crated, baled, boxed, sacked nor carried otherwise than loosely in bulk, transported upon vehicles the extreme width of which including any loading racks thereon shall not exceed one hundred twenty inches. Exceptions

(c) Anything to the contrary herein notwithstanding, it shall be lawful to operate passenger or property carrying vehicles in operation at the time of the passage of this act which exceed a width of ninety-six inches but do not exceed a width of one hundred and two inches when operated upon highways which exceed fifteen feet in width.

SEC. 30. Said California vehicle act is hereby amended by adding thereto a new section to be numbered 83½ to read as follows: Stats. 1923,
p. 540,
amended

Sec. 83½. Height and length of vehicles and loads. (a) No vehicle shall be operated or moved upon any public highway when said vehicle or any load thereon exceeds a height of thirteen feet and six inches above the road surface, except that vehicles and loads in excess of said height may be moved on any public highway under the terms of a permit granted by the department of public works or by the proper authorities in charge of or having jurisdiction over such public highway or as may be permitted by local ordinance. Height of
vehicles.

(b) No vehicle shall be operated or moved upon any public highway when the length thereof exceeds thirty-three feet except that motor vehicles registered at the time this amendment takes effect may be permitted, but shall not exceed, a total length of thirty-six feet. Length of
vehicles

(c) The provisions of this section shall not apply to special mobile equipment, road construction or repair equipment nor to implements of husbandry temporarily moved on the public highways. Exceptions

SEC. 31. Section 84 of the California vehicle act is hereby amended to read as follows: Stats 1923,
p. 540,
amended.

Sec. 84. Loads beyond hub caps of passenger vehicles. No vehicle designed for the carrying of passengers shall be operated upon any public highway having any luggage, package, trunk, crate, box or any other load carried thereon extending beyond the line of the hub caps on the left side of such vehicle Loads beyond
hub caps.

nor extending more than six inches beyond the line of the hub caps on the right side thereof.

Tire in front
of radiator.

No motor vehicle shall be operated upon any public highway carrying any tire or tires in front of its radiator.

Stats. 1927,
p. 1431,
amended.

SEC. 32. Section 85 of said act is hereby amended to read as follows:

Maximum
gross
weights.

Sec. 85. Gross weight of vehicles and loads. Except as may be permitted under sections 88 and 91 of this act, it shall be unlawful for any person to operate or move upon any public highway any vehicle which has a gross weight including any load thereon in excess of the weights set forth in this section:

When the vehicle is equipped with two transverse axles and four wheels running on the highway, twenty-two thousand pounds;

When the vehicle is equipped with three or more axles no two of which are in the same transverse plane and with six or more wheels running on the highway, thirty-four thousand pounds;

Nor shall the gross weight upon any one axle exceed eighteen thousand pounds, nor the weight upon any one wheel resting upon the roadway exceed nine thousand pounds subject to reduction as follows: that with reference to any vehicle first registered after January 1, 1930, the gross weight on any one axle shall not at any time exceed seventeen thousand pounds, nor shall the gross weight upon any one wheel resting upon the roadway exceed eight thousand five hundred pounds; *and provided*, that with reference to any vehicle first registered after said date and of a gross weight including load in excess of twenty-two thousand pounds and equipped with two or more rear axles, such axles shall be spaced not less than forty inches apart, measured longitudinally with the vehicle from the centers of said axles.

Hereafter it shall be unlawful for any person to operate upon a public highway any vehicle which is provided with means for the lifting, or raising of any two wheels from the roadway other than a semitrailer which is detachable and rests upon four wheels only for purposes of loading.

Stats 1923,
p 541,
amended.

SEC. 33. Section 86 of said act is hereby amended to read as follows:

Gross weight
per inch
width of
tire

Sec. 86. Gross weight per inch width of tire. (a) It shall be unlawful for any person to operate or move upon any public highway any vehicle equipped with solid rubber tires when the weight of such vehicle, and any load thereon resting upon the surface of the highway exceeds six hundred pounds upon any inch of the channel base width of tires; or any vehicle equipped with tires, rollers or wheels, the rolling surface of which resting upon the highway is made in whole or in part of metal when the weight of such vehicle and any load thereon resting upon the surface of the highway exceeds five hundred

pounds upon any inch of width of tire, roller or wheel of such vehicle.

(b) The provisions of this section shall not apply to traction engines or tractors, the propulsive power of which is exerted not through wheels resting upon the ground but by means of a flexible band or chain known as a movable track, when the portions of the movable tracks in contact with the surface of the highway present plane surfaces. Exceptions

SEC. 34. Section 89 of said act is hereby amended to read as follows: Stats 1923,
p 543,
amended

Sec. 89. Restrictions as to tire equipment. (a) It shall be unlawful for any person to operate or move on any public highway any vehicle or other contrivance equipped in whole or in part with solid rubber tires, unless such tires meet the following requirements. Tire require-
ments.

The minimum thickness of resilient rubber shall be as follows:

Width of tires three inches to five inches inclusive, one inch thick;

Width of tires six inches to nine inches inclusive, one and one-fourth inches thick;

Width of tires nine inches and over, one and one-half inches thick.

The variation in the width of the rubber on the entire traction surface due to injury or wear, shall not exceed fifteen per cent.

The variation in the thickness of the rubber on any part of the entire traction surface, due to injury or uneven wear, shall not exceed fifteen per cent. Surface deviations or flats will not be permitted on the traction surface exceeding one-half inch in depth.

The entire solid rubber tire shall be securely attached to the channel base.

With respect to dual solid rubber tires there shall not be an average difference greater than one-eighth inch between the outside diameters of each of the single tires composing the dual tire.

(b) No tire on any vehicle driven or moved upon any state highway shall have on its periphery any block, stud, flange, cleat, ridge, bead or any other protuberance of metal or wood which projects beyond the tread of the traction surface of the tire; but this subsection shall not be so construed as to prohibit the use of tire chains of reasonable proportions on vehicles when required for safety because of snow or ice or other conditions tending to cause such vehicle to slide or skid. The provisions of this subsection shall not apply to vehicles actually engaged in the construction or repair of public highways when operated on unimproved portions of the public highways, and this subsection shall not apply to traction engines or tractors when such traction engines or tractors are moved or operated under the conditions of a permit first obtained from the department of public works of the State of California.

Stats 1927,
p 1431,
amended

SEC. 35. Section 90 of said act is hereby amended to read as follows:

Trailers

Sec. 90. Trailers. (a) No motor vehicle or motor unit composed of a tractor and semitrailer or tractor and trailer shall be driven upon any public highway drawing or having attached thereto more than one trailer or other vehicle, nor shall the total combined length of any such motor vehicle or motor unit and trailer or other vehicle nor any special mobile equipment or combination thereof exceed sixty feet, except that this limitation shall not apply to implements of husbandry temporarily moved upon the public highways.

Connection
between
vehicles

(b) The draw bar or other connection between any two vehicles one of which is towing or drawing another shall not exceed fifteen feet in length from one vehicle to the other. Whenever the connection between two vehicles, one of which is towing the other consists of a chain, rope or cable there shall be displayed upon such connection a red flag or cloth not less than twelve inches in length nor less than twelve inches in width.

Failure
to follow
in path

(c) It shall be unlawful to operate any train of vehicles when any trailer, semitrailer or other vehicle being towed whips or swerves from side to side dangerously or unreasonably or fails to follow substantially in the path of the towing vehicle.

Stats 1923,
p. 545,
amended

SEC. 36. Section 94 of the California vehicle act is hereby amended to read as follows:

Brakes

Sec. 94. Brakes. (a) It shall be unlawful for any person to operate on any public highway any motor vehicle or combination of motor vehicle, trailer and/or semitrailer, unless equipped with brakes adequate to bring such motor vehicle or combination of vehicles to a complete stop when operated upon dry asphalt or concrete pavement surface where the grade does not exceed one per cent, and when operating at speeds set forth in the following table, within the distances set opposite such speeds, provided that no vehicle shall be tested for brake efficiency at a speed higher than that permitted by law for such vehicle and in no event at a speed higher than thirty miles per hour.

Miles per hour	Stopping distance
10	9.3 feet
15	20.8 feet
20	37.0 feet
25	58.0 feet
30	83.3 feet

Exceptions.

The provisions of this section shall not apply to implements of husbandry, special mobile equipment nor equipment operated under special permit nor shall the stopping distances above specified apply to chassis without bodies or loads, but

such chassis shall be equipped with brakes adequate to reasonably control such vehicles.

SEC. 37. Section 95 of said act is hereby amended to read as follows: Stats. 1923,
p. 545,
amended

Sec. 95. Horns or warning devices. (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren or for any person at any time to use a horn otherwise than as a reasonable warning or to make unnecessary or unreasonably loud or harsh sounds by means of a horn or other warning device. Warning
devices

(b) Every authorized emergency vehicle as defined herein shall be equipped with a siren of a type approved by the division.

SEC. 37½. Section 96 of said act is hereby amended to read as follows: Stats. 1927,
p. 1132,
amended

Sec. 96. Prevention of noise, smoke, etc.

(a) It shall be unlawful for any person to drive or operate any motor vehicle on any public highway unless there is attached thereto a silencer or muffler in constant operation to prevent any excessive or unusual noise. Mufflers

(b) It shall be unlawful for any person to drive or operate any motor vehicle on any public highway if such vehicle is equipped with a muffler cut-out or similar device which is capable of being operated by the driver or occupant thereof. All exhaust pipes shall be directed parallel to the ground or slightly upward. Cut-outs
Exhaust
pipes

SEC. 38. Said act is hereby amended by adding thereto a new section, to be numbered 98½. Stats. 1923,
p. 546,
amended

Sec. 98½. Stickers on windshields prohibited. It shall be unlawful for any person to drive any motor vehicle upon a highway with any sign, poster, card, sticker or other non-transparent material upon the front windshield, side wings, side or rear windows of such motor vehicle unless the same shall be placed within a seven-inch square in the lower right-hand corner of the windshield on motor vehicles with a left-hand drive, and in the lower left-hand corner of the windshield on motor vehicles with a right-hand drive; and provided, further, that the provisions of this section shall not apply to direction, destination or termini signs upon common carrier vehicles. Stickers on
windshields

SEC. 39. Section 100 of said act is hereby amended to read as follows: Stats. 1927,
p. 1432,
amended

Sec. 100. Headlamps on motor vehicles. (a) Every motor vehicle other than a motorcycle or farm tractor and except as otherwise provided herein, when upon any public highway, during the times and under the conditions mentioned in section 99 hereof, shall be equipped with two headlamps, no more, and no less, of approximately equal candlepower at the front Headlights

of and on opposite sides of such vehicle. Such headlamps shall be so attached to such motor vehicle that the centers thereof shall be not more than fifty-four inches above the level surface upon which the vehicle stands; *provided*, that the headlamps upon all new motor vehicles hereafter sold shall be so located at all times that the centers thereof shall be not more than forty-two inches above the level surface upon which the vehicle stands.

(b) From and after the first day of January, 1930, the headlamps upon every new motor vehicle sold shall be located on a line parallel with or in advance of the front axle.

Sidelamps

(c) Motor vehicles may also be equipped with two sidelamps but no more or less. The term "sidelamps" shall include any lamps upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps, the rays of which project forward. No electric lamps or bulbs shall be used in any sidelamp which exceeds four candlepower.

Clearance lamps

(d) Every motor vehicle other than any road roller, road machinery or farm tractor having a body or load width in excess of eighty inches shall carry at the times and under the conditions mentioned in section 99, two clearance lamps on the left side of such vehicle, one located at the front and displaying a blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle and the other located at the rear of the vehicle and displaying a green or red light visible under like conditions from a distance of five hundred feet to the rear of the vehicle but such lamps shall not display any excessive, glaring or dazzling light and when a motor vehicle is drawing a trailer or semitrailer the clearance lamps specified in this subsection shall be placed on the left side at the front and rear respectively of such train of vehicles; *provided*, that the left front clearance lamp on any passenger common carrier motor vehicle shall display a green light.

Glaring or dazzling lamps.

(e) Whenever any officer of the division has reasonable grounds to believe that the headlamps on a motor vehicle, operated on the highways of this state, project a dazzling or glaring light into the eyes of approaching drivers, such officer is hereby authorized to stop the driver of said vehicle and in order to ascertain whether said lamps are in fact glaring or dazzling may require said driver to submit to a screen test of said lamps upon the highway and if said headlamps are found to be glaring and dazzling the officer shall give a notice of arrest to the driver which notice shall also require that previous to appearance in court the driver shall adjust or cause said headlamps to be adjusted to comply with the provisions of this act and shall produce in court satisfactory evidence that such adjustment has been made.

Whenever any driver upon demand of an officer of the division under the conditions stated in this section shall refuse to submit to a screen test of the headlamps upon his motor vehicle upon the highway, such refusal shall constitute a

misdemeanor and the officer may immediately arrest such person and shall not be required to give the five days notice for appearance as provided in section 154.

(f) The provisions of this act prohibiting the use of glaring or dazzling headlamps upon any motor vehicle when operated upon a public highway shall be deemed complied with if none of the main bright portion of the headlamp beams rises above a horizontal plane passing through the lamp centers parallel to the level road upon which the loaded vehicle stands and in no case higher than forty-two inches seventy-five feet ahead of the vehicle.

SEC. 40. Said California vehicle act is hereby amended by adding thereto a new section to be numbered 100} to read as follows:

Stats 1923,
p 546,
amended

Sec 100}. Auxiliary lamps and fog lamps (a) Any motor vehicle may be equipped with not to exceed three fixed or movable auxiliary driving lamps or fog lamps mounted upon the front below the level of the centers of the headlamps and at a height not less than sixteen inches above the level on which the vehicle stands. The term "auxiliary lamp" or "fog lamp" shall denote any combination of reflector, lens and lamp bulb so designed to illuminate the roadway close to and forward or forward and to the sides of the motor vehicle and otherwise meeting the requirements of this section. Not to exceed two auxiliary lamps or fog lamps, mounted on opposite sides of the vehicle may be used in connection with but not in substitution of headlamps, except under conditions of fog or rain rendering disadvantageous the use of headlamps. In no event shall the number of auxiliary and fog lights upon a motor vehicle exceed a combined total of more than three and in no event shall more than two of said lamps be lighted for use with lighted headlamps.

Auxiliary
lamps and
fog lamps

(b) Every auxiliary lamp and every fog lamp used upon a motor vehicle shall be so adjusted and aimed that the top of the main substantial portion of the beam will strike the road at approximately 75 feet in advance of the vehicle and will not project a glaring or dazzling light into the eyes of approaching drivers.

Adjustment

(c) Every auxiliary lamp and every fog lamp sold for use upon or used upon a motor vehicle shall be of a type submitted to and approved by the division upon payment of the same fees as are paid for test of headlamps and shall be substantially constructed and shall meet the following laboratory test as to light intensity and distribution within reasonable tolerances.

Type

Laboratory test. (1) In the median vertical plane, one degree of arc above the level of the centers of the lamps, not more than eight hundred apparent candlepower.

Laboratory
test

(2) Four degrees of arc to the left of the median vertical plane and one degree of arc above the level of the centers of the lamps, not more than four hundred apparent candlepower.

(3) Three degrees of arc to the left and to the right, respectively, of the median vertical plane and one and one-half

degrees of arc below the level of the centers of the lamps, not more than two thousand nor less than eight hundred apparent candlepower.

(4) Six degrees of arc to the left and to the right, respectively, of the median vertical plane and three degrees of arc below the level of the centers of the lamps, not less than two thousand apparent candlepower, nor less than this amount anywhere on the line connecting these two points.

(5) In no direction shall there be more than twenty-five thousand apparent candlepower.

Stats 1927,
p 1842,
amended

Testing
headlights
and head-
light devices

SEC. 41. Section 102 of the California vehicle act is hereby amended to read as follows:

Sec. 102. Headlight devices to be tested. (a) Before any headlight or headlight control device intended to enable a headlight to comply with the provisions of this act shall be used upon any motor vehicle, such headlight or headlight control device shall first be submitted to and tested by a testing agency appointed by the division and a certificate of approval as hereinafter specified be procured from such testing agency.

Deputies
and agents

(b) The division shall appoint skilled deputies or agents possessing the proper qualifications and laboratory equipment to carry out the tests specified in this act.

Submission
for testing

(c) Any person, firm or corporation may submit to the chief of the division of motor vehicles a headlight or headlight control device and make application that the same be tested as to conformity with the requirements of this act.

Fees

Upon an application for a test, as first above mentioned the chief of the division of motor vehicles shall, upon notice to the applicant, submit such device to a testing agency appointed as herein provided with the request that such device be tested as to conformity with the provisions of this act when used separately or in connection with approved headlamps or headlight control devices. Each such applicant shall upon the filing of his application, pay to the division a fee of fifty dollars. All such fees shall be paid by the division into the state treasury and deposited in a fund to be known as the "motor vehicle testing fee fund," and the moneys in such fund, or so much of them as may be necessary, are hereby appropriated to meet the expenses of the test provided for in this section, and the balance thereof, if any, shall be paid into the motor vehicle fund.

Test and
report.

(d) The testing agency shall adjust each device in accordance with the printed instructions of the manufacturer thereof and conduct an exact scientific and laboratory test of every device submitted to it, as herein provided, to determine whether or not the device submitted will conform with the requirements of this act. Each device submitted shall be tested with twenty-one standard candlepower lamp or bulb, thirty-two standard candlepower lamp or bulb, and any standard candlepower lamp or bulb between these two limits; *provided*, that if all the provisions of section 101 hereof are complied with by any headlight, and in addition thereto such

headlight is so constructed that the light source thereof is not visible at any point above a horizontal plane through the top of the aperture of such headlight when the same is mounted in accordance with this act, and no reflected light of any greater intensity than eight hundred apparent candlepower except as specified in subdivision three of section 101 hereof, is projected by such headlight in any direction above the horizontal plane above described, a standard bulb of any candlepower, to be certified and approved by the testing agency for use in such headlight, may be used in such headlight. The testing agency shall submit in duplicate a detailed report of each such test to the division of motor vehicles; such report shall give in detail the apparent candlepower of light projected at each point of the said test, the candlepower of the lamp or bulb used to produce the amount of light nearest the maximum requirement of section 101 hereof, any particular adjustments required by the testing agency which are not included in the manufacturers' printed instructions, together with the reasons for such additional requirements, and a statement as to whether or not the device is approved and will conform with the requirements of this act when used in accordance with the instructions of the testing agency. Each such report shall be signed by the person who made the test and by an officer of the institution under which said test has been made. Reports of all such tests shall be accessible to the public and a copy thereof shall be furnished by the chief of the division of motor vehicles to the applicant for the test.

(e) Whenever the division shall receive from the testing agency a report that a particular device has been tested and approved, together with instructions as to the candlepower lamp or bulb and any particular adjustments to be used in connection with such device, the division shall issue to the applicant a certificate of approval, together with a copy of the instructions of the testing agency relative to the use of such device

Certificate of approval

(f) The chief of the division of motor vehicles shall transmit a copy of every certificate of approval of a headlight device, together with a copy of the instructions of the testing agency in connection therewith, to the county clerk of every county within the State of California, who shall file the same, and to every city, town or county police department, whose duty it is to enforce the provisions of this act.

Copies of certificates

(g) Whenever the division shall receive one or more complaints in writing that any headlight lens, reflector or headlight control device sold commercially which is hereafter or which has heretofore been approved by the division does not under ordinary conditions of use comply with the requirements of this act, the division in its discretion may upon notice to the manufacturer thereof require that such headlight lens, reflector or headlight control device shall be retested by a

Retests

testing agency appointed by the division as herein provided and, upon any such retest the testing agency shall determine whether or not such headlight lens reflector, or headlight control device meets the requirements of this act. and, if the same is approved, the division shall issue a certificate of approval to the manufacturer thereof. No fee shall be charged for any such retest.

Sale of
headlight
equipment

(h) From and after the date upon which this section becomes effective it shall be unlawful to sell or offer for sale any headlight lamp or headlight equipment unless it is of a type which shall have been approved by the division under the provisions hereof, and unless such device is accompanied by a printed sheet of instructions describing the device in detail, its method of mounting and adjustment, candlepower limits of lamps to be used and any other adjustment that may be necessary to insure its conformity with the requirements of this act, and with the conditions specified in the report of the testing agency appointed by the chief of the division to test such headlight control device, such instructions shall be printed with photographs of the (a) control device, (b) pattern of light from one headlight thrown on regulation testing screen, showing the relation of the patterns of light as projected to a horizontal cross line placed across the face of such screen at a height equal to the height of the center of such headlight, and with the headlight adjusted for tilt and focus exactly as required to conform to the requirements of this act. It shall be unlawful from and after the date upon which this section becomes effective to sell or offer for sale any new motor vehicle equipped with headlights which do not comply with the provisions of this act.

Stats 1923,
p. 552,
amended
No red light
at front

SEC. 42. Section 111 of said act is hereby amended to read as follows:

Exception.

Sec. 111. No red light at front. It shall be unlawful for any person driving or having the immediate control of any vehicle to drive the same upon any public highway with any red light visible from in front thereof. This section shall not apply to authorized emergency vehicles as defined in this act.

Stats 1923,
p. 552,
amended
Official
headlight
and brake
testing
stations

SEC. 43. Said act is hereby amended by adding thereto a new section, to be numbered 111½.

Sec. 111½. Official headlight and brake testing stations. (a) The chief of the division of motor vehicles is authorized to designate, furnish instructions to, and to supervise official stations for adjusting headlamps and auxiliary driving lamps to conform with the provisions of this act.

(b) The chief of the division of motor vehicles is authorized to designate, furnish instructions to, and to supervise official stations for adjusting brakes to conform with the provisions of this act.

(c) The establishment of official headlight adjusting or brake testing stations shall mean the designation of any place which shall comply with the requirements for a test station as determined by the chief of the division of motor vehicles.

When headlamps or auxiliary driving lamps have been adjusted or brakes tested in conformity with the instructions issued by the chief of the division of motor vehicles, a certificate of adjustment shall be issued to the owner or operator of the motor vehicle, on a form prescribed by the chief of the division, and showing date of issue, registration number of the motor vehicle, owner's name, make of vehicle, and official designation of the adjusting station.

(d) If the chief of the division of motor vehicles finds that the business of any official adjusting or testing station is being poorly or badly conducted, he may revoke the designation of such station.

Sec. 44. Section 112 of said act is hereby amended to read as follows:

Stats 1927,
p 1436
amended
Drivers
under
influence
of liquor
or drugs

Sec. 112. Persons under the influence of intoxicating liquor or narcotic drugs.

It shall be unlawful for any person who is an habitual user of narcotic drugs or who is under the influence of intoxicating liquor or narcotic drugs to drive a vehicle on any public highway within this state.

Any person violating the provisions of this section shall upon conviction be punished by imprisonment in the county jail for not less than ninety days nor more than one year or by imprisonment in the state prison for not less than one nor more than three years, or by a fine of not less than two hundred dollars (\$200), nor more than five thousand dollars (\$5,000), and upon every verdict of "guilty" under this section, the jury shall recommend the punishment and the court in imposing sentence shall have no authority to impose a sentence greater than that recommended by the jury.

In addition to the above penalties the court or the division shall have authority to suspend or revoke the operators or chauffeurs license of any person convicted under this section.

Upon an arrest for any offense under this section, the arresting officer shall not be required to give a five days' notice as provided in section 154.

Sec. 45. Section 114 of said act is hereby amended to read as follows:

Stats 1927,
p 1437,
amended
Failure
to heed
railway
crossing
signals

Sec 114. Railroad warning signals must be obeyed. Whenever any person driving a vehicle approaches a highway and interurban electric or steam railway grade crossing and a human flagman or a clearly visible electrical or mechanical signal gives warning of the immediate approach of a railway train or car, it shall be unlawful for the driver of the vehicle to fail to bring the vehicle to a complete stop within fifty feet but not less than ten feet of the nearest railway tracks before traversing such grade crossing.

It shall be unlawful for the driver of a vehicle to traverse a grade crossing when a human flagman gives or continues to give signal of the approach or passage of a railway train or car.

It is the legislative intent in sections 113, 114, and 135 of this act, to cover the entire field of regulation upon the sub-

Construction

jeet-matters of said sections, but this provision shall not be construed to prevent the legislative body of any county, city and county, or city from adopting regulations upon those subjects enumerated in section 145; nor from adopting any other regulation not in conflict with this act; nor shall this provision be construed to prevent the exercise by the state railroad commission of any powers or duties vested in it by law.

Stats. 1923,
p. 554,
amended

SEC. 46. Said California vehicle act is hereby amended by adding thereto a new section to be numbered 114½ to read as follows:

Traffic
signs.

Sec. 114½. Traffic signs. (a) The state highway commission with respect to state highways and the railroad commission where authorized by law and local authorities with respect to streets and highways under their jurisdiction, may cause appropriate signs and signals to be erected and maintained as may be deemed necessary properly to indicate and to carry out the provisions of this act or to direct or warn traffic and all signs and signals erected by or upon authorization of the state highway commission, the railroad commission or local authorities, as provided in this section, which signs or signals are not inconsistent with the provisions of this act, shall be deemed for the purposes of this act official traffic signs and signals; *provided*, that all signs hereafter erected to give notice to "stop" upon the approach to a "through highway or boulevard," as defined in this act, shall comply with the following description: Such signs shall be of metal material, octagonal in shape, each octagonal side of which shall be of equal lengths and not less than ten inches; the face of said sign shall be of a bright red color field with the word "Stop" in white horizontally across the center thereof. Each letter of said word shall be at least six inches in height and of one inch stroke; there shall be a white line running horizontally across said sign above and below the word "Stop"; said lines to parallel each other and to be of at least three-eighths inch stroke and eight and seven-eighths inches on center, the inside edge of said lines to be four and a quarter inches from center of sign; said white lines shall intersect at both ends with a border consisting of a white line paralleling the edges of said sign. In the event said sign is made of larger dimensions, the size and stroke of letters and lines shall be increased in the proper proportion.

Display of
unofficial
signs.

(b) Display of unauthorized signs and signals prohibited. It shall be unlawful for any person to place or maintain or to display upon or in view of any street or highway any unofficial sign, signal or device which purports to be or is an imitation of or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic or which hides from view any official traffic sign or signal. Every such prohibited sign, signal or device is hereby declared to be a public nuisance and the state highway commission and local authorities are hereby authorized and empowered to remove the same or cause it to be removed without notice.

SEC. 47. Section 118 of said act is hereby amended to read as follows:

Stats 1927, p 1439, amended

Sec. 118. Speed limits for vehicles regulated according to weight and tire equipment. (a) It shall be unlawful for the driver of a vehicle equipped with pneumatic tires to drive the same upon a public highway at speeds in excess of the following:

Speed limitations according to weight and tires

When the gross weight of the vehicle and any load thereon is twenty thousand pounds, but less than twenty-five thousand pounds—thirty-five miles per hour:

When the gross weight of the vehicle and any load thereon is twenty-five thousand pounds or more—thirty miles per hour.

It shall be unlawful for the driver of a motor truck towing a trailer or semitrailer to drive the same at a speed in excess of twenty-five miles per hour upon any public highway.

(b) It shall be unlawful for the driver of a vehicle equipped with other than pneumatic tires to drive the same upon a public highway at speeds in excess of those provided in the following table:

When gross weight of vehicle and load is—	Maximum speed per hour in miles
Nine thousand pounds or more but not more than twelve thousand pounds.....	25
Over twelve thousand pounds but not over twenty-two thousand pounds.....	15
Over twenty-two thousand pounds.....	12
When a truck or trailer is equipped with tires made wholly or partly of metal.....	6

Subject to the foregoing limitations when applicable, any truck or trailer equipped with other than pneumatic tires which has a manufacturer's rated carrying capacity of four tons or more shall not at any time be driven or moved on any public highway at a speed in excess of fifteen miles per hour.

SEC. 48. Section 120 of said act is hereby amended to read as follows:

Stats 1923, p. 556, amended

Sec. 120. When speed limit not applicable. The provisions of this act regulating the speed of vehicles shall not apply to authorized emergency vehicles as defined in this act when such vehicles are being operated in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation nor when traveling in response to a fire alarm nor to the vehicles of licensed physicians when traveling in response to emergency calls.

Speed limit not applicable, when

The provisions of this section shall not, however, relieve the driver of any authorized emergency vehicle or the vehicle of a licensed physician from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of the privileges declared in this section.

Safety precautions

SEC. 49. Section 121 of said act is hereby amended to read as follows:

Stats 1923, p. 557, amended.

Reckless
driving

Sec. 121. Reckless driving. Any person who drives any vehicle upon a highway in so negligent a manner as to indicate either a wilful or a wanton disregard of the safety of persons or property shall be guilty of reckless driving and upon conviction shall be punished by imprisonment in the county jail for a period of not less than five days nor more than ninety days or by fine of not less than twenty-five dollars nor more than two hundred fifty dollars, or by both such fine and imprisonment.

Stats 1923,
p 557,
amended

SEC. 50. Section 122 of said act is hereby amended to read as follows:

Driving on
right side
of highway.

Sec. 122. Drive on right side of highway. Upon all highways of sufficient width except upon one way streets, the driver of a vehicle shall drive the same upon the right half of the highway and close to the right hand edge or curb of such highway, unless it is impracticable to travel on such side of the highway, and except when overtaking and passing other vehicles, in which event the overtaking vehicle may be driven on the left side of the highway, if such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety; and providing that such overtaking vehicle shall return to the right hand side of the highway before coming within one hundred feet of any vehicle approaching from the opposite direction.

Overtaking
and passing
vehicles

The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade nor upon a curve in the highway where the driver's view along the highway is obstructed within the distance of 150 feet along the highway.

Traffic
lanes

The foregoing provisions of this section shall not be deemed to prevent the marking by traffic control officials of lanes for traffic upon any street or highway and the allocation of designated lanes to traffic moving in a particular direction or at designated speeds.

Stats 1923,
p 557,
amended

SEC. 51. Section 124 of said act is hereby amended to read as follows:

Pass to
the right.

Sec. 124. Keep to the right in passing. (a) Vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other one-half of the main traveled portion of the road as nearly as possible.

Stats 1923,
p 557,
amended

SEC. 52. Section 125 of said act is hereby amended to read as follows:

Overtaking
vehicles

Sec. 125. Overtaking a vehicle. (a) Any vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left thereof, and shall not again be driven to the right side of the highway until reasonably clear of such overtaken vehicle.

(b) The driver of an overtaking motor vehicle outside of a business or residence district, as herein defined, shall give audible warning with his bell, horn or other warning device,

before passing or attempting to pass a vehicle proceeding in the same direction.

(c) The driver of any vehicle shall not drive the same so as to pass or overtake any other vehicle going in the same direction at any intersection of public highways except at an intersection where traffic is controlled by traffic stop and go signals or by a traffic officer.

SEC. 53. Section 127 of said act is hereby amended to read as follows:

Stats 1923, p 558, amended Following too closely

Sec. 127. Following too closely. (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and condition of the highway.

(b) The driver of any motor truck or motor truck with trailer when traveling upon a highway outside of a business or residence district shall not follow another motor truck or motor truck with trailer within one hundred fifty feet but this provision shall not be construed to prevent one motor truck overtaking and passing another nor to prevent one motor truck following another within less than one hundred fifty feet upon any lane especially designated for use by motor trucks.

SEC. 54. Section 129 of the California vehicle act is hereby amended to read as follows:

Stats 1923, p 558, amended Turning at intersections

Sec. 129. Turning at intersections. (a) Except as otherwise provided in subdivision (b) of this section, drivers of vehicles in turning at intersections shall do so as follows: The driver of a vehicle intending to turn to the right shall approach the point of turning in the traffic lane nearest the right-hand edge or curb of the highway, and in turning shall keep as close as practicable to the right-hand curb or edge of the highway.

The operator of a vehicle intending to turn to the left shall approach the point of turning in the traffic lane to the right of and next to the center of the roadway, and, unless otherwise directed by "turning markers" shall pass to the right of the center of the intersection before turning.

(b) Boards of supervisors in their respective counties and the legislative bodies of cities or towns may by ordinance prescribe a different method of turning at any intersection of highways provided "markers" or other devices shall be located upon the pavement and within the intersection clearly indicating the course to be traversed by vehicles turning at such intersection.

Local regulations

SEC. 55. Section 131 of said act is hereby amended to read as follows:

Stats 1925, p 414, amended Right of way Approaching intersection

Sec. 131. Right of way. (a) Vehicles approaching an intersection. The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection. When two vehicles enter an intersection at the same time the driver of the vehicle on the left shall yield to the driver on the right.

Turning
left at
intersection

(b) Vehicle turning left at intersection. The driver of a vehicle within an intersection intending to turn to the left shall yield to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard but said driver having so yielded and having given a signal when and as required by law may make such left turn and other vehicles approaching the intersection from said opposite direction shall yield to the driver making the left turn.

Entering
highway

(c) Driver entering through highway. The driver of any vehicle who has come to a stop as required by law at the entrance to a through highway shall yield to other vehicles within the intersection or approaching so closely from the left as to constitute an immediate hazard but said driver having so yielded may proceed and other vehicles approaching the intersection from the left or right shall yield to the vehicle so proceeding into or across the through highway.

Stats 1923,
p. 560,
amended

SEC. 56. Section 132 of said act is hereby amended to read as follows:

Exceptions
to right-of-
way rule

Sec. 132. Exceptions to right of way rule. (a) The driver of a vehicle entering a public highway from a private road or drive shall yield to all vehicles approaching on such public highway.

(b) The driver of a vehicle upon a public highway shall yield the right of way to any authorized emergency vehicle when the latter are operated upon official business and the drivers thereof sound audible signal by siren. This provision shall not relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right of way.

Stats 1923,
p. 560
amended

SEC. 57. Section 133 of said act is hereby amended to read as follows:

Duty on
approach of
authorized
emergency
vehicle

Sec. 133. What to do on approach of authorized emergency vehicle. Upon the approach of any authorized emergency vehicle, giving audible signal by siren, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the highway, clear of any intersection, and shall stop and remain in such position unless otherwise directed by a police or traffic officer, until the authorized emergency vehicle shall have passed; and the operator of any street car shall immediately stop such street car unless at the time it is crossing an intersection, in which event it shall be operated so as to clear the intersection and shall then be stopped, until the authorized emergency vehicle shall have passed.

Stats 1923,
p. 560,
amended
Passing
street cars

SEC. 58. Section 134 of said act is hereby amended to read as follows:

Sec. 134. Passing street cars—driving through safety zone prohibited. (a) The driver of a vehicle shall not overtake and pass upon the left any railway, interurban or street

car proceeding in the same direction, whether actually in motion or temporarily at rest unless so directed by a police officer. This provision shall not apply on one way streets.

(b) The driver of a vehicle overtaking any railway, interurban or street car stopped or about to stop for the purpose of receiving or discharging any passenger, shall stop such vehicle to the rear of the nearest running board or door of such railway, interurban or street car and keep it stationary until any such passenger has boarded such car or reached a place of safety, except that where a safety zone has been established, or at an intersection where traffic is controlled by an officer or a traffic stop and go signal, a vehicle need not be brought to a full stop before passing any such railway, interurban or street car, but may proceed past such car at a speed not greater than is reasonable or proper and in no event greater than ten miles an hour and with due caution for the safety of pedestrians.

(c) The driver of a vehicle shall not at any time drive through or over a safety zone as defined in this act.

Driving through safety zones.
Stats 1923, p. 561, amended

SEC. 59. Said California vehicle act is hereby amended by adding thereto a new section to be numbered 134½ to read as follows:

Sec. 134½. Overtaking and passing school bus. The driver of any vehicle upon a public highway outside of a business or residence district upon meeting or overtaking any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall bring such vehicle to a stop immediately before passing said school bus but may then proceed past such school bus at a speed not greater than is reasonable or proper and in no event greater than ten miles an hour and with due caution for the safety of pedestrians. The provisions of this section shall be applicable only in the event the school bus shall bear upon the front and rear a plainly visible sign with letters not less than four inches in height bearing the words "school bus."

Passing school bus

SEC. 60. Section 135 of the California vehicle act is hereby amended to read as follows:

Stats 1923, p. 561, amended

Sec. 135. Certain vehicles to stop at railway crossings.

(a) The operator of any motor vehicle carrying passengers for hire, and the operator of any school bus, and the operator of any motor truck carrying explosive substances, or explosive or inflammable liquids of any specific gravity, as a cargo or part of a cargo, shall before crossing at grade any track or tracks of a steam railroad or interurban or suburban electric railway, bring his vehicle, bus or truck to a full and complete stop within not less than ten feet nor more than fifty feet from the nearest rail of the track nearest to the front of such vehicle, bus or truck and shall after such stop and while so stopped both look and listen in both directions, along such track or tracks for approaching steam or electric engines, trains, cars or vehicles using such rails; *provided, however,* that nothing contained in this act shall apply to street railway

Certain vehicles to stop at railway crossings

tracks, nor to tracks at crossings in or of streets or highways where city or county officers are on duty, or signals are maintained for the direction of traffic, or where said crossings are protected by flagmen, gates or automatic devices to indicate the approach of trains on said rails, when said flagmen, gates or automatic devices indicate that the tracks are clear and safe for crossing during the hours when such flagmen, gates or automatic devices are on duty or in operation.

Imputation
of negli-
gence

(b) Violation of the provisions of this section by the driver of a motor vehicle carrying passengers for hire shall not be imputed to one who at the time of such negligence is riding with such driver as a bona fide passenger for hire in such vehicle.

Penalty

(c) A violation of this section shall be a misdemeanor punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding six months or by both such fine and imprisonment.

Stats 1925,
p 414,
amended
Parking,
where
prohibited

SEC. 61. Section 138 of said act is hereby amended to read as follows:

Sec. 138. Parking near garage entrance, fire hydrant or fire station. It shall be unlawful for any person to stop, park or leave standing, whether attended or unattended, a vehicle or an animal upon a public highway in front of a public or private driveway, or for any person to leave any vehicle within ten feet (or any less distance designated by local ordinance), of a fire hydrant or the entrance to a fire station unattended by a person capable of operating the same.

Stats 1923,
p 562,
amended

SEC. 62. Section 141 of said act is hereby amended to read as follows:

Duties in
event of
accidents
and
penalties

Sec. 141. Duty to stop in event of accident. (a) The driver of any vehicle involved in an accident resulting in injury or death to any person shall immediately stop such vehicle at the scene of such accident and shall fulfill the requirements of subdivision (c) and any person failing to stop or to comply with said requirements under such circumstances shall be guilty of a felony and upon conviction shall be punished by imprisonment in the state prison for not to exceed five years or in the county jail not to exceed one year or by a fine not to exceed five thousand dollars or by both such fine and imprisonment.

(b) The driver of any vehicle involved in an accident resulting in damage to property, shall immediately stop such vehicle at the scene of such accident and shall fulfill the requirements of subdivision (c) and any person failing to stop or to comply with said requirements under such circumstances shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not to exceed one year or by a fine not to exceed five hundred dollars or by both such fine and imprisonment.

(c) The driver of any vehicle involved in any accident resulting in injury or death to any person or damage to property shall also give his name, address and the registration

number of his vehicle and exhibit his operator's or chauffeur's license to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or such carrying is requested by the injured person.

Sec. 63. Said California vehicle act is hereby amended by adding thereto a new section to be numbered 141½ to read as follows:

Stats 1923,
p 563,
amended

Sec 141½. Duty upon striking unattended vehicle. The driver of any vehicle which collides with any other vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof and shall within twenty-four hours forward a similar notice to the police department of the city wherein the collision occurred, or if within unincorporated territory then to the sheriff of the county.

Duty upon
striking
unattended
vehicle

SEC. 64. Section 142 of the California vehicle act is hereby amended to read as follows:

Stats 1927,
p 1439,
amended

Sec. 142. Accident reports. (a) The driver of any vehicle involved in any accident resulting in injuries or death to any person, shall within twenty-four hours forward a report of such accident to the division, except that when such accident occurs within an incorporated city such report shall be made within twenty-four hours to the police department of such city. Every police department shall forward on the twenty-fifth day of each month every such report, or a copy thereof, so filed with it to the division.

Accident
reports

The division may require drivers involved in accidents to file supplemental reports and may require witnesses of accidents to render reports to it upon forms furnished by it whenever the original report is insufficient in the opinion of the division. Such report shall be without prejudice, shall be for the information of the division and the fact that such reports have been so made shall be admissible in evidence solely to prove a compliance with this section, but no such report or any part thereof shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accident.

(b) The division shall prepare and may supply to police, coroner and sheriff offices and other suitable agencies, forms for accident reports calling for sufficiently detailed information to disclose with reference to a highway accident the cause, conditions then existing, and the persons and vehicles involved.

The division shall receive accident reports required to be made by this act and shall tabulate and analyze such reports and publish annually, or at more frequent intervals, statistical

information based thereon as to the number, cause and location of highway accidents.

Every person holding the office of coroner in this state shall on the tenth day of each month report to the division every accident occurring the previous month resulting in the death of any person where any vehicle is involved in such accident.

Stats 1925,
p 414,
amended

SEC. 65. Section 145 of the California vehicle act is hereby amended to read as follows:

Powers
of local
legislative
bodies

Sec. 145. Nothing in this act contained shall be so construed as to prevent boards of supervisors in their respective counties and the legislative bodies of incorporated cities from providing by ordinance for the regulation of traffic by means of traffic or crossing officers or semaphores or other signaling devices on any portion of the public highways where the traffic is heavy and continuous, nor from designating certain public highways as boulevards and requiring that all vehicles shall be stopped before entering or crossing such boulevards, provided all such boulevards are clearly marked or signposted to give notice of such fact, nor from licensing and regulating the operation of vehicles offered to the public for hire, nor from regulating the use of the highway for processions or assemblages. Notwithstanding the provisions of section 88 or any other provisions of this act, legislative bodies of incorporated cities or any city and county may also by ordinance prohibit the use of a street or highway to be described in said ordinance by any commercial or other particular class of vehicles or by vehicles exceeding a maximum gross weight limit to be specified in the ordinance and may designate certain highways as one-way highways and require by ordinance that all vehicles thereon be moved in one specified direction, provided all such streets and one-way highways are clearly marked or signposted to give notice of such fact.

Stats 1923,
p. 565,
amended

SEC. 66. Said California vehicle act is hereby amended by adding thereto a new section to be numbered 150½ to read as follows:

Walking on
highway

Sec. 150½. Pedestrian to walk on left side of highway. It shall be unlawful for any pedestrian to walk along and upon any highway outside of a business or residence district otherwise than close to his left-hand edge of the highway.

Stats. 1923,
p. 565,
amended

SEC. 67. Said California vehicle act is hereby amended by adding thereto a new section numbered 152½ to read as follows:

Offenses by
owners, etc

Sec. 152½. Offenses by owners. It shall be unlawful for the owner, lessor, or lessee of a motor vehicle or for any person employing or otherwise directing the driver of a motor vehicle, to require the operation of a motor vehicle upon a public highway when such vehicle is equipped otherwise than as required or permitted by law or is in excess of a weight permitted by law or the operation of any vehicle in any manner contrary to law.

SEC. 68. Said California vehicle act is hereby amended by adding thereto a new section to be numbered 153½ to read as follows: Stats 1923.
p 566.
amended

Sec. 153½. Imprisonment for fine. A judgment that the defendant pay a fine for any violation of this act may also direct that he be imprisoned until the fine be satisfied. But the judgment must specify the extent of the imprisonment, which must not exceed one day for every two dollars of the fine, nor extend in any case beyond the term for which the defendant might be sentenced to imprisonment for the offense of which he has been convicted. Imprisonment for unpaid fine

SEC. 69. Said California vehicle act is hereby amended by adding thereto a new section to be numbered 154½ to read as follows: Stats 1923.
p 567.
amended

Sec. 154½. Violating promise to appear. When five days' notice not required. (a) Any person who for a period of fifteen or more days wilfully violates his signed promise to appear given in accordance with this section shall be reported to the division of motor vehicles and thereafter no operator's card, chauffeur's license, registration certificate or annual license plates shall be issued to such violator except upon a certification that his case has been adjudicated in the court in which he has promised to appear, and signed by the judge or clerk of such court. Violating promise to appear

(b) Whenever any person is arrested upon a charge of reckless driving under section 121 and the alleged reckless driving has resulted in a collision causing injury to any person the officer making such arrest shall not be required to give the five days' notice as provided in section 154, but the officer may either give such notice or shall take the person arrested forthwith before the nearest or most accessible magistrate in the county in which the arrest is made and an information stating the charge against the person must be laid before such magistrate. Arrests for reckless driving

(c) Whenever any person is arrested upon a misdemeanor charge under this act and receives a notice to appear before a magistrate as provided in section 154, which magistrate is other than a justice of the peace or magistrate of a municipal court the person so arrested may, at any time prior to or at the time of arraignment, apply for a transfer of said case for trial to the county seat of the county in which the alleged offense was committed by filing with the magistrate before whom said person is cited to appear an affidavit that the defendant believes that he can not obtain a fair trial without excessive penalties before such magistrate and thereupon said magistrate must transfer all papers in said case and must transfer said cause for further proceedings to a justice of the peace or municipal court judge at the county seat and any fine collected upon a final determination of said case or any forfeiture of bail shall immediately be transmitted by the justice of the peace or magistrate of the municipal court to the city employing the officer who made such arrest. Change of venue

Stats 1925,
p. 416,
amended
Speed-trap
evidence
inadmissible

SEC. 70. Section 155 of the California motor vehicle act is hereby amended to read as follows:

Sec. 155. Speed trap evidence inadmissible. Evidence based upon use of speed traps not to be admitted. No police or peace officer or other person shall use a speed trap as defined herein in arresting or participating or assisting in the arrest of any person or in securing evidence as to the speed of a vehicle for the purpose of a prosecution under this act, nor shall any evidence as to the speed of a vehicle operated on a highway by any person arrested for a violation of the provisions of this act be admitted in any court at the consequent trial of such person when such evidence relates to or is based upon the maintenance or use of a speed trap.

A speed trap within the meaning of this section is a particular section of, or distance on, any highway the length of which has been or is measured for distance and marked off or otherwise designated or determined, and the limits of which are within the vision of an officer or officers who calculate the speed of a vehicle passing through such speed trap by using the elapsed time during which such vehicle travels between the entrance and exit of such speed trap.

Every officer when on duty for the purpose of enforcing the provisions of this act shall be dressed in a full distinctive uniform, and no officer shall use an automobile for patrolling public highways in the performance of such duty, unless such automobile is painted a distinctive color such as may be determined upon by the division of motor vehicles.

In any prosecution under this act upon a charge involving the speed of a vehicle, any officer or officers arresting or participating or assisting in the arrest of the person so charged shall be incompetent as a witness or witnesses if any speed trap was used in such arrest, or when an automobile was used by such officer or officers in violation of the provisions of this act, or the officer or officers were not in full uniform, and the court shall be without jurisdiction to render a judgment of conviction upon the testimony procured by the use of a speed trap or by any such officer or officers so using an automobile not in conformity with the act or not in full uniform.

Stats 1927,
p 1441,
amended.
Motor vehicle
fund

SEC. 71. Section 159 of the California vehicle act is hereby amended to read as follows:

Sec. 159. Motor vehicle fund. (a) There is hereby created in the state treasury a fund which shall be known as the "motor vehicle fund." The state treasurer shall deposit all money received by him from the division or otherwise under the provisions of this act into the motor vehicle fund.

Appropriation
to division

(b) There is hereby appropriated out of such fund all moneys received as operators' and chauffeurs' license fees and duplicate operators' and chauffeurs' license fees and in addition thereto such portion of the remainder of such motor vehicle fund not exceeding in any registration year twenty-five per cent thereof as may be necessary for the maintenance of the division of motor vehicles

to be expended by the division in carrying out the provisions of this act; and the division of motor vehicles is hereby authorized out of said funds to purchase real estate and erect such buildings as it may require, subject to the approval of the department of finance. There shall be deducted from the sums which the division is allowed to expend hereunder such amount as may be allowed to said division in each calendar year under budget appropriation by the state Legislature. The division may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one hundred thousand dollars, said sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and by the controller. The balance of said fund, after the expenditure of so much as may be permitted by this act for the support of the division of motor vehicles, shall be known as the "net receipts" and shall be devoted to the purposes and in the manner herein specified.

Revolving
fund

Net receipts

(c) One-half of such "net receipts" is hereby appropriated and shall be paid from the motor vehicle fund to the counties of this state in proportion to the number of vehicles registered in such counties as determined by the places of residence of the owners to whom the registration certificates are issued. All amounts paid under this section to the counties shall be deposited in the road funds of the several counties receiving the same and shall be expended by such counties exclusively in the construction and maintenance of public roads, bridges and culverts in said counties respectively; *provided*, that the board of supervisors of any county may in its discretion expend any portion of such sums so received by such county in the construction, maintenance and repair of streets, bridges and culverts within those incorporated cities therein the legislative bodies of which by ordinance authorize such work of construction, maintenance and repair. The board of supervisors of any county, or city and county, may also in its discretion expend any portion of such sums so received by such county, or city and county, for payment of interest upon, or redemption of bonds, the proceeds of which have been used for the construction, maintenance and repair of streets, bridges and culverts within such county, or city and county. The board of supervisors of any county, or city and county which is empowered by law to expend money for the construction of public highway outside of its corporate limits, may expend any portion of the amounts paid to the said county, or city and county, and deposited in the special road improvement fund or other road fund thereof, as herein in this section directed, in and for the construction of public highways outside of its corporate limits; *provided, however*, that the construction thereof is authorized by ordinance of the board of supervisors of the county or city and county, in which said highway is to be

Appropriation to
counties for
road work

constructed. Where such authorization is given by ordinance, as herein provided, the board of supervisors of the county, or city and county desiring the said construction, may, through its own boards, officers or commissions expend the amounts herein authorized to be expended, or may, by ordinance of its board of supervisors, transfer said amounts to the account of the highway commission of the State of California and may by said ordinance specify and determine the route and type of construction of said highway, and the said amount thus transferred shall, if accepted by the said highway commission, be expended by said commission for the purpose specified and determined in said ordinance, and not otherwise.

County road
fund

(d) The board of supervisors of each county in the state shall establish a road fund in the county treasury for the receipt of such funds received, as hereinbefore provided, and shall also make an annual report to the state department of public works not later than three months after the close of the counties' fiscal year, upon forms to be provided by the state department of public works, showing the amount of moneys received from the motor vehicle fund during the preceding fiscal year and the disposition of said moneys, specifying in such detail as may be required by said department the roads, bridges and culverts constructed or maintained out of said moneys and the sums applied to the several items of such construction or maintenance.

Payment to
counties

(e) The state controller shall in the months of February and August of each year draw his warrants upon the motor vehicle fund in favor of the county treasurer of each county for the amount to which said county is entitled hereunder, except that the state controller shall not draw his warrant upon the motor vehicle fund in favor of the county treasurer of any county which has not established a road fund, as required hereunder, or which has failed, neglected or refused to file the report showing the amount of money heretofore received by such county from the motor vehicle fund and the disposition thereof, as hereinbefore required, until such county has established a road fund and shall make the reports herein required; *provided, however*, that in cases where the actual domicile, residence or place of abode of an owner, or part owner, of any motor vehicle, trailer or semitrailer is in a different county than the place which such owner has designated as his place of residence in his registration certificate, the county auditor of the county receiving such funds from the state as hereinabove provided may draw his warrant in favor of the county containing the actual domicile, residence, or place of abode of such owner, or part owner, in such sums as may properly be attributed to the latter county.

State
highway
maintenance
fund.

(f) All moneys remaining in the motor vehicle fund after the expenditures hereinbefore in this section authorized, together with all sums that have been heretofore or that may be hereafter appropriated by the Legislature for the same purpose, shall be paid into the state highway maintenance fund

and shall be expended under the direction of the state department of public works for the maintenance, repair, widening, resurfacing and reconstruction of state roads and highways under the jurisdiction of said department and for the maintenance, repair, widening, resurfacing and reconstruction of roads and highways in state parks, subject to the approval of the official or officials charged by law with the management and control of such parks, such money to be so drawn from the motor vehicle fund for the purpose of such maintenance, repair, widening, resurfacing and reconstruction upon warrants executed by the state controller upon demands made by the state department of public works and allowed and audited by the state board of control.

CHAPTER 254.

An act to amend section 29 of the "Workmen's compensation, insurance and safety act of 1917," as amended, by providing a penalty of ten per cent but not exceeding one thousand dollars to be added to any payment of compensation awarded to employees for the failure of their employers to secure the payment of compensation as provided in said act.

[Approved by the Governor May 11, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 29 of the "Workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, is hereby amended to read as follows: Stats 1925,
p. 494,
amended.

(a) Every employer as defined in section 7 hereof, except the state and all political subdivisions or institutions thereof, shall secure the payment of compensation in one or more of the following ways: Securing
payment of
compensation,
methods

1. By insuring and keeping insured against liability to pay compensation in one or more insurance carriers duly authorized to write compensation insurance in this state.

2. By securing from the commission a certificate of consent to self-insure, which may be given upon his furnishing proof satisfactory to the commission of ability to carry his own insurance and pay any compensation that may become due to his employees, the commission may, in its discretion, require such employer to deposit with the state treasurer a bond or securities, but not both a bond and securities, approved by the commission. in an amount to be determined by the commission. Such certificate may be revoked at any time for good cause shown after hearing had, such good cause including among other things, the impairment of the solvency of said employer, the practice by such employer or his agent in charge

of the administration of its obligations under the workmen's compensation act of any of the acts denounced by sections 596 (b) or 633 of the Political Code, with respect to the conduct of insurance companies, their officers or agents. So long as the certificate of consent to self-insure has not been revoked, and the self-insurer has deposited with the state treasurer such bond or securities, the self-insurer shall not be required or obliged to pay into the state compensation insurance fund any sums covering liability for compensation, excepting life pensions; but shall be permitted, and such permission is hereby given the self-insurer, to fully administer any and all such compensation benefits assessed against the said insurer.

Procedure
where pay-
ment of
compensation
is unsecured

(b) If any employer shall fail so to secure the payment of compensation, any injured employee or his dependents may proceed against such employer by filing an application for compensation with the commission, and, in addition thereto, such injured employee or his dependents may bring an action at law against such employer for damages, the same as if this act did not apply, and shall be entitled in such action to the right to attach the property of the employer, at any time upon or after the institution of such action, in an amount to be fixed by the court, to secure the payment of any judgment which may ultimately be obtained. Such judgment shall include a reasonable attorney's fee to be fixed by the court. The provisions of the Code of Civil Procedure, except in so far as they may be inconsistent with this act, shall govern the issuance of and proceedings upon such attachment; *provided*, that if as a result of such action for damages a judgment is obtained against such employer in excess of the compensation awarded under this act, the compensation awarded by the commission, if paid, or if security approved by the court be given for its payment, shall be credited upon such judgment; *provided, further*, that in such action it shall be presumed that the injury to the employee was a direct result and grew out of the negligence of the employer, and the burden of proof shall rest upon the employer to rebut the presumption of negligence. In such proceeding it shall not be a defense to the employer that the employee may have been guilty of contributory negligence, or assumed the risk of the hazard complained of, or that the injury was caused by the negligence of a fellow servant. No contract, rule or regulation shall be allowed to restore to the employer any of the foregoing defenses.

Penalties.

(c) Failure to secure the payment of compensation as hereinbefore provided shall constitute a misdemeanor, punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both. In case of the wilful failure by an employer to secure the payment of compensation as herein provided, the amount of compensation otherwise recoverable for injury or death as provided in this act shall be increased ten per cent, any of the provisions of this act as to maximum payments or otherwise to the contrary

notwithstanding ; *provided, however*, that said increase of award shall in no event exceed one thousand dollars. Failure of the employer to secure the payment of compensation as herein provided shall be prima facie evidence of wilfulness on his part.

(d) The commission may require any employer to furnish a written statement at any time showing the name of his insurance carrier or the manner in which the employer has complied with the provisions of this section. Failure of the employer for a period of ten days to furnish such written statement shall constitute presumptive evidence that such employer has failed or neglected in respect to the matters so required.

Employer to furnish statements

CHAPTER 255.

An act to amend section 12 of the "Workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, relating to disability indemnity.

[Approved by the Governor May 11, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 12 of the "Workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, is hereby amended to read as follows:

Stats 1917, p 843 amended

Sec. 12 (a) The average annual earnings referred to in section 9 hereof shall be fifty-two times the average weekly earnings referred to in said section; in computing such earnings the average weekly earnings shall be taken at not less than six dollars and forty-one cents nor more than thirty-eight dollars and forty-six cents, and three times the average annual earnings shall be taken at not less than one thousand dollars, nor more than five thousand nine hundred ninety-nine dollars and seventy-six cents; *provided, however*, that the maximum limit of three times the average annual earnings referred to in subdivision (c) of section 9 of this act shall be taken at not more than five thousand dollars and between said limits said average weekly earnings shall be arrived at as follows:

Average annual earnings

(1) If the injured employee has worked in the same employment, whether for the same employer or not, during at least two hundred sixty days of the year preceding his injury, his average weekly earnings shall consist of ninety-five per cent of six times the daily earnings at the time of such injury where the employment is for six full working days a week. Where his employment is for five, five and one-half, six and one-half or seven working days a week, the average weekly earnings shall be ninety-five per cent of five, five and one-half, six and one-half or seven times the daily earnings at the time of the injury, as the case may be.

Average weekly earnings

(2) If the injured employee has not so worked in such employment during at least two hundred sixty days of such

preceding year, his average weekly earnings shall be based upon the daily earnings, wage or salary of an employee of the same class working at least two hundred sixty days of such preceding year in the same or a similar kind of employment in the same or a neighboring place, computed in accordance with the provisions of the preceding subdivision.

(3) If the earnings be irregular or specified to be by the week, month, or other period, then the average weekly earnings mentioned in subdivisions (1) and (2) above shall be ninety-five per cent of the average earnings during such period of time, not exceeding one year, as may conveniently be taken to determine an average weekly rate of pay.

Employment
for less
than five
days or
seasonal

(4) Where the employment is for less than five days per week or is seasonal or where for any reason the foregoing methods of arriving at the average weekly earnings of the injured employee can not reasonably and fairly be applied, such average weekly earnings shall be taken at ninety-five per cent of such sum as shall reasonably represent the average weekly earning capacity of the injured employee at the time of his injury, due consideration being given to his actual earnings from all sources and employments during the year preceding his injury; *provided*, that the earnings from other occupations shall not be allowed in excess of the rate of wages paid at the time of the injury.

Overtime,
board, etc

(b) In determining such average weekly earnings, there shall be included overtime and the market value of board, lodging, fuel, and other advantages received by the injured employee, as part of his remuneration, which can be estimated in money, but such average weekly earnings shall not include any sum which the employer may pay to the injured employee to cover any special expenses entailed on him by the nature of his employment.

Injuries to
minors

(c) If the injured employee is under twenty-one years of age, and his incapacity is permanent, his average weekly earnings shall be deemed, within the limits fixed, to be the weekly sum that under ordinary circumstances he would probably be able to earn after attaining the age of twenty-one years, in the occupation in which he was employed at the time of the injury or in any occupation to which he would reasonably have been promoted if he had not been injured, and if such probable earnings after attaining the age of twenty-one years can not reasonably be determined, such average weekly earnings shall be based upon three dollars a day for a six-day week.

CHAPTER 256.

An act to amend sections 3 and 15 of an act entitled "An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum

wage; providing for an appropriation therefor and fixing a penalty for violations of this act," approved May 26, 1913, as amended.

[Approved by the Governor May 11, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 3 of an act entitled "An act regulat-
 ing the employment of women and minors and establishing an
 industrial welfare commission to investigate and deal with
 such employment, including a minimum wage; providing for
 an appropriation therefor and fixing a penalty for violations
 of this act," approved May 26, 1913, as amended, is hereby
 amended to read as follows:

Stats 1927,
p. 438,
amended

Sec. 3. (a) It shall be the continuing duty of the com-
 mission to ascertain the wages paid, the hours and conditions
 of labor and employment in the various occupations, trades
 and industries in which women and minors are employed in
 the State of California, and to make investigations into the
 comfort, health, safety and welfare of such women and minors.

Duties of
commission

(b) It shall be the duty of every person, firm or corpora-
 tion employing labor in this state.

Duties of
employers

1. To furnish to the commission, at its request, any and
 all reports or information which the commission may require
 to carry out any of the purposes of this act, such reports and
 information to be verified by the oath of the person, or a
 member of the firm, or the president, secretary, or manager of
 the corporation furnishing the same, if and when so requested
 by the commission or any member thereof.

2. To allow any member of the commission, its secretary or
 any of its duly authorized experts or employees, free access
 to the place of business or employment of such person, firm
 or corporation for the purpose of securing any information
 which the commission is authorized by this act to ascertain, or
 to make inspection of, or excerpts from the books, reports,
 contracts, pay rolls, documents or papers of such person, firm
 or corporation relating to the employment of women and
 minors, the conditions under which their labor is performed,
 or the payment of such labor by such person, firm or corpora-
 tion.

3. To keep a record which shall show the names and
 addresses of all women and minors employed and the ages of
 all minors. To keep and maintain at the plants, or estab-
 lishments, at which women, or minors, are employed, pay roll
 records, which said records shall show the hours worked daily
 by and the wages paid to such women and minors so employed
 at such respective plants or establishments, and which said
 records shall be kept in accordance with rules established for
 said purpose by the industrial welfare commission. All such
 records shall be kept on file for at least one year.

Punishment Any person, firm or corporation, who either individually or as an officer, agent, or employee of any person, firm or corporation who neglects or refuses to furnish to the commission any information requested by it under the provisions of subdivision (b) of this section, or who refuses access to his place of business or employment to any member, officer, or authorized employee of the commission, or hinders such member, officer, or employee in the securing of any information authorized by this subsection, or who omits, neglects, or refuses to keep any of the records required by this subsection shall be guilty of a misdemeanor.

“Minor”
defined.

(c) For the purposes of this act, a minor is defined to be a person of either sex under the age of twenty-one years; *provided, however*, that this provision shall not be construed to authorize the commission to fix minimum wages or maximum hours of work for male minors between the ages of eighteen and twenty-one years.

Stats 1913,
p 637,
amended
Reports

SEC. 2. Section 15 of said act is hereby amended to read as follows:

Sec. 15. The commission shall have power and authority to publish and distribute in its discretion from time to time reports and bulletins covering its operations and proceedings and such other matters relative to its work as it may deem advisable.

CHAPTER 257.

An act to amend section 7 of the “Workmen’s compensation, insurance and safety act,” approved May 26, 1913, as amended, relating to appointees.

[Approved by the Governor May 11, 1929. In effect August 14, 1929.]

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

Stats 1913,
p 281,
amended

SECTION 1. Section 7 of the “Workmen’s compensation, insurance and safety act,” approved May 26, 1913, as amended is hereby amended to read as follows:

Sec. 7. The commission shall have full power and authority:

Appointees
Attorney

(1) To appoint as its attorney an attorney at law of this state, who shall hold office at the pleasure of the commission. It shall be the right and the duty of the attorney to represent and appear for the people of the State of California and the commission in all actions and proceedings involving any question under this act or under any order or act of the commission and, if directed so to do by the commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence, prosecute and expedite the final determination of all actions or proceedings, civil or criminal, directed or authorized by the commission; to advise the commission and each member

thereof, when so requested, in regard to all matters in connection with the jurisdiction, powers or duties of the commission and members thereof; and generally to perform all duties and services as attorney to the commission which may be required of him.

(2) To appoint, and it shall appoint, a secretary, who shall hold office at the pleasure of the commission. It shall be the duty of the secretary to keep a full and true record of all the proceedings of the commission, to issue all necessary processes, writs, warrants and notices which the commission is required or authorized to issue, and generally to perform such other duties as the commission may prescribe. The commission may also appoint such assistant secretaries as may be necessary and such assistant secretaries may perform any duty of the secretary, when so directed by the commission. The commission may authorize its secretary or any assistant secretary, but not more than one assistant secretary at any one time, to act as a deputy commissioner or commissioners for such period or periods of time as it shall prescribe, and it may delegate such portion of its authority and duties to such deputy commissioner or commissioners as it shall prescribe, and he or they may perform any duty so delegated; *provided, however*, that not more than two deputy commissioners shall act at any one time and that no act of any deputy commissioner shall be valid unless it is concurred in by at least one commissioner.

Secretary
and
assistants

(3) To appoint a manager of the state compensation insurance fund who shall hold office at the pleasure of the commission. It shall be the duty of such manager to manage, supervise and conduct, subject to the general direction and approval of the commission, the business and affairs of the state compensation insurance fund and to perform such other duties as the commission may prescribe. Before entering on the duties of his office, he must give an official bond in the sum of fifty thousand dollars and take and subscribe to an official oath. Said bond must be approved by the commission, by written endorsement thereon, and be filed in the office of the secretary of state.

Manager of
insurance
fund.

Bond

(4) To appoint a superintendent of the department of safety, who shall hold office at the pleasure of the commission and who shall perform such duties as the commission shall prescribe.

Superintendent
of safety

(5) To employ such other assistants, officers, experts, statisticians, actuaries, accountants, inspectors, referees and other employees, as it may deem necessary to carry out the provisions of this act, or to perform the duties and exercise the powers conferred by law upon the commission.

Other
employees

CHAPTER 258.

An act to amend sections 51, 66, 72 and 73 of the "California vehicle act" approved May 30, 1923, as amended, relating to the issuance, revocation and suspension of licenses and registration of motor vehicles.

[Approved by the Governor May 11, 1929 In effect August 14, 1929.]

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

Stats. 1923,
p 528,
amended

Acts
declared
unlawful

SECTION 1. Section 51 of the "California vehicle act" approved May 30, 1923, as amended, is hereby amended to read as follows:

Sec. 51. Failure to register or unlawful use—Penalties. It shall be unlawful and constitute a misdemeanor for any person to commit any of the following acts:

First—To operate or for the owner thereof to knowingly permit the operation of any motor vehicle, trailer or semi-trailer upon a public highway which shall not be registered or for which the registration fees have not been paid, when and as required by the provisions of this act;

Second—To operate or for the owner thereof to knowingly permit the operation of any vehicle unless there shall be attached thereto and displayed thereon when and as required by this act the registration certificate and registration plates or plate assigned thereto by the division for the current registration year;

Third—To display or cause or permit to be displayed or have in possession any canceled, revoked, suspended, altered or fictitious certificate of registration or ownership, number plate or operator's or chauffeur's license as the same are respectively provided in this act;

Fourth—To lend to or knowingly to permit the use by one not entitled thereto any certificate of registration or ownership, number plate or operator's or chauffeur's license issued to the person so lending or permitting the use thereof;

Fifth—To display or to represent as one's own, any operator's or chauffeur's license not issued to the person so displaying the same;

Sixth—To fail or refuse to surrender to the division, upon demand, any certificate of registration or ownership, number plate or operator's or chauffeur's license which has been suspended, canceled or revoked as in this act provided;

Seventh—To use a false or fictitious name in any application for the registration of any vehicle or for an operator's or chauffeur's license, or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

Eighth—To alter, or to erase, or to remove from any operator's or chauffeur's license certificate any endorsement thereon of any revocation, conviction, or fine, made by order of court, or of the division of motor vehicles.

SEC. 2. Section 66 of said act is hereby amended to read as follows: Stats 1923,
p. 533,
amended

Sec. 66. Licenses issued to operators and chauffeurs. (a) The division shall issue to every person licensed as an operator, an operator's license, and to every person licensed as a chauffeur, a chauffeur's license. Operators'
and
chauffeurs'
licenses.

(b) Every such license shall bear thereon the distinguishing number assigned to the applicant and shall contain the name, age, and residence address of the person to whom the license is issued and a brief description of such person for the purpose of identification, and shall also contain a space for the signature of the licensee; and thereafter there shall be endorsed thereon a record of each revocation and suspension thereof by the court so revoking or suspending and of each violation of sections 112, 113, 121, 122, 125, 134 and 141 of title nine of this act in which conviction was had or fine imposed when license was not revoked or suspended; and when suspended or revoked by the division of motor vehicles a record thereof shall be endorsed thereon by the division

SEC. 3. Revocation or suspension of license by a court of competent jurisdiction. Section 72 of said act is hereby amended to read as follows: Stats 1923.
p. 534,
amended

Sec. 72. (a) Whenever any person holding an operator's or chauffeur's license shall be convicted of a violation of section 113 or 121 of this act prohibiting speeding or reckless driving, the court may in its discretion suspend the license of such person for a period not to exceed thirty days upon a first conviction, for a period not to exceed sixty days upon a second conviction and for a period not to exceed twelve months for a third or subsequent conviction. Revocation
or suspension
of license
by court

(b) Whenever any person holding an operator's or chauffeur's license shall be convicted of a violation of section 112 of this act declaring it unlawful to drive a vehicle while intoxicated the court shall suspend the license of such person for a period of six months upon conviction of a misdemeanor and for a period of one year after a conviction of felony under said section and shall immediately thereafter notify the division of such conviction and suspension and shall revoke such license upon a second conviction.

(c) Convictions had prior to the time this act takes effect shall not be considered in determining the number of convictions hereinbefore referred to

(d) Whenever any court shall suspend an operator's or chauffeur's license as in this section provided, the court shall require such license certificate to be produced and surrendered to the court, and the court shall retain such license certificate during the period of suspension, returning the same to the owner at the end of such period, only, however, after a record of such suspension has been endorsed thereon by order of the court.

(e) In case of any conviction had or fine imposed for any violation of sections 112, 113, 121, 122, 125, 134 and 141 of

title nine of this act the court shall endorse a record thereof upon the operator's or chauffeur's license, as the case may be, whether such license was suspended as provided in paragraph (d) of this section, or not.

Stats 1927,
p. 1429,
amended
Revocation
of license
by division.

SEC. 4. Section 73 of said act is hereby amended to read as follows:

Sec. 73. Revocation or suspension of licenses by the division. (a) The division shall forthwith revoke the license of any person, for a period of twelve months, upon receiving satisfactory evidence of the conviction, or of the entry of a plea of guilty and sentence thereupon, or of the forfeiture of bail of any such person, charged with the commission of any of the following crimes:

(1) Manslaughter, resulting from the operation of a motor vehicle.

(2) Any crime constituting a felony under the "California vehicle act" or of any other felony in the commission of which a motor vehicle is used.

(3) Convictions upon three charges of reckless driving all within a period of twelve months from the time of the first conviction.

Investigation
and hearing.

(b) The division may conduct an investigation and hearing to determine whether the license of an operator or chauffeur shall be suspended or revoked in any of the following events:

(1) Upon receiving a verified complaint that any person is afflicted with such mental or physical infirmities or disabilities as would constitute ground for refusal of a license under this act.

(2) Upon receiving a verified complaint that any person has driven a motor vehicle in a reckless or negligent manner, and has thereby caused death or injury to any person or serious damage to property and upon investigation following such complaint, inquiry shall be made, and the division shall have jurisdiction to determine whether the license of any operator or chauffeur involved in or contributing to such accident shall be suspended or revoked, and no testimony or record of suspension or revocation of a license by the division following such complaint shall be admissible as evidence in any court in any action at law for negligence arising out of or involving such accident, nor shall any testimony or record of a conviction of any person of a misdemeanor under the "California vehicle act" be admissible as evidence in a civil action brought against the person so convicted.

(3) Upon receiving a verified complaint that an operator or chauffeur is an habitual reckless, negligent or incompetent driver of any motor vehicle.

Notice

(c) The chief of the division shall determine the sufficiency of any complaint filed hereunder, and in his discretion shall have power to set a time for hearing in the county wherein the person complained of shall reside, and such person shall be entitled to at least ten days' previous notice of such hearing

from the division and such hearing shall be held by the chief of the division or by any person or persons not exceeding three, officers or employees of the division whom he may designate.

(d) The chief of the division or the person or persons designated by him and holding such hearing may summon witnesses in behalf of the state and such witnesses as may be designated by the person under investigation, and may administer oaths and take testimony or cause depositions to be taken, and the supreme court, any district court of appeal or any superior court shall have jurisdiction upon the application of the division to enforce all lawful orders of the division under this section. The failure of the respondent to appear at the time and place of hearing after notice, as provided in this section, shall not prevent the hearing, the taking of testimony and determination of the matter as herein provided. The fees for the attendance and travel of witnesses shall be the same as for witnesses before the superior court and shall be paid by the state upon demand by the division filed with the controller.

Hearing.

(e) Upon the conclusion of such hearing, the chief of the division or the person or persons holding such hearing on his behalf shall prepare findings based upon the evidence received and considered. If the findings are to the effect that the person referred to therein is incompetent or is unfit to operate a motor vehicle upon any of the grounds upon which license might be refused, as stated in this act, the chief of the division upon a review of such findings shall have authority to forthwith revoke the license of such person, or if the findings are to the effect that the person therein referred to has by reason of negligent or reckless driving endangered life, limb or property or has thereby caused loss of life or injury to person or property, the chief of the division upon a review of such findings shall have power to suspend the license of such person for a period not exceeding six months, or may revoke such license, and in either event shall require that such license certificate and any chauffeur's badge issued to such person be surrendered to the division.

Findings.

Powers of chief of division

(f) Upon the expiration of the period of the suspension of any license as hereinbefore in this section provided for, the division shall return to the licensee his license certificate, or in its discretion may issue to him a new certificate; and in like manner the division shall return to any chauffeur, whose license badge and certificate may have been forwarded to the division upon suspension of his license, such license badge and certificate, or issue to such licensee a new badge and certificate; *provided, however,* that a record of such suspension shall be first endorsed, by the division, on each such certificate.

Reissuance of license, badge or certificate

(g) The operator's or chauffeur's license and all of the registration certificates, of any person, in the event of his failure to satisfy every judgment within fifteen days from the time it shall have become final, rendered against him by a

Suspension pending satisfaction of judgments

court of competent jurisdiction in this or any other state, or in a district court of the United States, for damages on account of personal injury, or damages to property in excess of one hundred dollars, resulting from the ownership or operation of a motor vehicle by him, his agent, or any other person with the express or implied consent of the owner, shall be forthwith suspended by the chief of the division of motor vehicles, upon receiving a certified copy of such final judgment or judgments from the court in which the same are rendered and shall remain so suspended and shall not be renewed nor shall any other motor vehicle be thereafter registered in his name while any such judgment remains unsatisfied and subsisting, and until the said person gives proof of his ability to respond in damages, as defined in section 36½ of this act, for future accidents. It shall be the duty of the court in which any such judgment is rendered to forward immediately to such chief of the division of motor vehicles a certified copy of such judgment or a transcript thereof. In the event the defendant is a nonresident it is the duty of the chief of the division of motor vehicles to transmit to the commissioner of motor vehicles of the state of which the defendant is a resident a certified copy of the said judgment. If after such proof has been given, any other such judgment shall be recovered against such person, for any accident occurring before such proof was furnished, such license and certificates shall again be and remain suspended while any such judgment remains unsatisfied and subsisting; *provided, however, that*

Credits
equivalent to
satisfaction
of judgments

(1) When five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for personal injury to or the death of one person as the result of any one accident, or

(2) When subject to the limit of five thousand dollars for each person, the sum of ten thousand dollars has been credited upon any judgments rendered in excess of that amount for personal injury to or the death of more than one person as the result of any one accident, or

(3) When one thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for damage to property as the result of any one accident, resulting from the ownership or operation of a motor vehicle by such judgment debtor, his agent or any other person, with his express or implied consent, then and in such event, such payment or payments shall be deemed a satisfaction of such judgment or judgments for the purposes of this section only.

Withdrawal
of privileges
of nonresi-
dents.

If any such motor vehicle owner or operator shall not be a resident of this state, the privilege of operating any motor vehicle in this state and the privilege of operation within the state of any motor vehicle owned by him shall be withdrawn, while any final judgment procured against him for damages, including personal injury or death caused by the operation of

any motor vehicle, in this state or elsewhere, shall be unsatisfied and subsisting, and until he shall have given proof of his ability to respond in damages for future accidents as prescribed in section 36½ of this act.

CHAPTER 259.

An act to add two new sections to the "California vehicle act," approved May 30, 1923, as amended, to be numbered 36½ and 36¾, relating to registration of motor vehicles.

[Approved by the Governor May 11, 1929 In effect August 14, 1929]

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

SECTION 1. A new section is hereby added to the "California vehicle act," approved May 30, 1923, as amended, to be numbered 36½ and to read as follows: Stats 1923,
p. 522,
amended

Sec. 36½. Proof of ability to respond in damages. Proof of ability to respond in damages when required by this act, shall mean proof of ability to respond in damages, resulting from the ownership, or operation, of a motor vehicle, and arising by reason of personal injury to, or death of, any one person, of at least five thousand dollars, and, subject to the limit of five thousand dollars for each person injured or killed, of at least ten thousand dollars for such injury to, or the death of, two or more persons in any one accident, and for damage to property (in excess of one hundred dollars) of at least one thousand dollars resulting from any one accident. Such proof of ability to respond in damages may be given, either, by Proof of
ability to
respond in
damages

(1) The written certificate or certificates of any insurance carrier duly authorized to do business within the state, that it has issued to or for the benefit of the person named therein a motor vehicle liability policy or policies as defined in section 36¾ of this act, which, at the date of said certificate or certificates is in full force and effect, and designating therein by explicit description or by other appropriate reference all motor vehicles with respect to which coverage is granted by the policy certified to. The chief of the division of motor vehicles shall not accept any certificate or certificates unless the same shall cover all motor vehicles registered in the name of the person furnishing such proof. Additional certificates as aforesaid shall be required as a condition precedent to the registration of any additional motor vehicle or motor vehicles in the name of such person required to furnish proof as aforesaid. Said certificate or certificates shall certify that the motor vehicle liability policy or policies therein cited shall not be canceled except upon ten days prior written notice thereof to the chief of the division of motor vehicles; or Insurance

Bond

(2) The bond of a surety company duly authorized to do business within the state, or a bond of individual sureties each owning unencumbered real estate, approved by a judge of a court of record which such bond shall be conditioned for the payment of the amount specified in this section, and providing for the entry of judgment on motion of the state in favor of any holder of any final judgment on account of damage to property over one hundred dollars in amount, or injury to any person caused by the operation of such person's motor vehicle, in the same manner as provided in section 942 of the Code of Civil Procedure for the entry of judgment upon appeal bonds; or

Deposit.

(3) Evidence presented to the chief of the division of motor vehicles of a deposit by such person with the state treasurer of a sum of money, the amount of which money shall be eleven thousand dollars; but the chief of the division of motor vehicles shall not accept a deposit of money where any judgment or judgments theretofore recovered against such person as a result of damages arising from the operation of any motor vehicle shall not have been paid in full. The treasurer of the state shall accept any such deposit and issue a receipt therefor.

Stats. 1923,
p 523,
amended

"Motor
vehicle
liability
policy"
defined

SEC. 2. A new section is hereby added to said act to be numbered section 36½, and to read as follows:

Sec. 36½. "Motor vehicle liability policy," as used in this act, shall be taken to mean a policy of liability insurance issued, by an insurance carrier authorized to transact business in this state, to the person therein named as insured, which policy shall designate, by explicit description or by appropriate reference, all motor vehicles with respect to which coverage is intended to be granted by said policy, and shall insure the insured named therein, and any other person using or responsible for the use of any such motor vehicle, with the consent, express or implied, of such insured, against loss from the liability imposed upon such insured by law or upon such other person for injury to, or death of, any person, other than such person or persons as may be covered, as respects such injury or death by any workmen's compensation law, or damage to property, except property of others in charge of the insured or the insured's employees growing out of the maintenance, use or operation of any such motor vehicle in the United States of America; or which policy shall, in the alternative, insure the person therein named as insured against loss from the liability imposed by law upon such insured for injury to or death of any person, other than such person or persons as may be covered as respects such injury or death by any workmen's compensation law, or damage to property, except property of others in charge of the insured or the insured's employees, growing out of the operation or use by such insured of any motor vehicle, except a motor vehicle registered in the name of such insured, and occurring while such insured is personally in control, as driver or occupant, of

such motor vehicle within the United States of America, to the amount or limit of five thousand dollars, exclusive of interest and costs, on account of injury to or death of any one person, and, subject to the same limit as respects injury to or death of one person, of ten thousand dollars, exclusive of interest and costs, on account of any one accident resulting in injury to or death of more than one person; and of one thousand dollars for damage to property of others, as herein provided, resulting from any one accident; or a binder pending the issuance of any such policy, or an endorsement to an existing policy as hereinafter provided; *provided*, that this section shall not be construed as preventing such insurance carrier from granting any lawful coverage in excess of or in addition to the coverage herein provided for, nor from embodying in such policy any agreements, provisions or stipulations not contrary to the provisions of this act and not otherwise contrary to law.

CHAPTER 260.

An act to add a new section to the Civil Code to be numbered 1714 $\frac{1}{2}$, relating to negligence upon the part of officers, agents and employces of the state, counties, cities and counties, municipal corporations, school districts, irrigation districts, districts established by law and political subdivisions of the state and authorizing the issuance of insurance covering such liability.

[Approved by the Governor May 11, 1929 In effect August 14, 1929]

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

SECTION 1. A new section is hereby added to the Civil Code to be numbered 1714 $\frac{1}{2}$ and to read as follows: New section

1714 $\frac{1}{2}$. Hereafter the state, and every county, city and county, municipal corporation, irrigation district, school district, district established by law and political subdivision of the state owning any motor vehicle shall be responsible to every person who sustains any damage by reason of death, or injury to person or property as the result of the negligent operation of any said motor vehicle by any officer, agent, or employee or as the result of the negligent operation of any other motor vehicle by any officer, agent or employee when acting within the scope of his office, agency or employment; and such person may sue the state, county, city and county, municipal corporation, irrigation district, school district, district established by law and political subdivision of the state, as the case may be, in any court of competent jurisdiction in this state in the manner directed by law. In every case where a recovery is had under the provisions of this section against the state, any county, city and county, municipal corporation, irrigation district, school district, district estab- Liability of state and political subdivisions for negligent operation of vehicles

Subrogation to rights of injured person

lished by law and political subdivision of the state, then the state, or the county or city and county, municipal corporation, irrigation district, school district, district established by law and political subdivision of the state shall be subrogated to all the rights of the person injured, against the officer, agent or employee, as the case may be, and may recover from such officer, agent or employee, the total amount of any judgment and costs recovered against the state, county, city and county, municipal corporation, irrigation district, school district, district established by law and political subdivision of the state in such case, together with costs therein.

Power to insure.

And the state, county, city and county, municipal corporation, irrigation district, school district, district established by law and political subdivision of the state may insure their liability in any insurance company authorized to transact the business of such insurance in the State of California, and the premium for such insurance shall be a proper charge against the respective general fund of the state, county, city and county, municipal corporation, irrigation district, school district, district established by law and political subdivision of the state, as the case may be.

CHAPTER 261.

An act to add a new section to the Civil Code to be numbered 1714½, relating to imputed negligence.

[Approved by the Governor May 11, 1929 In effect August 14, 1929]

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

New section

SECTION 1. A new section is hereby added to the Civil Code to be numbered 1714½ and to read as follows:

Liability of owners of motor vehicles

1714½. Every owner of a motor vehicle shall be liable and responsible for the death of or injury to person or property resulting from negligence in the operation of such motor vehicle, in the business of such owner or otherwise, by any person using or operating the same with the permission, express or implied, of such owner provided that the liability of an owner for imputed negligence imposed by this section and not arising through the relationship of principal and agent or master and servant shall be limited to the amounts of five thousand dollars for the death of or injury to one person in any one accident and subject to said limit as to one person shall be limited to the amount of ten thousand dollars with respect to the death of or injury to more than one person in any one accident and shall be limited to the sum of one thousand dollars for damage to property of others in any one accident, and provided that in any action against an owner on account of imputed negligence as imposed by this section the operator of said vehicle whose negligence is imputed

Maximum.

to the owner shall be made a party defendant provided personal service of process can be had upon said operator within this state, and upon recovery of judgment, recourse shall first be had against the property of said operator so served; *and* ^{Subrogation} *provided, further*, that in the event a recovery is had under the provisions of this section against an owner on account of imputed negligence such owner shall be subrogated to all the rights of the person injured or whose property has been injured and may recover from such operator the total amount of any judgment and costs recovered against such owner; *and* ^{Settlement of claims} *provided, further*, that where two or more persons are injured or killed in one accident, the owner may settle and pay any bona fide claim or claims for damages arising out of personal injuries or death, whether reduced to judgment or not, and such payments shall diminish to the extent thereof the owner's total liability on account of such accident; and payments so made aggregating the full sum of ten thousand dollars (\$10,000) shall extinguish all liability of the owner hereunder to said claimants and all other persons on account of such accident, which liability may exist by reason of imputed negligence, pursuant to this section, and not arising through the negligence of the owner nor through the relationship of principal and agent or master and servant. If a motor vehicle be sold under a contract of conditional sale whereby the title to such motor vehicle remains in the vendor, such vendor or his assignee shall not be deemed an owner within the provisions of this section, but the vendee, or his assignee shall be deemed the owner notwithstanding the terms of such contract, until the vendor or his assignee shall retake possession of such motor vehicle. A chattel mortgagee of a motor vehicle out of possession shall not be deemed an owner within the provisions of this section. ^{Vendor and vendee under contracts of conditional sale.}

CHAPTER 262.

An act to amend section 74 of the California vehicle act, approved May 30, 1923, as amended, relating to penalties for driving motor vehicles while license is suspended or revoked.

[Approved by the Governor May 11, 1929 In effect August 14, 1929]

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

SECTION 1. Section 74 of the California vehicle act ^{Stats 1923, p. 535. amended.} approved May 30, 1923, as amended, is hereby amended to read as follows:

Sec. 74. Any person who drives a motor vehicle, after his operator's or chauffeur's license has been revoked or suspended, by reason of his failure to pay a final judgment, within fifteen days, rendered against him for injury resulting from ^{Driving while license revoked or suspended for any cause}

the negligent operation by him, his agent, or any other person with his consent, express or implied, or for any other reason as provided in this act, and while such license remains revoked or suspended, is guilty of a misdemeanor and upon conviction therefor shall be punished by imprisonment in the county jail for not to exceed one year or by fine not to exceed one thousand dollars or by both such fine and imprisonment.

Penalty

CHAPTER 263.

An act to provide for the protection of certain employees of cities, city and counties, incorporated or unincorporated cities, towns or districts, against personal liability incurred while acting within the course of their duty.

[Approved by the Governor May 11, 1929 In effect August 14, 1929.]

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

Members of
fire and
police
departments
operation
of motor
vehicles

SECTION 1. No member of a fire department or police department maintained by a county, city and county, incorporated or unincorporated city, town or district, shall be held liable in any civil action for damage to persons or property occasioned by any act of such member arising out of the operation, in line of duty, of a motor vehicle of such department while responding to an alarm of fire or an emergency police call.

CHAPTER 264.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two k, embracing sections 374 to 374g, inclusive, relating to a department of military and veterans' affairs.

[Approved by the Governor May 13, 1929 In effect August 14, 1929]

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

New article
sections
374 to 374g,
inclusive.

SECTION 1. The Political Code is hereby amended by adding a new article to chapter three of title one of part three thereof, to be numbered two k, embracing sections 374 to 374 g, and to read as follows:

ARTICLE II $\frac{1}{2}$

DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS.

Dept mili-
tary and
veterans'
affairs

374. The Department. A department of the government of the State of California to be known as the department of military and veterans' affairs is hereby created.

Director:
appointment,
salary and
bond.

374a. The Director. The department shall be conducted under the control of an executive officer to be known as the director of military and veterans' affairs, which office is hereby

created. The governor shall appoint the director and select him from the chiefs of the divisions of the department, the person so appointed to hold office at the pleasure of the governor. He shall be a member of the governor's council and shall receive a salary of six thousand dollars per annum and all his actual and necessary traveling expenses incurred in the performance and discharge of his duties; *provided, however, that during the period of his service as director, he shall receive no salary as chief of any division within the department.* He must, before entering upon the duties of his office, execute an official bond to the State of California in the penal sum of twenty-five thousand dollars conditioned upon the faithful performance of his duties. He shall have only such powers and duties, and such jurisdiction and control over the divisions of the department, as may be vested in him or authorized by law or by any division of the department.

374b. The Divisions. For the purpose of administration, the department shall be forthwith organized by the director in such manner as he shall deem necessary and proper to conduct the work of the department and shall be divided into four divisions as follows:

1. Military Affairs. The division of military affairs which shall include the national guard and naval militia, shall be administered by the adjutant general, who shall also be known as chief of the division;

2. Veterans' Welfare. The division of veterans' welfare, which shall be administered by the veterans' welfare board, the chairman of said board being the chief of the division;

3. Veterans' Homes. The division of veterans' homes, which shall be administered by the board of directors of the Veterans' Home of California and the board of directors of the Woman's Relief Corps Home of California, and commandant of the Veterans' Home of California to be the chief of the division.

4. Athletics. The division of athletics, which shall be administered by the state athletic commission of California, the chief of the division to be appointed by, receive such salary as shall be fixed by, and hold office at the pleasure of said commission.

374c. Bonds and Expenses of Chiefs. The chief of each division shall receive his actual and necessary traveling expenses incurred in the performance and discharge of his official duties. Before entering upon the duties of his office, each chief of division shall execute an official bond to the State of California in the penal sum of ten thousand dollars conditioned upon the faithful performance of his duties unless by other provisions of law an official bond to the state is required of such person in the capacity of a state officer performing functions similar to those performed by him as such chief. The premiums upon all official bonds required by the provisions of this article shall be paid by the state out of moneys made available by law for the use of the department.

Divisions
of the
department

Military
affairs chief

Veterans'
welfare.
chief.

Veterans'
homes chief

Athletics:
chief.

Expenses
and bonds
of chiefs

Correlation
of divisional
activities.

374d. Correlation of Divisional Activities. Each division may furnish to any other division of the department, upon request therefor approved by the director, such assistance as it may render without detriment to the administration of either division, including the deputizing of agents, representatives and inspectors and the temporary reassignment of employees, when the same will tend to eliminate overlapping, duplication or expense.

Departmental
rules.

374e. Departmental Rules. The department shall make and promulgate rules and regulations that will tend to eliminate overlapping and duplication of the activities of the several divisions.

Monthly
departmental
meetings.

374f. Departmental Meetings. Upon the call of the director, not less frequently than once each month, there shall be a meeting of the department, attended by the director and the chief of each division. At each meeting there shall be presented for consideration any and all problems involving possible duplication of service, overlapping of function or conflict of jurisdiction upon the part of any two or more divisions of the department, and any and all suggestions as to correlation of the activities of the several divisions.

Incorporation
by reference

374g. In so far as the same may be consistent with the provisions of this article, the provisions of sections 348, 353, 354, 355, and 356 of the Political Code, as added to said code by an act approved June 1, 1921, shall govern and apply to the conduct of the department of military and veterans' affairs the same as if such sections were herein set forth at length, and wherever in said sections the term "head of the department" or similar designation occurs, it shall for the purpose of this article mean the director of said department.

Construction
of act

SEC. 2. Nothing in this act is intended nor shall be construed as infringing upon or interfering with the powers, duties, responsibilities or jurisdiction of the veterans' welfare board the adjutant general, the boards of directors of the Veterans' Home of California, the board of directors of the Woman's Relief Corps Home of California, or the state athletic commission of California, as defined by other provisions of law.

CHAPTER 265.

An act to amend section 1274b of the Code of Civil Procedure, relating to unclaimed money of missing persons.

[Approved by the Governor May 13, 1929 In effect August 14, 1929.]

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

Stats. 1927,
p. 378,
amended

Unclaimed
moneys of
missing
persons

SECTION 1. Section 1274b of the Code of Civil Procedure is hereby amended to read as follows:

1274b. Whenever any money in litigation in any superior or inferior court, or any excess fees or other money deposited in connection with such litigation, has been or shall be paid into the county treasury and three years thereafter it is

made to appear to the satisfaction of the court or judge, by affidavit or by testimony taken in open court, that said money has not been and can not be paid out because the owner thereof can not be found, the court or judge must direct that such money be deposited in the state treasury for the benefit of the owner thereof or his legal representative, to be paid to him whenever, within five years after such deposit, proof to the satisfaction of the state controller and the state treasurer is produced that he is entitled thereto. When so claimed, an affidavit of the claimant setting forth the facts establishing his ownership, and the joint order of the controller and the treasurer must be filed by the treasurer as his voucher, and the amount of the claim paid to the owner or his legal representative on the filing of the proper receipt. If no one claims the amount as herein provided, the money devolves and escheats to the people of the State of California and shall be placed by the state treasurer in the school fund.

CHAPTER 266.

An act to add a new section to be numbered section 3a, to an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishments, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, relating to the keeping of records of hours worked.

[Approved by the Governor May 13, 1929 In effect August 14, 1929.]

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

SECTION 1. A new section, to be numbered section 3a, is hereby added to an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment

Stats 1911,
p 437.
amended

employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, to read as follows:

Employer's records.

Sec. 3a. Every employer subject to the provisions of this act shall keep an accurate record showing the names and actual hours worked of all female employees, which record shall be accessible at all reasonable hours to the chief of the division of labor statistics and law enforcement of the department of industrial relations, his deputies and agents.

CHAPTER 267.

An act relating to the sale or exchange of surplus products between public institutions owned, managed or controlled by the state, or the political subdivisions thereof, and providing for the disposition of moneys received therefrom, and to repeal that certain act entitled "An act providing for the exchange of commodities between the public institutions owned or managed and controlled by the state, or the political subdivisions thereof," approved March 18, 1905.

[Approved by the Governor May 13, 1929. In effect August 14, 1929.]

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

Surplus products of public institutions

SECTION 1. It shall be the duty of every state department, officer, board or commission having the management or control of any public institution owned, managed or controlled by the state to notify the department of finance of any surplus horticultural, agricultural, live stock, manufactures, mineral, natural or other products raised, grown, made or produced at or by such public institutions in excess of the needs of such institutions.

Duty of department of finance sale of products

SEC. 2. Upon receipt of such notices it shall be the duty of the department of finance to estimate the selling price of such products upon the basis of the reasonable value thereof and to arrange so far as practicable for the sale or exchange of such products between the several public institutions owned, managed or controlled by the state, or the political subdivisions thereof.

Proceeds deposited in augmentation of current appropriations.

SEC. 3. All moneys received by the state department, officer, board, commission or institution, for the sale of such products under the provisions hereof, shall be accounted for and reported at the end of each month by such department,

officer, commission, board or institution to the state controller and at the same time such moneys shall be remitted to the state treasury to become a part of and to be added to any appropriation or any special fund in the state treasury made available by law, for the use, support or management of such institution or for the use, support or management of the state department, officer, board or commission having control or management of such institution for the purpose of carrying on the work or affairs of such institution as provided by law, from which said appropriation or the then corresponding current appropriation or said fund the cost of raising, growing, making or producing such product or products was paid.

SEC. 4. That certain act entitled "An act providing for the exchange of commodities between the public institutions owned or managed and controlled by the state, or the political subdivisions thereof," approved March 18, 1905, is hereby repealed.

Stats 1905,
p. 185,
repealed.

SEC. 5. Nothing in this act contained shall be construed as limiting or preventing the sale of such products under, pursuant to and in accordance with the provisions of any other law now in force or which may hereafter be enacted providing for or relating to the sale of personal property belonging to the state.

Construction
of act

CHAPTER 268.

An act relating to revocation of life diplomas or other teacher's credential or document issued by the state board of education.

[Approved by the Governor May 13, 1929. In effect August 14, 1929.]

NOTE — See volume containing School Code and acts supplemental thereto.

CHAPTER 269.

An act to provide for the assent by the State of California to the provisions of an act passed by the congress of the United States, known as the Capper-Ketcham act and entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act entitled 'An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862,

and all acts supplementary thereto, and the United States department of agriculture," and approved May 22, 1928.

[Approved by the Governor May 13, 1929. In effect August 14, 1929.]

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

Assent to
the provisions
of an act of
congress

SECTION 1. The State of California hereby assents to the provisions of an act passed by the congress of the United States, known as the Capper-Ketcham act and entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act entitled 'An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanical arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States department of agriculture," and approved May 22, 1923.

Powers of
regents
of the
university

SEC. 2. The regents of the University of California are hereby authorized and empowered to receive the grant of money appropriated under said above entitled act of the congress of the United States approved May 22, 1928, and to organize and conduct extension work in accordance with the terms and conditions expressed in the act of congress aforesaid.

CHAPTER 270.

An act to amend sections 2, 5 and 7 of an act entitled "An act to promote the apicultural interests of California by providing for the inspection and disposition of bees, their brood, hives and appliances that are or may be infected with disease, vesting the enforcement hereof in the state director of agriculture and the county horticultural commissioners, and defining their powers and duties hereunder, providing for the establishment of quarantines to prevent the introduction and spread of disease, declaring box hives and infected bees, their brood, hives and appliances to be a public nuisance and providing for the abatement thereof, providing for the registration of apiaries, prohibiting the sale or removal of infected bees, their brood, hives and appliances without permit, providing penalties for the violation hereof, and repealing an act entitled 'An act to promote the apicultural interests of the State of California by providing county inspectors of apiaries and defining their duties, and providing for their compensation, and repealing the act entitled "An act to authorize the boards of supervisors of the several counties of this state to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection

of bee culture, approved March 13, 1883,' approved February 20, 1901, as amended,' approved May 31, 1927.

[Approved by the Governor May 13, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 2 of an act entitled "An act to promote the apicultural interest of California by providing for the inspection and disposition of bees, their brood, hives and appliances that are or may be infected with disease, vesting the enforcement hereof in the state director of agriculture and the county horticultural commissioners, and defining their powers and duties hereunder, providing for the establishment of quarantines to prevent the introduction and spread of disease, declaring box hives and infected bees, their brood, hives and appliances to be a public nuisance and providing for the abatement thereof, providing for the registration of apiaries, prohibiting the sale or removal of infected bees, their brood, hives and appliances without permit, providing penalties for the violation hereof, and repealing an act entitled 'An act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the act entitled "An act to authorize the boards of supervisors of the several counties of this state to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture, approved March 13, 1883," approved February 20, 1901, as amended,' approved May 31, 1927," is hereby amended to read as follows:

Stats 1927,
p. 1725,
amended

Sec. 2. The following terms used in this act shall be construed as follows:

Words
defined

Bees shall be construed to mean a colony or any portion thereof of honey-producing insects of the species *apis mellifica* and shall include the adults, eggs, larvae, pupae or other immature stages thereof, together with such materials as are deposited into hives by their adults excepting honey and beeswax in rendered form.

"Bees."

Apiary shall be construed to mean any place where one or more colonies or nuclei of bees are kept.

"Apiary "

Hive shall be construed to mean any receptacle or container made or prepared for the use of bees or box or similar container taken possession of by bees.

"Hive "

Appliance shall be construed to mean any implement or other device used in the manipulating of bees, or their brood, or containers thereof, which may be used in any apiary.

"Appliance "

Disease shall be construed to mean American foulbrood or anything affecting bees or their brood, which may cause an epidemic.

"Disease "

Inspector shall be construed to mean any person authorized to enforce the provisions of this act, as herein provided.

"Inspector "

"Location " Location shall be construed to mean the premises upon which an apiary is located.

Stats. 1927,
p. 1726,
amended
Transportation of bees
and
appliances

SEC. 2. Section 5 of said act is hereby amended to read as follows:

Sec. 5. It shall be unlawful to import into the State of California any bees or used appliances not accompanied by a certificate from a duly authorized inspector of apiaries or bee inspector, certifying that such bees or used appliances are free from disease as defined in this act, excepting used package bee cages returning empty.

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

Certificate
required

Any person, firm or corporation who shall move bees from one county to another county within the state, or from one location within a county to another location within such county, shall first obtain from the county inspector of apiaries a certificate certifying that such bees have been inspected and found free from disease, and the inspector issuing such certificate shall immediately mail a copy thereof to the county horticultural commissioner of the county at destination, if the same be other than the county of origin, stating on such certificate a definite point of origin and definite point of destination of said bees, excepting where origin and destination are registered seasonal locations only notice to inspectors shall be required.

Exception.

Stats 1927,
p 1727,
amended

SEC. 3. Section 7 of said act is hereby amended to read as follows:

Movement of
diseased
bees.

Sec. 7. It shall be unlawful for any person owning or controlling bees within the state, which are known to be diseased, to move said bees, except upon written permission of the inspector for the purpose of eradication of said disease, to move said bees to a place known to the inspector to be safe. The inspector is hereby authorized in a summary manner to destroy any and all infected bees so moved within the state without such permit.

CHAPTER 271.

An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "Bank act," by amending section 28, relating to the definition and regulation of the business of banking.

[Approved by the Governor May 13, 1929 In effect August 14, 1929.]

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

Stats 1921,
p 1373,
amended

SECTION 1. Section 28 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 28. Every bank in this state must, on its principal place of business and on all communications to depositors, and on each of its branch offices, use the word "savings" if it conducts a savings business, and the word "trust" if it conducts a trust business, and the word "commercial" if it conducts a commercial business. Every bank which maintains a branch office or branch offices, must give to each branch office maintained by it a specific designation by name or number and include in such designation the word "branch," or the word "office," and must on all window signs and in advertising and on letterheads and other stationery on which the business of such branch office or offices is transacted, prominently set out or display such designation.

Signs, communications
and
advertising

CHAPTER 272.

An act to add a new section to the Political Code, to be numbered 4041r, authorizing counties to expend money for investigation of watershed protection, reforestation and afforestation.

[Approved by the Governor May 13, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section to be numbered 4041r is hereby added to the Political Code to read as follows: New section

4041r. Any county may appropriate and expend, either within or without the county, money from the general fund of the county for cooperation with the state board of forestry, the United States forest service or the California forest experiment station in investigations relating to watershed protection, reforestation, and afforestation, when such investigations are for the benefit of such county. County appropriations for forestry investigations.

CHAPTER 273.

An act to amend section 2 of an act entitled "An act to provide for the establishment of weed-free areas, vesting the enforcement hereof in the state director of agriculture and the county horticultural commissioners and defining their powers and duties in relation hereto, prohibiting persons from permitting the propagation within weed-free area of weeds of which said area has been declared to be practically free, providing penalties for violation hereof and repealing 'An act to prevent the propagation of noxious weeds,' approved June 3, 1921," approved April 28, 1927.

[Approved by the Governor May 13, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 2 of an act entitled "An act to provide for the establishment of weed-free areas, vesting the enforcement hereof in the state director of agriculture and the county horticultural commissioners and defining their powers and duties in relation hereto, prohibiting persons from permitting the propagation within weed-free area of weeds of which said area has been declared to be practically free, providing penalties for violation hereof and repealing 'An act to prevent the propagation of noxious weeds,' approved June 3, 1921," approved April 28, 1927, Stats. 1927, p. 489, amended.

ment hereof in the state director of agriculture and the county horticultural commissioners and defining their powers and duties in relation hereto, prohibiting persons from permitting the propagation within weed-free area of weeds of which said area has been declared to be practically free, providing penalties for violation hereof and repealing 'An act to prevent the propagation of noxious weeds,' approved June 3, 1921," approved April 28, 1927, is hereby amended to read as follows:

Proclamation
of weed-
free areas

Designation
of weeds.

Publication
of procla-
mation.

Sec. 2. For the protection of agriculture and for the purpose of preventing the further introduction, propagation and dissemination of injurious species of plants, the state director of agriculture, after investigation and practical survey, may by proclamation declare an area within this state to be practically free from one or more of the following species of plants: Johnson grass, *Holcus halepensis*; goat grass, *Aegilops* sp.; sand bur, *Cenchrus pauciflorus*; nut grass, *Cyperus*, sp.; spiny dock, *Emex spinosa*; Russian thistle, *Salsola kali*; camels' thorn, *Alhagi camelorum*; pignut, *Hoffmannseggia falcaria*; wild Scotch broom, *Cytisus scoparius*; puncture vine, *Tribulus terrestris*; mallow, *Malva*, sp.; white mallow, *Sida hederacea*; gaura weed, *Gaura sinuata*; hoary cress, *Lepidium draba*, black currant, *Ribes nigrum*; wild currant, *Ribes*, sp.; water hemlock, *Cicuta*, sp.; spotted hemlock, *Conium maculatum*; Mexican whorled milkweed, *Asclepias mexicana*; wild morning glory, *Convolvulus arvensis*; cressa weed, *Cressa cretica*; dodder, *Cuscuta* sp.; Klamath weed, *Hypericum* sp.; wild heliotrope, *Heliotropium curassavicum*; white horse-nettle, *Solanum eleagnifolium*; Carolina horse-nettle, *Solanum carolinense*; chicory, *Cichorium intybus*; prickly lettuce, *Lactuca spinosa*; blue lettuce, *Lactuca pulchella*; creeping sow thistle, *Sonchus arvensis*; fleabane, *Erigeron linifolius*; sunflower, *Helianthus annuus*; spikeweed, *Centromadia* sp.; tarweed, *Hemizonia* sp.; tarweed, *Madia* sp.; poverty weed, *Iva axillaris*; ragweed, *Ambrosia* sp.; burweed, *Franseria* sp.; cocklebur, *Xanthium* sp.; Spiny clotbur, *Xanthium spinosum*; corn chrysanthemum, *Chrysanthemum segetum*; milk thistle, *Silybum marianum*; cardoon, *Cynara cardunculus*; bull thistle, *Cirsium lanceolatum*; Canada thistle, *Cirsium arvense*; burdock, *Arctium* sp.; Russian knapweed, *Centaurea repens*; star thistle *Centaurea* sp. Said plant or plants shall be named in said proclamation and said area thereafter shall be known as a weed-free area as to the weeds named therein which names shall be a part of the name of said area. Said director of agriculture may by similar proclamation change the boundaries of said area or declare said area free from additional weeds, naming the same. Such proclamation shall be under the seal of the department of agriculture and shall be published in a newspaper or farm journal of general circulation, published and circulated in the area to be affected by said proclamation at least once a week for two successive weeks, and if there is no such newspaper or farm journal published and circulated in said

area, then said publication shall be made in a newspaper or farm journal published and circulated in the county in which said area is situated and a copy of said proclamation shall be posted in one or more public places in said area.

CHAPTER 274.

An act relating to the unencumbered balance of the appropriation for the seventy-ninth and eightieth fiscal years for the improvement of navigation and flood control of the Sacramento, San Joaquin, and Feather rivers, in accordance with the provisions of chapter three hundred three, page four hundred ninety-eight, statutes of 1925, four hundred thousand dollars and chapter three hundred four, page four hundred ninety-nine, statutes of 1925, four hundred thousand dollars, as contained in chapter one hundred forty-two of the California statutes of 1927, releasing said balance from such restriction on expenditures, prescribing how said balance shall be expended, and reappropriating said balance.

[Approved by the Governor May 13, 1929 In effect August 14, 1929]

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

SECTION 1. The unencumbered balance in the sum of five hundred thousand dollars (\$500,000.00) of the appropriation for the seventy-ninth and eightieth fiscal years contained in chapter one hundred forty-two of the California statutes of 1927, in the words and figures as follows, to wit: "For improvement of navigation and flood control of the Sacramento, San Joaquin and Feather rivers, in accordance with the provisions of chapter three hundred three, page four hundred ninety-eight, statutes of 1925, four hundred thousand dollars (\$400,000.00)" and "For improvement of navigation and flood control of the Sacramento, San Joaquin and Feather rivers, in accordance with the provisions of chapter three hundred four, page four hundred ninety-nine, statutes of 1925, four hundred thousand dollars (\$400,000.00)," is hereby released from the restriction on expenditures contained in said chapter one hundred forty-two and said unencumbered balance is hereby reappropriated and shall be expended as hereinafter more specifically set forth, being in accordance with the provisions of chapter one hundred seventy-six of the California statutes of 1925 approving the modified report of the California debris commission dated January 5, 1925, which said report was adopted by the congress of the United States in section 13 of that certain act of said congress entitled "An act for the control of floods on the Mississippi river and its tributaries, and for other purposes," approved May 15, 1928.

Reappropriation unencumbered balance of appropriation made by Stats 1927, p 262

Expenditure in accordance with Stats 1925, p. 325

Deposit and
disburse-
ment

SEC. 2. Said money shall be deposited in the "Joint navigation and flood control project fund" and shall be disbursed for the uses and purposes set forth in and in accordance with the provisions of section 37a of "The reclamation board act," approved December 24, 1911, as amended.

CHAPTER 275.

An act providing for the annexation of high school districts to junior college districts.

[Approved by the Governor May 13, 1929. In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 276.

An act to amend an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin drainage district based upon assessments levied by the reclamation board upon lands in said district," approved May 27, 1919, as amended, by amending section 34, providing for the disposition of proceeds of bond sales, and section 42, relating to installments to pay the interest and principal on bonds and by repealing section 36 thereof.

[Approved by the Governor May 13, 1929. In effect August 14, 1929.]

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

Stats 1919,
p. 1104,
amended.

SECTION 1. Section 34 of an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin drainage district based upon assessments levied by the reclamation board upon lands in said district," approved May 27, 1919, as amended, is hereby amended to read as follows:

Disposition
of moneys

Sec. 34. The money derived from the sale of any of said bonds shall be received by the state treasurer and shall be by him kept and placed to the credit of the following funds, in the manner as follows, to wit:

Bond fund.

(1) An amount equal to the accrued interest on said bonds so sold to the date of sale shall be by the said state treasurer placed to the credit of the bond fund of the assessment upon which such bonds are based.

Construction
fund.

(2) All other money derived from the sale of any of said bonds shall be placed to the credit of the Sacramento and San Joaquin drainage district in a fund designated as the "Construction fund of (giving the name and number of the assessment upon which the bonds are based)," and may be drawn and expended upon warrants drawn by the state controller at the request of the reclamation board upon and payable out of the construction fund in the same manner as pro-

vided by section 15 of the said reclamation board act with reference to the expenditure of moneys collected upon assessments as in said reclamation board act provided.

SEC. 2. Section 36 of said act is hereby repealed.

SEC. 3. Section 42 of said act is hereby amended to read as follows:

Stats 1919,
p 1106,
amended
Annual
installments
for bonds

Sec. 42. Upon the sale of any of the bonds of the Sacramento and San Joaquin drainage district based upon any assessment levied by the reclamation board, as herein provided, the reclamation board shall immediately, and annually thereafter, by an order entered in its minutes ascertain and determine the total amount necessary to be collected upon such assessment for the payment of principal and interest of all such bonds which will or may become due on the two semiannual due dates next succeeding the date of said order, and immediately thereafter the said board shall prepare in duplicate, retaining one original thereof, and causing the other original thereof to be certified by its secretary or assistant secretary and delivered to the county treasurer of each county wherein are situated any of the lands covered by such assessment, a statement of the installment of such assessment necessary to be collected for such year, to which there shall be added and collected an additional amount of fifteen per cent of the installment so due to cover possible delinquencies, which said additional sum, together with such installment, shall constitute the amount to be collected and paid into the bond fund and shall be known as the installment for bonds. Such installment for bonds shall, unless otherwise determined by the reclamation board by an order entered in its minutes, a copy of which duly certified shall be transmitted to the county treasurer of each of said counties, be payable in two equal portions, the first of which shall be due and payable to such county treasurer, respectively, on the third Monday in October and shall be delinquent on the first Monday in December next thereafter at six o'clock p. m. and the remaining portion may be paid at any time before the last Monday in April next thereafter at six o'clock p. m. at which time the same shall become delinquent.

CHAPTER 277.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two l, embracing sections 375 to 375d inclusive, relating to a department of investment for purposes of representation in the governor's council.

[Approved by the Governor May 14, 1929 In effect August 14, 1929]

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

SECTION 1. The Political Code is hereby amended by adding a new article to chapter three of title one of part three thereof, to be numbered article two l, embracing sections 375 to 375d inclusive and to read as follows:

New article.
sections
375 to 375d,
inclusive

ARTICLE III.

DEPARTMENT OF INVESTMENT.

Department
of investment
created.

375. The superintendent of banks, the commissioner of corporations, the insurance commissioner, the state real estate commissioner and the building and loan commissioner are hereby constituted a board of investment, which for purposes of representation in the governor's council shall be known as the department of investment, and which shall exercise only such functions as are specifically set forth in this article.

Terms
defined

375a. The term "department" or "bureau" as heretofore applied to the respective governmental agencies presided over by the officials named in section 375 of this article may, and for purposes of this act, shall be changed to the term "division"; *provided*, that the powers heretofore or hereafter vested by law in said governmental agencies shall continue to be so vested, and shall not be transferred or consolidated in the department of investment

Divisions
within the
department

375b. The names of the governmental agencies, the heads of which shall constitute the members of the board of investment provided for in section 375 of this article, shall be the division of banking, the division of corporations, the division of insurance, the division of real estate, and the division of building and loan.

Director of
investment

375c. Within thirty days after this article takes effect, the officials named in section 375 of this article shall meet in the state capitol at Sacramento for the purpose of organizing the board of investment provided for in said section 375. Each of said officials shall serve as chairman of such board for a period of six months in rotation with the chief of each other division, the permanent order of rotation to be determined by lot at the first meeting of said board. During his services as chairman of the board of investment the said chairman shall be known as the "director of investment," and he shall be a member of the governor's council.

Monthly
meetings

375d. The officials named in section 375 of this article shall meet monthly at the state capitol, and shall then, and at such other times as the governor may require, make reports of the work of their respective divisions to the board; *provided*, that such reports shall not include data concerning individuals, institutions, corporations or agencies, when such data are by law or in fact confidential; and the report of the director of investment to the governor's council shall be upon such matters as have been considered or discussed at the previous meeting of the board of investment.

Governor's
council

CHAPTER 278.

An act to add a new section to the Code of Civil Procedure to be numbered 542b relating to the release of personal property under attachment or garnishment.

[Approved by the Governor May 14, 1929 In effect August 14, 1929]

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

SECTION 1. A new section to be numbered 542b is hereby added to the Code of Civil Procedure, to read as follows: New section

542b. An attachment or garnishment on personal property, whether heretofore levied or hereafter to be levied shall, unless sooner released or discharged as provided in this chapter by dismissal of the action or by entry and docketing of judgment in the action, cease to be of any force or effect, and the property levied on be released from the operation of such attachment or garnishment, at the expiration of three years after the issuance of the writ of attachment under which said levy was made; and the property levied on shall be delivered to the defendant or his order, or to his assignee or executor or administrator. Release of attachments and garnishments.

CHAPTER 279.

An act to amend section 11 of an act entitled "An act to regulate the public service of stallions and jacks in the State of California," approved May 1, 1911, as amended, relating to the disposition of fees.

[Approved by the Governor May 14, 1929 In effect August 14, 1929]

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

SECTION 1. Section 11 of an act entitled "An act to regulate the public service of stallions and jacks in the state of California," approved May 1, 1911, as amended, is hereby amended to read as follows: Stats. 1911, p. 1311, amended

Sec. 11. The funds accruing from the aforementioned fees shall be used to defray the expenses of enrollment of pedigrees and issuance of licenses; to provide for the examination of stallions and jacks when necessary; to encourage the breeding of high class horses and mules; for the dissemination of information relative thereto and for any other purpose as may be necessary to carry out the purposes and enforce the provisions of this act. Disposition of fees.

CHAPTER 280.

An act to amend section 5 of an act entitled "An act establishing a state mining bureau, creating the office of state mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a state mining bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance, and support of a bureau, to be known as the state mining bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the state mining bureau, who shall have the direction, management and control of said state mining bureau, and to provide for the appointment, duties, and compensation of a state mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the state mining bureau,' approved March 23, 1893, and all acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1913, as amended, and to add a new section to said act to be numbered section 16 defining the term mine and the term mineral as used in said act.

[Approved by the Governor May 14, 1929 In effect August 14, 1929.]

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

Stats. 1913,
p. 1320,
amended

SECTION 1. Section 5 of an act entitled "An act establishing a state mining bureau, creating the office of state mineralogist, fixing his salary and prescribing his powers and duties; providing for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution for defrauding, swindling and cheating therein, creating a state mining bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance, and support of a bureau, to be known as the state mining bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the state mining bureau, who shall have the direction, management and control of said state mining bureau, and to provide for the appointment, duties, and compensation of a state mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the state mining bureau,' approved March 23, 1893, and all

acts amendatory thereof and supplemental thereto or in conflict herewith," approved June 16, 1913, as amended, is hereby amended to read as follows:

Sec. 5. It is hereby made the duty of the owner, lessor, lessee, agent, manager or other person in charge of each and every mine, of whatever kind or character, within the state, to forward to the state mineralogist, upon his request, at his office not later than the thirty-first day of March, in each year, a detailed report upon forms which will be furnished showing the character of the mine, the number of men then employed, the method of working such mine and the general condition thereof, the total mineral production for the past year, and such owner, lessor, lessee, agent, manager or other person in charge of any mine within the state must furnish whatever information relative to such mine as the state mineralogist may from time to time require for the proper discharge of his official duties. Any owner, lessor, lessee, agent, manager or other person in charge of each and every mine, of whatever kind or character within the state, who fails to comply with the above provisions shall be deemed guilty of a misdemeanor.

Annual reports of mine owners, lessees, etc

SEC. 2. A new section to be numbered section 16 is hereby added to said act to read as follows:

Stats 1913, p. 1327, amended
Terms defined

Sec. 16. For the purpose of this act and as used herein the term "mine" is hereby defined to embrace and include all mineral bearing properties of whatever kind or character whether underground, quarry, pit, well, spring or other source from which any mineral substance is or may be obtained, and the term "mineral" for the purposes of this act and whenever so used shall embrace and include any and all mineral products both metallic and nonmetallic, solid, liquid or gaseous, and mineral waters of whatever kind or character.

CHAPTER 281.

An act to amend an act entitled "An act transferring the operation and control of certain of the flood control works of the Sacramento and San Joaquin drainage district to the department of public works, and providing that the cost thereof shall be paid by the state for a limited period and relieving said district and the reclamation board and its members from responsibility and liability for operation or maintenance of flood control works during said period; providing for the cancellation of bonds of said district authorized but not sold; authorizing the reclamation board to levy a supplementary assessment and to order called assessments levied in connection with project number six; authorizing the issuance of bonds of said district based on and secured by assessments upon the land within the boundaries of project number six of said district; authorizing the validation of said bonds; authorizing the state

board of control to purchase and invest in warrants and bonds of said district; authorizing landowners within said project number six to pay assessments in warrants or bonds of said district; adding to, taking away from and altering an act known as the 'Reclamation board act,' approved December 24, 1911, as amended, and repealing all other acts or parts of acts in so far as they are in conflict herewith," approved May 26, 1927, by adding a new section thereto, to be numbered section 17, relating to warrants held by reclamation, levee, or drainage districts.

[Approved by the Governor May 14, 1929 In effect August 14, 1929.]

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

Stats 1927,
p 1510,
amended

SECTION 1. A new section is hereby added to an act entitled "An act transferring the operation and control of certain of the flood control works of the Sacramento and San Joaquin drainage district to the department of public works, and providing that the cost thereof shall be paid by the state for a limited period and relieving said district and the reclamation board and its members from responsibility and liability for operation or maintenance of flood control works during said period; providing for the cancellation of bonds of said district authorized but not sold; authorizing the reclamation board to levy a supplementary assessment and to order called assessments levied in connection with project number six; authorizing the issuance of bonds of said district based on and secured by assessments upon the land within the boundaries of project number six of said district; authorizing the validation of said bonds; authorizing the state board of control to purchase and invest in warrants and bonds of said district; authorizing landowners within said project number six to pay assessments in warrants or bonds of said district; adding to, taking away from and altering an act known as the 'Reclamation board act,' approved December 24, 1911, as amended, and repealing all other acts or parts of acts in so far as they are in conflict herewith," approved May 26, 1927, to be numbered 17 and to read as follows:

Payment of
assessments
by warrants

Sec. 17. Any reclamation district, levee district or drainage district in which there are lands within the boundaries of said Sacramento and San Joaquin drainage district, which lands are subject to the lien of said assessment number six, or supplemental assessment number six, levied in connection with said project number six, shall have the right to present to any officer authorized by law to collect such assessments, or any part thereof, warrants of said Sacramento and San Joaquin drainage district owned by it now or hereafter, issued in connection with said project number six, in payment of the assessment on said lands or any part thereof, and it shall be the duty of such officer to accept such warrants so presented or tendered in payment of such assessment, or any part thereof, at the face value of such warrant or warrants so presented,

plus acerued interest. Said payment in warrants shall be made on a pro rata basis on all lands in such district subject to such assessment. It shall be discretionary with the board of trustees of any such reclamation district, levee district or drainage district to apply such warrants in payment of such assessment, or any part thereof, or to apply the same as provided by section 33 of the "Reclamation board act." In the event of any such warrants having been delivered by the board of trustees thereof to the county treasurer having the custody of the funds of any such districts, under the provisions of section 33 of the "Reclamation board act," or otherwise, it shall be the duty of such county treasurer, upon the request of the board of trustees thereof, to return such warrants to such reclamation district, levee district or drainage district to the end that the board of trustees thereof may apply the same as herein authorized.

If the assessment, or such part thereof as is so paid in warrants by such district, has heretofore been paid on any lands in such district by funds other than the funds of such district, such district shall cause to be delivered to the owner of such lands a warrant of such Sacramento and San Joaquin drainage district, levied in connection with said project number six, which in amount shall be equivalent to the same pro rata of the assessment on such lands as such district paid on other lands in such district.

Same—where
assessment
previously
paid

If it appears to the trustees of any such district that any such warrants owned by it will be paid from any assessment thereafter to be levied, and in their opinion eighty-five per cent, or more, of the moneys necessary to pay such warrants will be raised by an assessment on the lands within such district, the said trustees may return such warrants to the state reclamation board for cancellation and such warrants shall be canceled by such reclamation board and thereafter shall be deemed inoperative and of no effect. Notwithstanding anything herein contained to the contrary, such trustees shall not have the right to return such warrants to the reclamation board for cancellation, without the consent of the reclamation board, if an assessment is then in the process of being levied to pay such warrants.

Cancellation
of warrants

All acts and parts of acts inconsistent with the provisions hereof are hereby repealed to such extent as they may be so inconsistent.

Inconsistent
acts
repealed

CHAPTER 282.

An act providing for the use of kindergarten funds for building, furnishing and equipping buildings for the accommodation of kindergartens.

[Approved by the Governor May 14, 1929 In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 283.

An act to limit the registration, enrollment, and attendance of the California polytechnic school to male students.

[Approved by the Governor May 14, 1929 In effect August 14, 1929.]

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

Female stu-
dents at
California
Polytechnic
School

SECTION 1. On and after June 30, 1929, no female students shall be admitted as new students to the California Polytechnic School. On and after June 30, 1930, no female students now in attendance shall be permitted to register, be enrolled, or to attend, in said school.

CHAPTER 284.

An act relating to holding of school elections in union or joint union school districts.

[Approved by the Governor May 14, 1929 In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto

CHAPTER 285.

An act relating to the election of clerks of school districts.

[Approved by the Governor May 14, 1929 In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 286.

An act to amend section 1 of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this act," approved

March 22, 1911, as amended, relating to occupations to which act applies.

[Approved by the Governor May 14, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 1 of an act entitled "An act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this act," approved March 22, 1911, as amended, is hereby amended so as to read as follows:

Stats 1919,
p. 395,
amended

Section 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment or industry, laundry, hotel, public lodging house, apartment house, hospital, barber shop, place of amusement, or restaurant, or telegraph or telephone establishment or office, or in the operation of elevators in office buildings, or by any express or transportation company in this state, more than eight hours during any one day of twenty-four hours or more than forty-eight hours in one week. It shall be unlawful for any employer of labor to employ, cause to be employed or permit any female employee to labor any number of hours whatever, with knowledge that such female has heretofore been employed within the same date and day of twenty-four hours in any establishment or industry and by any previous employer, for a period of time that will, combined with the period of time of employment by a previous employer, exceed eight hours; *provided*, that this shall not prevent the employment of any female in more than one establishment where the total number of hours worked by said employee does not exceed eight hours in any one day of twenty-four hours. If any female shall be employed in more than one such place, the total number of hours of such employment shall not exceed eight hours during any one day of twenty-four hours or forty-eight hours in one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four hours of one day, or forty-eight hours during any one week; *provided, further*, that the provisions of this section in relation to hours of employment shall not apply to or affect graduate nurses in hospitals, nor the harvesting, curing, canning or drying of any

Females not
to work
more than
eight hours
per day

Employment
in more
than one
establish-
ment

Occupations
excepted.

variety of perishable fruit, fish or vegetable during such periods as may be necessary to harvest, cure, can or dry said fruit, fish or vegetable in order to save the same from spoiling.

CHAPTER 287.

An act to amend section 928 of the Penal Code, relating to grand juries.

[Approved by the Governor May 14, 1929 In effect August 14, 1929.]

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

Stats 1923,
p 419,
amended
Grand jury
to examine
records

SECTION 1. Section 928 of the Penal Code is hereby amended to read as follows:

928. It shall be the duty of the grand jury annually to make a careful and complete examination of the books, records and accounts of all the officers of the county, and of every city board of education within the county, and especially those pertaining to the revenue, and report as to the facts they have found, with such recommendations as they may deem proper and fit; and if, in their judgment, the services of an expert are necessary, they shall have power to employ one, at an agreed compensation, to be first approved by the court; and if, in their judgment, the services of assistants to such expert are required, they shall have power to employ such, at a compensation to be agreed upon and approved by the court.

Investigation
and report
on needs
of officers.

It shall be the duty of every grand jury first impaneled in even numbered years to investigate and report upon the needs of all county officers in its county, including increase or decrease in salaries, number of officers, deputies or employees, the abolition of creation of offices and the equipment for, or the method or system of performing the duties of, the several offices, and it shall cause a copy of such report to be transmitted to each member of the Legislature representing the county in which it has been impaneled before the commencement of the regular session of the Legislature in odd numbered years.

Ex officio
officers
included

It shall be the duty of the grand jury, when making an examination of the books, records, and accounts of all the officers of the county and when investigating and reporting upon the needs of all county officers in its county, to include an examination and report upon all the books, records and accounts of all the officers of such county which are kept in their ex officio capacity, as incumbents or officers of any special legislative district or other district created by or under the laws of the State of California, in their respective counties.

Judge to
charge grand
jury.

The judge, on impanelment of the grand jury shall charge them especially as to their duties under this section; *provided*,

that if any grand jury, shall, in the report above mentioned, comment upon any person or official who has not been indicted by the said grand jury the said comments shall not be deemed to be privileged. Reports not privileged.

Any and all expenses incurred under this section, and also the per diem and mileage where allowed by law, of the grand jurors, shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county. Expenses

CHAPTER 288.

An act to amend section 1274a of the Code of Civil Procedure of the State of California, relating to the deposit of unclaimed property in the estates of decedents.

[Approved by the Governor May 14, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 1274a of the Code of Civil Procedure of the State of California is hereby amended to read as follows: Stats. 1921,
p. 148,
amended

1274a. All money or other property distributed in the administration of an estate of a decedent and heretofore or hereafter deposited with a county treasurer to the credit of the distributee, and any money remaining on deposit to the credit of an estate after final distribution, must be forthwith delivered into the state treasury by the county treasurer upon the expiration of one year from the day of such deposit. Money so deposited in the state treasury may be recovered by the person or persons entitled thereto, upon the conditions herein prescribed, in the manner prescribed in section 1696 of this code. Deposit of
unclaimed
property

Money or other property so deposited in the state treasury, if not claimed by the person or persons entitled thereto within five years from the date of such deposit, shall become the property of the State of California by escheat, and the attorney general shall commence a proceeding on behalf of the state in the superior court for Sacramento county, in accordance with this title, to have it adjudged that the title to such property has vested in the state. Escheat to
state.

CHAPTER 289.

An act to amend section 2322f of the Political Code, relating to county horticultural commissioners.

[Approved by the Governor May 14, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 2322f of the Political Code of the State of California is hereby amended to read as follows: Stats 1923,
p. 1206,
amended.

Notification
of arrival
of nursery
stock, etc

2322f. Any person, persons, firm or corporation receiving, bringing or causing to be brought into any county or locality of the State of California from another county or locality within said state any nursery stock, fruit, vegetables, or seed, for the purpose of planting or propagating the same or any or all shipments of nursery stock, fruit, vegetables or seed or containers thereof, or plants, parts of plants, plant products, orchard appliances or any other things or substances which the county horticultural commissioner or the state director of agriculture may consider and designate as liable to be infected or infested with plant diseases, insect or other animal pests or noxious weeds and which if so infected or infested would constitute a dangerous menace to the orchards, farms, gardens or to the agricultural industry of the county, locality or state, shall immediately after the arrival thereof notify the said commissioner, his deputy, or nearest inspector of the county in which such nursery stock, plants, parts of plants, plant products or fruit or vegetables, or seeds, or containers thereof, or any other things or substances are received, of their arrival, and hold the same without unnecessarily moving or placing such articles where they may be harmful, for immediate inspection by such county horticultural commissioner, his deputy, inspector or quarantine officer or guardian. *Provided, however, it shall be unlawful for any person, firm or corporation knowingly to ship or transport in any manner any living plant disease, insect or other animal pest or noxious weed as such from one county or locality in the State of California to another county or locality within said state, except for the purpose of identification, unless such shipment is authorized under permit given in writing by the director of agriculture and pursuant to regulations of the director of agriculture hereby authorized in order to carry out and give effect to this provision.*

Intrastate
transportation
of
disease,
insect, pest
or weed
prohibited.

CHAPTER 290.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered title two m, embracing sections 376 to 376n inclusive, relating to a department of professional and vocational standards.

[Approved by the Governor May 14, 1929. In effect August 14, 1929.]

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

New article.

SECTION 1. The Political Code is hereby amended by adding a new article to chapter three of title one of part three thereof, to be numbered article two m embracing sections 376 to 376n and to read as follows:

ARTICLE II*m*.

DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS.

376. A department of the government of the State of California to be known as the department of professional and vocational standards is hereby created. The department shall be conducted under the control of an executive officer to be known as the director of professional and vocational standards, which office is hereby created.

Department
of profes-
sional and
vocational
standards
created

376*a*. The director shall be appointed by and shall hold office at the pleasure of the governor and shall receive a salary of six thousand dollars per annum. He shall execute and furnish to the State of California, an official bond in the sum of twenty-five thousand dollars conditioned upon the faithful performance of his duties; shall be a civil executive officer and shall be entitled to necessary traveling expenses.

Director

376*b*. The department of professional and vocational standards is divided into at least two divisions, to be known as division number one and division number two. Division number one shall embrace the board of medical examiners, board of dental examiners and the board of pharmacy. Division number two shall embrace the board of accountancy, board of architecture—northern district, board of architecture—southern district, board of embalmers, board of barber examiners, board of cosmetology, board of optometry, and the board of veterinary medical examiners, and, unless otherwise provided such other boards, the duties, powers, purposes, responsibilities, and jurisdictions of which may be transferred to the department of professional and vocational standards. The director of the department, with the approval of the governor, except as otherwise provided by law, shall have power to create such additional divisions and to move such boards from one division to another as may be necessary for the administration of the affairs of the department; *provided*, that no reclassification applying to division number one shall be made except by express provision of the Legislature.

Divisions of
department

376*c*. For the purpose of administration, the reregistration and clerical work of the department shall be forthwith organized by the director, subject to the approval of the governor, in such manner as he shall deem necessary properly to segregate and conduct the work of the department.

Organization

376*d*. The director of the department of professional and vocational standards is hereby vested with full power to investigate the work of the several boards in his department, obtaining a copy of all records and at all times full and complete data in all official matters in possession of said boards, their members, officers, or employees exclusive of examination questions prior to the submission of same to applicants at scheduled examinations.

Powers of
director

376*e*. For the purposes of this article, the terms, "board of medical examiners," "board of dental examiners," "board of pharmacy," "board of veterinary medical examiners,"

Construction
of terms

“board of optometry,” “board of accountancy,” “board of architecture—northern district,” “board of architecture—southern district,” “board of embalmers,” “board of barber examiners,” “board of cosmetology,” and shall be construed to mean and refer to the department of professional and vocational standards and the appropriate officers thereof.

Positions
and laws
continued
in force.

376*f*. The positions of all deputies, officers and employees of the department of professional and vocational standards are hereby retained, except when in the judgment of the director, as a matter of economy and efficiency, same may, except as otherwise provided in section 376*h* of this code, be abolished and have no further legal existence; *provided, however,* that the statutes and laws under which they exist, and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction, together with all lawful rules and regulations, established thereunder, are hereby expressly continued in force.

Possession of
property

376*g*. The department of professional and vocational standards shall be in possession and control of all records, books, papers, offices, equipment, supplies, funds, appropriations, land and other property—real or personal—now or hereafter held for the benefit or use of all of said bodies, offices or officers mentioned in this article and the title to all property now or hereafter held by any of said bodies, offices or officers for the use and benefit of the state, is hereby transferred to the State of California to be held in possession of the said department except as provided in section 376*d* of this code.

Powers
retained by
boards and
members.

376*h*. The members of each of the boards herein mentioned, in office at the date this act takes effect, shall continue in office for the length of the term for which they were respectively appointed, or until their successors are appointed and qualified. Nothing in this act shall be construed as abolishing any of the boards herein mentioned or the appointive or elective offices of the members of such boards. Each of the boards herein mentioned shall exist as a separate unit, retain the functions of setting standards, holding meetings and setting dates thereof, preparing and conducting examinations, passing upon applicants, conducting investigations of violations of laws under their jurisdictions, issuing citations and holding hearings for the revocation of licenses, and the imposing of penalties following such hearings in so far as these powers are now or may hereafter be imposed by statute upon each respective board. The decisions of any of the boards comprising the department of professional and vocational standards herein mentioned with respect to the setting of standards, conducting examinations, passing of candidates, and revocations of licenses, shall not be subject to review by the director, but all such decisions shall be final within the limits now provided by existing statutes, or as the same may be amended from time to time.

376i. Each board may elect a secretary, who may or may not be a member of said board, and may fix his salary, with the approval of the director of finance. The secretary so elected shall be entitled to traveling and other expenses necessary in the performance of his duties.

Secretaries
of boards

376j. In accordance with civil service regulations the director shall have full authority to employ and fix the compensation of all employees necessary to properly administer the work of division number two of the department and the work of each board of said division number two. In accordance with civil service regulations each board in division number one shall have full authority to employ and fix the compensation of all employees necessary to properly administer the work of each said board.

Employment
and compensation
of employees

Each board in division number one shall have authority, with the approval of the director of finance, to employ such confidential investigators and attorneys as are necessary to properly investigate and prosecute all violations of any law, the enforcement of which is committed to the said board in said division of said department, and such confidential investigators and attorneys shall be exempt from the provisions of the civil service law.

The director shall have authority, with the approval of the director of finance, to employ such confidential investigators and attorneys as are necessary to properly investigate and prosecute all violations of any law in division number two, the enforcement of which is charged to the department or to any board in said division of said department and such confidential investigators and attorneys shall be exempt from the provisions of the civil service law.

376k. All moneys collected by the department for and in behalf of the activities of each respective board mentioned herein, shall be remitted to the state treasury in accordance with law, for credit to the respective funds now in existence.

Disposition
of moneys
collected

376l. A charge for the estimated administration expenses of the department, not to exceed the available balance in any appropriation for any one fiscal year, may be levied in advance on a pro rata share against any of the funds of any of the boards included in this act, at the discretion of the director and with the approval of the department of finance. Upon proper presentation of claims by the department to the state controller, the state controller shall draw his warrant or warrants against any of the funds of any one of the boards herein mentioned to cover such estimated administrative expenses of the department; *provided*, that the fund of one board shall not be used to pay the expenses of any other board. The amount of such warrant or warrants shall be remitted to the state treasurer by the department for credit to the professional and vocational standards' fund, which fund is hereby created, and out of which fund the department shall pay all of the necessary administration expenses of the department.

Funds of
department

Revolving
fund

376m. A sum not to exceed one per cent of the total amount appropriated for all of the boards herein mentioned may be withdrawn from the professional and vocational standards' fund without at the time furnishing vouchers and itemized statements. The sum so drawn shall be issued as a revolving fund where cash advances are necessary, and at the close of each biennium, or at any other time, upon demand of the department of finance, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the state controller.

Assumption
of duties
of other
boards

376n. Upon the request of any of the board regulating, licensing, or controlling any professional or vocational occupation, now in existence, or hereafter created by an initiative act, the director of the department of professional and vocational standards may take over the duties of said board under the same conditions and in the same manner as provided for in this act for other boards of like character; *provided*, that said boards created by initiative act shall pay a proportionate cost of the administration of the department on the same basis as charged other boards included within this act.

CHAPTER 291.

An act to add a new section to the Political Code to be numbered 363n, relating to the preparation of plans for public buildings and other structures.

[Approved by the Governor May 14, 1929 In effect August 14, 1929]

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

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 363n, and to read as follows:

State con-
tracts for
architectural
services

363n. Whenever the department of public works, the division of engineering, the division of architecture, the state engineer or the state architect is authorized by law to prepare plans for a public building or other structure, the department, division or officer thus authorized may, with the approval of the department of finance, contract with a duly qualified architect for the performance of such work.

CHAPTER 292.

An act relating to the opening and closing of polls at school elections.

[Approved by the Governor May 14, 1929 In effect August 14, 1929]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 293.

An act to add a new section to the Political Code to be numbered 686, relating to the creation of a division of personnel and organization in the department of finance and the transference of the work, affairs and functions of the state civil service commission to said department and providing for the performance and discharge of said duties by said department through the civil service commission.

[Approved by the Governor May 14, 1929 In effect August 14, 1929]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 686 and to read as follows: New section

686. There is hereby created in the department of finance a division of personnel and organization, which division shall include the state civil service commission. The duties, powers, purposes, responsibilities, and jurisdictions now or which may hereafter be imposed upon the said civil service commission by law, are hereby transferred to said department of finance, which duties, powers, purposes, responsibilities, and jurisdictions, and such additional duties as may be designated to it by the director of finance, shall be administered by and through the division of personnel and organization under the direction of the said state civil service commission. There is hereby created the position of "chief of the division of personnel and organization," who shall have civil service status and be selected by the state civil service commission under the terms of the civil service act and its rules and regulations, with the approval of the director of finance. The chief of the division of personnel and organization shall perform the duties imposed upon the executive member of the commission as provided in the civil service act and his compensation shall be fixed by the director of finance with the approval of the governor. Dep. tment
of finance
admi-nis-
tration of
civil service
commission

Chief of
division

CHAPTER 294.

An act to amend sections 851, 863 and 874 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to cities of the sixth class.

[Approved by the Governor May 14, 1929 In effect August 14, 1929]

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

SECTION 1. Section 851 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, is hereby amended to read as follows: Stats. 1927,
p. 1094,
amended

Municipal
officers

851. The government of such city or town shall be vested in :
1. A city council composed of five members.
 2. A clerk who shall be ex officio assessor.
 3. A treasurer.
 4. A chief of police who shall be appointed by the city council, and who shall be ex officio tax and license collector.
 5. A city judge who shall be appointed by the city council, and
 6. Such subordinate or other officers as are hereinafter provided for.

The president of the city council shall be known as the mayor.

Substitution
of terms.

Whenever the words "board of trustees" appear in any of the sections of this act, the words "city council" shall be substituted therefor, and the powers and duties therein conferred upon said board of trustees are hereby vested in said city council, and whenever the words "marshal" or "city marshal" appear in this act, the words "chief of police" shall be substituted therefor, and the powers and duties conferred upon said marshal or city marshal are hereby vested in the chief of police of said city, and whenever the words "recorder's court" appear in any of the sections of this act, the words "city court" shall be substituted therefor, and the powers and duties therein conferred upon said recorder's court shall be vested in said city court, and wherever the word recorder appears in any of the sections of this act, the words "city judge" shall be substituted therefor, and the powers and duties therein conferred upon said recorder shall be vested in said city judge.

Stats. 1917,
p. 1666,
amended.

SEC. 2. Section 863 of said act is hereby amended to read as follows :

Enacting
clause,
attestation
and publica-
tion of
ordinances

863. The enacting clause of all ordinances shall be as follows: "The city council of the city of ----- do ordain as follows:" Every ordinance must be signed by the mayor of said city and attested by the clerk and must be published by said city council at least once in a newspaper of general circulation published and circulated in such city or town; *provided*, that if there be no such newspaper published and circulated in such city or town, then all ordinances must be posted in at least three public places therein; *provided, further*, that in all cities or towns which have been incorporated less than one year, all ordinances may be either published or posted as aforesaid, as the city council may determine; *and provided, further*, that in no case shall the price charged for such publication of any ordinances exceed the customary rate charged by such newspaper for the publication of legal notices of a private character.

Stats 1913,
p. 32,
amended.

SEC. 3. Section 874 of said act is hereby amended to read as follows :

Public work
to be done
by contract

874. In the erection, improvement, and repair of all public buildings and works, in all street and sewer work, and in all

work in or about streams, bays, or water fronts, or in or about embankments, or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditures required for the same exceed the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation, printed and published in such city or town, for at least two weeks, or if there be no newspaper printed or published therein, by printing and posting the same in at least four public places therein for the same period; such notice shall distinctly and specifically state the work contemplated to be done; *provided*, that the city council may reject any and all bids presented and readvertise, in their discretion; *provided, further*, after rejecting bids, the city council may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market, and after the adoption of a resolution to this effect they may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; *and provided, further*, that in case of a great public calamity such as an extraordinary fire, flood, storm, epidemic or other disaster, the city council may, by resolution passed by vote of four-fifths of all its members declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed to expend or enter into a contract involving the expenditure of any sum required in such emergency.

Alternative
methodEmergency
expenditures

The city council shall annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the lowest responsible bidder, after notice, as provided in this section.

City
printing.

CHAPTER 295.

An act to amend section 204 of the Code of Civil Procedure, relating to the selection of trial jurors and grand jurors.

[Approved by the Governor May 14, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 204 of the Code of Civil Procedure is hereby amended as follows:

Stats. 1923.
p. 436,
amended.

204. In the month of January in each year it shall be the duty of the superior court in each of the counties of this state to make an order designating the estimated number of grand jurors and also the number of trial jurors, that will, in the

Jury lists,
by whom and
when made

opinion of said court, be required for the transaction of the business of the court, and the trial of causes therein, during the ensuing year; and immediately after said order designating the estimated number of grand jurors shall be made, the court shall select and list the grand jurors required by said order to serve as grand jurors in said superior court during the ensuing year, or until new lists of jurors shall be provided, and said selections and listings shall be made of men and women suitable and competent to serve as jurors, as set forth and required in sections 205 and 206 of this code, which list of persons so selected shall at once be placed in the possession of the county clerk; and immediately after said order designating the estimated number of trial jurors shall be made, the board of supervisors shall select, as provided in sections 205 and 206 of this code, a list of men and women to serve as trial jurors in the superior court of said county during the ensuing year, or until a new list of jurors shall be provided.

In particular
counties

In counties and cities and counties having a population of seventy-five thousand inhabitants or over, such selection shall be made by a majority of the judges of the superior court; *provided, further*, that in counties of the first class, where a session or sessions of the superior court are held in cities other than the county seat, it shall be the duty of the judge presiding in each such respective session, to make an order in the manner and within the time above specified, designating the estimated number of trial jurors that will, in his opinion, be required for the transaction of the business of said session of said court and the trial of causes therein during the ensuing year, or until new lists of jurors shall be provided, and it shall also be the duty of said judge to make such selections and listings of men and women suitable and competent to serve as jurors from men and women residing within the township within which said city is located.

CHAPTER 296.

An act making an appropriation to pay the claim of Lew A. Norton against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor May 16, 1929. In effect immediately.]

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

Appropriation claim
against
state

SECTION 1. The sum of eighty thousand nine hundred seventy-six dollars and one cent is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Lew A. Norton against the State of California.

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

CHAPTER 297.

An act making an appropriation for the construction and the equipment on the campus of the University of California at Berkeley of a building to be known as the John M. Eshleman memorial.

[Approved by the Governor May 16, 1929. In effect August 14, 1929.]

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

SECTION 1. Out of any money in the state treasury not otherwise appropriated, the sum of one hundred twenty-five thousand dollars or so much thereof as may be necessary, is hereby appropriated to be expended in accordance with law by the regents of the University of California for the construction and the equipment of a building on the campus of the University of California at Berkeley to be known as the John M. Eshleman memorial. No part of this sum shall be expended until there shall have been donated to and deposited with the board of regents, from other than public sources, the additional sum of one hundred twenty-five thousand dollars to be expended for the same purpose. Appropriation University of California
Contingency

SEC. 2. The John M. Eshleman memorial shall be used to house the publishing, literary and related activities of the associated students of the University of California and such other activities as shall be designated, subject to the approval of the board of regents, by the person or persons contributing said additional sum of one hundred twenty-five thousand dollars for the construction and equipment of the memorial. The building shall be appropriately adorned and equipped suitably to serve the purpose of commemorating and honoring the services to California of John M. Eshleman. Eshleman memorial

CHAPTER 298.

An act to amend sections 18 and 21 of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the state bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of state and

local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of state and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

Stats 1919,
p 448,
amended.

SECTION 1. Section 21 of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the state bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of state and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of state and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended, is hereby amended to read as follows:

Certified
copies of
records

Sec. 21. The state or local registrar shall forthwith upon request supply to any applicant a certified copy of the record of any birth or death or marriage registered under the provisions of this act, for the making and certification of which he shall be paid by the applicant therefor such fee as shall be fixed by the director of public health, subject to the approval of the director of finance, not exceeding one dollar and fifty cents for each such certified copy. And any such copy of the record of a birth or death or marriage when properly certified by the state or local registrar to have been so registered within a period of one year from the date of the event, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made the state registrar or local registrar shall be paid by the applicant such fee as shall be fixed by the director of public health, subject to the approval of the director of finance, not exceeding one dollar and fifty cents for each hour or fractional hour of time of search. The state registrar shall keep a true and correct account of all fees by him received under these provisions, and such money so received by the state registrar shall be deposited with the state treasurer, for credit to the general fund of the state, and the money so collected by the local registrar shall be paid by him into the county or city treasury, as the case may

Fees for
searching
files

be; *provided*, that the local registrar shall, upon request of any parents or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when the same shall be necessary for admission to school, or for the purpose of securing employment; *and provided, further*, that the United States census bureau or the United States veterans bureau may obtain, without expense to the state, transcripts of births and deaths without payment of the fees herein prescribed.

(b) If, upon such search it shall develop that for any cause any birth or death, or marriage, occurring in this state was not registered in conformity with the provisions of law in effect at the time when such birth or death or marriage occurred by the filing of the certificate therefor with the local registrar within a period of one year from the date of the event, any person beneficially interested in establishing of record the fact of such birth or death or marriage may petition the superior court of the county in which such birth or death or marriage is alleged to have occurred for an order judicially establishing the fact of such birth or death or marriage. Such petition shall be verified and shall contain all the data necessary to enable the court, upon hearing the same, to determine the fact of such birth or death or marriage upon the proofs adduced in behalf of the petitioner at the hearing thereof. A copy of such petition shall be served upon the local registrar of vital statistics, and also upon the district attorney of the county in which such birth or death or marriage is alleged to have occurred, and either of said officials shall have the right in his discretion to appear at such hearing and oppose the making of such order. Such hearing shall be had at such time as the court may appoint, not less than ten days subsequent to the date of filing such petition, and notice thereof must be given by publication for the same time and in the same manner required by law to be given prior to the hearing of the petition for the admission to probate of any will, or the issuance of letters testamentary or of administration thereon.

Petition to
court to
establish
record

Hearing.

If, upon such hearing, the proofs of the allegation of the petition are established, to the satisfaction of the court, the court may make an order determining that such birth, death or marriage did in fact occur in such county and at the time shown by the proofs adduced upon such hearing.

Order of
court.

Such order must be made in the form and upon the blank prescribed and furnished by the state registrar and but one birth, death or marriage may be included therein. And said order shall become effective upon the filing of a certified copy thereof with the local registrar of vital statistics, and the delivery therewith for transmittal to the state registrar of a standard certificate containing such facts and signatures as are obtainable, and upon the filing of a certified copy of said order with the state registrar.

Form.

SEC. 2 Section 18 of said act is hereby amended to read as follows:

Stats 1921,
p 825,
amended.

Forms and
blanks

Sec. 18. The state registrar shall prepare and distribute all forms and blanks for use in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other forms or blanks shall be used than those prepared by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants, undertakers, clergymen, or judges, and all other persons having knowledge of the facts, are hereby required to supply, upon the forms provided or upon the original certificate, such information as they may possess regarding any birth or death or marriage upon demand of the state registrar, in person, by mail, or through the local registrar; *provided*, that no certificate of birth or death or marriage, after its acceptance for registration by the local registrar, and no other record made in pursuance of this act, shall be altered or changed in any respect, except where supplemental information required for statistical purposes is furnished.

Record not
to be
changed

When facts
not correctly
stated
affidavit

(a) Whenever it may be alleged that the facts are not correctly stated in any certificate of birth, death, or marriage, already registered, the local registrar shall require an affidavit under oath to be made by the person asserting the fact, setting forth the changes necessary to make the record correct, and supported by the affidavit of one other credible person having knowledge of the facts. Having received such affidavits, the local registrar shall file them together with an amended certificate and he shall note the fact of the amendment with its date on the margin of the otherwise unaltered original certificate. He shall transmit the original certificate with the affidavits and amended certificate attached when making his regular monthly returns to the state registrar. He shall also retain copies for his files. If the correction relates to a certificate previously returned to the state registrar the local registrar shall forthwith transmit the affidavits to the state registrar. If the correction is first made in the state bureau of vital statistics the state registrar shall transmit a certified copy of the amended certificate to the local registrar.

Preservation
of certifi-
cates

The state registrar shall further arrange, bind and permanently preserve the certificates in a systematic manner and shall prepare and maintain a comprehensive and continuous index of all births and deaths registered; said index to be arranged alphabetically, in the case of deaths, by the names of decedents, and in the case of births, by the names of fathers and maiden names of mothers, and in the case of marriages by the names of both grooms and brides. He shall inform all registrars what diseases are to be considered infectious, con-

Infectious
diseases

tagious, or communicable and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread.

CHAPTER 299.

An act to add a new section to the Penal Code to be numbered 1269a, relating to bail in criminal cases.

[Approved by the Governor May 18, 1929 In effect August 14, 1929]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered 1269a and to read as follows: New section

1269a. No defendant charged with a felony shall be discharged from custody upon bail except upon a written order of a competent court or magistrate fixing the amount of bail, and, where an undertaking is furnished upon a written order of such court or magistrate approving the undertaking. All such orders must be signed by such court or magistrate and delivered to the officer having custody of the defendant before the defendant is released. Said undertakings and orders shall be filed with the court in which the proceeding against the defendant is pending, within a reasonable time after the defendant is released. Any officer releasing any person charged with a felony from custody upon bail otherwise than as herein provided shall be guilty of a misdemeanor. Release upon bail of person charged with felony
Penalty

CHAPTER 300.

An act to amend section 1420 of the Penal Code, relating to pardons, and to prescribe certain procedure in respect to applications for pardon or commutation of sentence.

[Approved by the Governor May 18, 1929 In effect August 14, 1929]

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

SECTION 1. Section 1420 of the Penal Code is hereby amended to read as follows: Pen. C.
1872,
p 313,
amended

1420. When an application is made to the governor for pardon or commutation of sentence, he may require the judge of the court before which the conviction was had, or the district attorney by whom the action was prosecuted, to furnish him, without delay, with a summarized statement of the facts proved on the trial, and of any other facts having reference to the propriety of granting or refusing said application, together with his recommendation for or against the granting of the same and his reasons for such recommendation. Report of case to governor, and recommendations

CHAPTER 301.

An act to amend section 1596 of the Penal Code, relating to pardons, and to prescribe certain rules with respect to commutations of sentence and paroles.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

Stats 1907,
p 594,
amended

Reports to
governor.

SECTION 1. Section 1596 of the Penal Code is hereby amended to read as follows:

1596. The board of directors must report to the governor from time to time the names of any and all persons imprisoned in any state prison who, in their judgment, ought to have a commutation of sentence or be pardoned out and set at liberty on account of good conduct, or unusual term of sentence, or any other cause which, in their opinion, should entitle the prisoner to a pardon or commutation of sentence.

The board of prison directors shall transmit to the governor, upon his request, all current reports, information, and data, within their knowledge or possession, relating to the application for, hearing on, and granting of paroles of all persons imprisoned in any state prison; and such current reports, information and data shall further extend to include the conduct of all prisoners subsequent to parole, as well as to their reimprisonment or other disposition in accordance with any ruling or determination by said board of prison directors subsequent to parole.

The provisions of this section shall, in their entirety, be strictly pursued.

 CHAPTER 302.

An act to amend sections 1, 2, 7, 13, 15, 17, 18, 21 and 23 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the state board of barber examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927.

[Approved by the Governor May 18, 1929 In effect August 14, 1929.]

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

Stats 1927,
p. 1748,
amended.

SECTION 1. Section 1 of an act entitled "An act prescribing the terms upon which licenses or certificates of registration

may be issued to practitioners of barbering, creating the state board of barber examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved May 31, 1927, is hereby amended to read as follows:

Section 1. It shall be unlawful for any person to engage in the practice or attempt to practice barbering without a certificate of registration as a registered barber issued pursuant to the provisions of this act by the board of barber examiners hereinafter established.

Barbers and
apprentices
to be
registered

It shall be unlawful for any person, firm or corporation to serve as an apprentice under a registered barber without a certificate of registration as a registered apprentice issued by said board.

It shall be unlawful for any person, firm or corporation to operate a barber shop unless such shop shall at all times be under the direct supervision and management of a registered barber.

It shall be unlawful for any person, firm or corporation to hire or employ any person to engage in the practice of barbering as hereinafter defined, unless such person then hold a valid, unexpired and unrevoked certificate of registration to practice barbering or a certificate of registration as a registered apprentice, or a permit to practice as a journeyman barber, or a permit to work as an apprentice, issued under the provisions of this act.

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

Stats. 1927.
p. 1749.
amended
Barbering
defined.

Sec. 2. The practice of barbering is hereby defined to be any of or any combination of the following practices for hire or reward:

Shaving or trimming the beard or cutting the hair;

Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances;

Singeing, shampooing, arranging, dressing, curling, waving or dyeing the hair or applying hair tonics; *provided*, that the word "waving" as herein used does not include permanent waving;

Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck.

For the purpose of this act and as used herein the term "barbershop" is hereby defined to embrace and include any establishment or place of business wherein the practice of barbering as hereinabove defined is engaged in or carried on.

SEC. 3. Section 7 of said act is hereby amended to read as follows:

Stats. 1927.
p. 1750.
amended
Barber
schools and
colleges.

Sec. 7. No school or college of barbering shall be approved by the board unless it requires as a prerequisite to admission thereto graduation from an eighth grade grammar school, or its equivalent as determined by an examination conducted by the board, and unless it requires as a pre-

requisite to graduation a course of instruction of not less than one thousand hours to be completed within six months of not more than eight hours in any one working day, such course of instruction to include the following subjects: Scientific fundamentals of barbering, hygiene, histology of the hair, skin and nails, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, massaging and manipulating the muscles of the scalp, face or neck, hair-cutting, shaving and arranging, dressing, coloring, bleaching and tinting the hair.

No school or college of barbering shall enroll or admit any student thereto unless such student shall make and file, in duplicate, a duly verified application which said application shall be of such form and contain such matters as the state board of barber examiners may prescribe and shall be obtained by such student or the school or college from said board. One copy of such application shall be retained by the school or college enrolling or admitting the student and the other copy shall be filed by such school or college with said board. No school or college of barbering shall enroll or admit any student in a post graduate course thereof, which said post graduate course shall be for the purpose of qualifying persons to pass the examination conducted by the board to determine fitness to practice barbering, unless such student shall file, in duplicate, an application duly verified, which said application shall be obtained by such student or school or college from the state board of barber examiners and shall be in such form and shall show that the applicant has graduated from an eighth grade grammar school or has an equivalent education as theretofore determined by an examination conducted by said board, and that such applicant has either (a) graduated from a school or college of barbering approved by the board (b) then holds a valid, unexpired and uncanceled certificate of registration as a registered apprentice or (c) who can prove by sworn affidavits that he has practiced as a barber in another state or country for at least two years immediately prior to making such application. One copy of such application shall be retained by the school or college so admitting or enrolling such student and the other shall be filed by such school or college with said board. Nothing in this section contained shall be construed as limiting or modifying the provisions of section 5 hereof.

Stats 1927,
p 1752
amended
Display of
certificates
and copies
of the law

SEC. 4. Section 13 of said act is hereby amended to read as follows:

Sec. 13. Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his work chair.

The state board of barber examiners shall prepare copies of the provisions of section 23 of this act, together with any other rules and regulations or sanitary requirements for conduct of barber shops, and barber schools or colleges which may be adopted by said board in aid or furtherance of the

provisions of this act, and furnish to the owner or manager of each barber shop and barber school or college one such copy to be posted in a conspicuous place in such barber shop or barber school or college by the said owner or manager thereof.

SEC. 5. Section 15 of said act is hereby amended to read as follows:

Sec. 15. The board may either refuse to issue, or renew, or may suspend or revoke any certificate of registration for any of the following causes:

- (a) Conviction of a felony;
- (b) Malpractice or incompetency;
- (c) Continued practice by a person knowingly having an infectious or contagious or communicable disease;
- (d) Advertising by means of knowingly false or deceptive statements;
- (e) Advertising, practicing or attempting to practice under another's name or another's trade name;
- (f) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit-forming drugs;
- (g) Immoral or unprofessional conduct;
- (h) The commission of any of the offenses referred to in subdivisions (c), (d), (f) and (g) of section 18 of this act.

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

Sec. 17. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering is ten dollars (\$10), and for the issuance of the certificate two dollars (\$2).

The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is five dollars (\$5), and for the issuance of the certificate one dollar (\$1).

The fee to be paid by an applicant for an examination to determine his preliminary education is three dollars (\$3).

The fee to be paid for the renewal of a certificate of registration to practice barbering is two dollars (\$2), and for the restoration of an expired certificate five dollars (\$5).

The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is one and fifty hundredths dollars (\$.50), and for the restoration of an expired certificate three dollars (\$3).

A duplicate certificate or permit will be issued upon the filing of a statement covering the loss of a certificate or permit, verified by the oath of the applicant, and submitting one signed photograph, and the payment of a fee of one dollar (\$1) for the issuance of same. Each duplicate certificate or permit shall have the word "Duplicate" stamped across the face thereof, and will bear the same number as the certificate or permit that it was issued in lieu of.

SEC. 6. Section 18 of said act is hereby amended to read as follows:

Stats 1927,
p. 1752,
amended
Grounds of
exclusion,
suspension,
or revocation

Stats 1927,
p. 1753,
amended
Fees

Stats 1927,
p. 1753,
amended

Offenses and penalties

Sec. 18. Each of the following shall constitute a misdemeanor punishable upon conviction by a fine of not less than twenty-five dollars (\$25), nor more than two hundred dollars (\$200):

(a) The violation of any of the provisions of section 1 of this act;

(b) Permitting any person in one's employ, supervision or control to practice as an apprentice unless that person has a certificate of registration as a registered apprentice;

(c) Obtaining or attempting to obtain a certificate of registration for money other than the required fee, or any other thing of value, or by fraudulent misrepresentations;

(d) Practicing or attempting to practice by fraudulent misrepresentations;

(e) The wilful failure to display a certificate of registration as required by section 13 of this act;

(f) The use of any room or place for barbering which is also used for residential or business purposes (except the sale of hair tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco, confectionery and such commodities as are used and sold in barber shops), unless a substantial partition of ceiling height separates the portion used for residential or business purpose.

(g) A violation of any of the provisions of subdivisions (a), (b), (c), (d), (e), (f), (g), (h) and (i) of section 23 hereof;

(h) The wilful failure by any owner or manager of a barber shop to display the copy of section 23 hereof with rules and regulations as provided in section 13 hereof.

Sec. 7. Section 21 of said act is hereby amended to read as follows:

Sec. 21. The board shall elect a president and secretary. The secretary may, or may not be a member of the board. The board shall be furnished with suitable quarters. The board shall adopt and use a common seal for the authentication of its orders and records.

The secretary shall keep a record of all proceedings of the board.

The secretary shall give to the state a bond in the sum of five thousand dollars with sufficient sureties, to be approved by the board for the faithful performance of his duties. A majority of the board in meeting duly assembled may perform and exercise all the duties and powers devolving upon the board.

Each member of the board shall receive a compensation of three thousand six hundred dollars per annum and shall be reimbursed for his necessary traveling expenses incurred in the discharge of his duty, both salaries and expenses to be paid only from the fund created by fees collected in the administration of this act. The board shall report annually to the governor a full statement of its receipts and expenditures and also a full

Stats. 1927,
p 1754,
amended.

Powers,
duties, bonds
and compensation of
officers

statement of its work during the year, together with such recommendation as it may deem expedient.

The board shall have authority to employ such inspectors, clerks and other assistants as it may deem necessary to carry out the provisions of this act.

SEC. 8. Section 23 of said act is hereby amended to read as follows: Stats 1927,
p 1755,
amended

Sec. 23. It shall be unlawful:

(a) For any barber or apprentice to knowingly continue the practice of barbering, or for any student knowingly to continue as a student in any school or college of barbering, while such person has an infectious, contagious or communicable disease; Acts and
practices
prohibited

(b) To own, manage, operate or control any barber shop unless continuously hot and cold running water be provided for therein;

(c) To own, manage, operate or control any barber school or college or part or portion thereof whether connected therewith or in a separate building wherein the practice of barbering as hereinbefore defined is engaged in or carried on unless all entrances to the place wherein the practice of barbering is so engaged in or carried on shall display a sign indicating that the work therein is done by students exclusively;

(d) To own, manage, control or operate any barber shop as hereinbefore defined unless the same display a recognized sign indicating that it is a barber shop, which said sign shall be clearly visible at the main entrance to said shop;

(e) To use upon one patron a towel that has been used upon another patron unless and until the towel has been relaundersed.

(f) Not to provide the head rest on each chair with a relaundersed towel or a sheet of clean paper for each patron;

(g) Not to place around the patron's neck a strip of cotton, towel or neck band so that the hair-cloth does not come in contact with the neck or skin of the patron's body;

(h) To use in the practice of barbering as hereinbefore defined, any styptic pencils, finger bowls, sponges, lump alum or powder puffs. Possession of a styptic pencil, finger bowl, sponge, lump alum or powder puff in a barber shop is prima facie evidence that the same is being used therein in the practice of barbering;

(i) To use on any patron any razors, scissors, tweezers, combs, rubber discs or parts of vibrators used on another patron, unless the same be kept in a closed compartment and immersed in boiling water or in a solution of two per cent carbolic acid, or its equivalent, before each such use.

The state board of barber examiners shall have power to make other rules and regulations and prescribe other sanitary requirements in addition to the foregoing in aid or furtherance of the provisions of this act. Additional
regulations

Inspection Any member of said board or its agents or assistants shall have authority to enter into and to inspect any barber shop or school or college at any time during business hours.

Records The board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, place of business and residence of each registered barber and registered apprentice and the date and number of his certificate of registration. This record shall be open to public inspection at all reasonable times.

CHAPTER 303.

An act to add a new section to the Penal Code to be numbered 653f, relating to the soliciting of the commission of a crime and the evidence upon which conviction may be had.

[Approved by the Governor May 18, 1929 In effect August 14, 1929]

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

New section SECTION 1 A new section is hereby added to the Penal Code to be numbered 653f and to read as follows:

Soliciting commission of a crime 653f. Every person who solicits another to offer or accept or join in the offer or acceptance of a bribe, or to commit or join in the commission of murder, robbery, burglary, grand theft, receiving stolen property, extortion, rape by force and violence, perjury, subornation of perjury, forgery, or kid-

Punishment napping, is punishable by imprisonment in the county jail not longer than one year or in the state prison not longer than five years, or by fine of not more than five thousand dollars. Such offense must be proved by the testimony of two witnesses, or of one witness and corroborating circumstances.

Proof

CHAPTER 304.

An act to add three new sections to the Political Code to be numbered 541, 542 and 543, relating to state printing and the preparation of copy therefor.

[Approved by the Governor May 18, 1929 In effect August 14, 1929]

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

New section SECTION 1. A new section is hereby added to the Political Code to be numbered 541 and to read as follows:

Printing and publication of statutes 541. The statutes of each session of the Legislature shall be prepared for printing and publication, in the manner hereinafter provided, by such state department, officer, board, or

commission as the department of finance shall, from time to time, in writing, and as often as the said statutes are hereunder required to be so prepared, see fit to direct or request. The department of finance shall so direct the said preparation of the said statutes after each regular and each extra session of the Legislature; *provided, however*, that the department of finance need not so direct the said preparation of the said statutes after each extra session of the Legislature, if, in its judgment, the same is not necessary or desirable; *provided, further*, that if the department of finance does not so direct the said preparation of the said statutes after each extra session of the Legislature, it shall so direct the said preparation of the said statutes for each such extra session after the next succeeding regular session of the Legislature, in which case said statutes for such extra session shall be cumulated and prepared with the statutes for said next succeeding regular session. The said preparation of the said statutes shall consist of the making of an index therefor and marginal notations and section headings thereto and the delivery thereof to the superintendent of state printing as soon as practicable after the final adjournment of the Legislature for each regular or extra session, as the case may be.

SEC. 2. A new section is hereby added to the said code to be numbered 542 and to read as follows: New section

542. Whenever the compilation, printing and publication of any volumes or pamphlets of laws or other matter may be required by any state department, officer, board, or commission for his, their, or its use or information in the discharge of his, their, or its official duties, or for the general use or information of the people of the state, such state officer, board, or commission shall present all the pertinent facts regarding the same, including a statement of the necessity therefor, the estimated cost thereof, and the funds or appropriations which may be available, as hereunder provided, for the payment of the cost of the printing thereof, to the department of finance for its approval. The department of finance, if it approves thereof, shall thereafter, direct or request, in writing, such state department, officer, board, or commission, as it may see fit, to compile such volumes and pamphlets for printing and publication, and to deliver the same upon completion to the superintendent of state printing. It shall be the duty of the state department, officer, board or commission, requiring the compilation of such volumes or pamphlets for printing and publication, to furnish to the state department, officer, board of commission compiling the same upon such direction or request, such data and information as he, they, or it may have available, or may be able, conveniently, to obtain, concerning the same. The cost of printing and publishing such volumes or pamphlets so required by such state department, officer, board, or commission, must, if for his, their, or its use or information in the discharge of his, their, or its official duties, be paid for out of the fund or portion thereof, appropriated, Compilations for state departments, etc
Cost

allocated, set aside or otherwise made available for printing purposes for such state department, officer, board, or commission. The cost of printing and publishing such volumes or pamphlets, as may be required by such state department, officer, board, or commission for the general use or information of the people of the state, shall be paid for out of the funds appropriated for that purpose by the Legislature.

New section

SEC. 3. A new section is hereby added to the said code to be numbered 543 and to read as follows:

Compilations,
who to make

543. The direction or request for the preparation of the statutes as provided for in section 541 of the Political Code and the direction or request for the compilation of volumes and pamphlets for printing and publication as provided for in section 542 of the Political Code shall be made by the department of finance to the legislative counsel or the state librarian, either of whom shall, upon said direction or request, proceed to render such service in the manner prescribed by law, or to such other state department, officer, board or commission as may now or hereafter be authorized or required by law so to render such service upon said direction or request.

CHAPTER 305.

An act to amend section 1491 of the Code of Civil Procedure relating to publication of notice to creditors in probate proceedings.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

C. C. P.
1872,
p. 391,
amended.
Time
expressed
in notice

SECTION 1. Section 1491 of the Code of Civil Procedure is hereby amended to read as follows:

1491. The time expressed in the notice must be six months after its first publication.

CHAPTER 306.

An act to add new sections to the Code of Civil Procedure, being numbers 1468a, 1468b, 1468c and 1468d, relating to the administration of estates having a net value of less than two thousand five hundred dollars.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

New section

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 1468a, and to read as follows:

1468*a*. If a deceased person leave a widow or minor child or minor children, and the net value of the whole estate of said deceased, over and above all liens or encumbrances of record, at the date of the death of said deceased, does not exceed the sum of two thousand five hundred dollars, the person petitioning for letters of administration or for the probate of the will of said deceased may add to the other allegations of the petition an allegation specifically describing all of the property belonging to said deceased, and listing all of the liens and encumbrances of record at the date of the death of said deceased, and an estimate of the value of the property, and may include, in his prayer an alternative prayer that if the court finds that the total value of the estate, over and above all liens and encumbrances of record, at the date of the death of said deceased, is less than twenty-five hundred dollars, the same be set aside to the widow, if there be one, and if there be none, then to the minor child or minor children of said deceased. When such allegation is included in a petition for probate of will or for letters of administration, the petition shall be verified.

Allegations
of petition
where
deceased
leaves
widow or
minor child.

When such an allegation is included in the petition, the notice of hearing of the petition for probate of will, or for letters of administration shall include a statement that a petition for setting aside the estate to the widow or minor child or minor children, as the case may be, is included in the petition.

Statement
in notice.

SEC. 2. A new section is hereby added to the Code of Civil Procedure to be numbered 1468*b*, and to read as follows:

New section.

1468*b*. If the person petitioning for probate of will or letters of administration does not include such an allegation, as is provided for by section 1468*a*, the widow, if there be one, and if there be none, the guardian of the minor child or minor children, may, at any time, prior to the hearing of such petition, file a verified petition alleging the facts mentioned in section 1468*a*, and pray that the estate be set aside for the use of the widow or minor child or minor children. If the hearing of the original petition is set for a day more than ten days after the filing of the petition herein provided for, the hearing of such petition shall be set for the same time as the hearing for the petition for probate of will or for letters of administration; if not said petition shall be set for hearing at least ten days after the date on which it is filed, and the petition for probate of will, or letters of administration, shall be continued until such date. Notice of said petition shall be given in the manner provided in section 1465*a* of this code.

Petition of
widow or
minor child

Hearing.

Notice.

SEC. 3. A new section of the Code of Civil Procedure is hereby added, to be numbered 1468*c*, and to read as follows:

New section.

1468*c*. When such an allegation as is provided for in section 1468*a* is included in any petition filed, the court shall forthwith appoint one inheritance tax appraiser, unless the whole estate consists of money, who shall appraise the property described in the petition, and file his report with the clerk of the court.

Inheritance
tax
appraiser.

New section

SEC. 4. A new section is hereby added to the Code of Civil Procedure to be numbered 1468*d*, and to read as follows:

Assignment of estate to widow or minor children

1468*d*. At the hearing any person interested may appear and show cause why said estate should not be assigned for the use and support of the family of said deceased.

If upon the hearing, the court finds that the net value of the estate over and above all liens or encumbrances of record at the date of the death of said deceased does not exceed the sum of two thousand five hundred dollars, it shall, by decree for that purpose, assign to the widow of the deceased, if there be a widow, or if there be no widow, then to the minor children of the deceased, if there be minor children, the whole of the estate, subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of said deceased, after the payment of the expenses of the last illness of the deceased, funeral charges, and expenses of administration, and the title thereof shall vest absolutely in such widow, if there be a widow, or if there be no widow, in the minor children or child, subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the deceased, and there must be no further proceedings in the administration, unless further estate is discovered. But no widow or minor child having other estate of five thousand dollars in value, shall be entitled to such an assignment.

Findings precluding such assignment

If the court finds that the net value of the estate exceeds two thousand five hundred dollars, or that the widow or minor child has other estate of five thousand dollars in value, or that there is neither a widow nor a minor child or minor children, it shall act upon the petition for probate or for letters of administration in the same manner as though no petition to set aside the estate had been included, and the estate shall then be administered in the usual manner.

Proceedings unaffected

Nothing in this and the three preceding sections shall be construed as preventing the appointment of a special administrator in a proper case, as provided for by this code, or as preventing proceedings under section 1469 of this code, when an inventory has been returned.

CHAPTER 307.

An act to amend sections 373a and 373b, of the Political Code, relating to the department of natural resources.

[Approved by the Governor May 18, 1929 In effect August 14, 1929]

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

Stats 1927, p 238, amended

SECTION 1. Section 373a of the Political Code is hereby amended to read as follows:

Organization of department

373a. For the purposes of administration the department shall be forthwith organized by the director thereof, subject

to the approval of the governor, in such manner as he shall deem necessary to properly segregate and conduct the work of the department, and the director shall have power to appoint, in accordance with the civil service and other provisions of law, such deputies, officers and other expert and clerical assistants as may be necessary. The work of the department is hereby divided into at least four divisions to be known as the division of forestry, the division of parks, the division of fish and game and the division of mines.

SEC. 2. Section 373*b* of the Political Code is hereby amended to read as follows:

Stats 1927,
p 238,
amended
Division
of mines

373*b*. The division of mines shall be administered through a chief who shall be appointed by the director of natural resources upon the nomination of the state mining board, the chief to be a technically trained mining engineer and to be known as the state mineralogist; such chief shall receive a salary of six thousand dollars per annum. General policies for the guidance of the division of mines shall be determined by a board to be known as the state mining board, which shall consist of five members appointed by and to hold office at the pleasure of the governor.

CHAPTER 308.

An act to amend section 30 of the "California vehicle act," approved May 30, 1923, as amended, relating to the California highway patrol and the personnel thereof.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 30 of the California vehicle act, approved May 30, 1923, as amended, is hereby amended to read as follows:

Stats 1923,
p 520,
amended

Sec. 30. "California highway patrol."

(a) There is hereby created the "California highway patrol," the administration of which shall be in the division of motor vehicles and the chief of the division subject to the approval of the director of the department of public works is hereby authorized to appoint one superintendent of highway patrol, one assistant superintendent of highway patrol, one secretary to the superintendent of highway patrol, all necessary state inspectors at large, and in addition thereto a sufficient number of state inspectors, captains, traffic officers and clerks to serve in the counties of the state from which they are appointed for the purpose of enforcing the provisions of this act with such salaries as may be fixed by the director of the department of public works.

California
highway
patrol
created

(b) The director of the department of public works, the chief of the division of motor vehicles, the superintendent of

highway patrol, the assistant superintendent of highway patrol, the inspectors, captains and traffic officers as provided herein shall constitute the "California highway patrol" and are hereby vested with the authority of peace officers for the purpose of enforcing the provisions of this act in any part of the state, also with the power of serving warrants issued by any court of this state in any portion thereof.

Powers and duties.

(c) The division shall in counties having charters, other than counties of the first and second class, and may from time to time, in such localities in the rural portions of the state, as it shall deem most suitable, establish headquarters or substations for the efficient performance of the duties of the "California highway patrol" and for that purpose may lease or purchase lands and buildings.

(d) The division is hereby authorized to:

(1) Establish a school for the training and education of the members of the "California highway patrol" in traffic regulation, their duties and the proper enforcement of this act.

(2) Create districts within the state in the organization of the "California highway patrol."

(3) Adopt rules covering the policy, procedure, regulation and administration of all activities of the "California highway patrol."

(e) The division shall issue to each member of the "California highway patrol" a badge of authority with the words "California highway patrol" encircling the same, the seal of the State of California in the center thereof, and below the designation of the office held by each member thereof.

Impersonation of members

(f) Any person who without authority wears the badge of a member of the "California highway patrol" or a badge of similar design which would tend to deceive anyone shall be guilty of a misdemeanor.

(g) Any person who impersonates a member of the "California highway patrol" with the intention to deceive anyone shall be guilty of a misdemeanor.

Persons exempt from civil service.

(h) The superintendent of highway patrol, one assistant superintendent of highway patrol, and one secretary to the superintendent of highway patrol appointed under the provisions of section 30 (a) of this act shall be exempt from the provisions of the civil service act.

Appointment of incumbents

(i) The chief of the division of motor vehicles subject to the approval of the director of the department of public works in making appointments of members of the California highway patrol shall, at the time this act takes effect, appoint the inspectors then employed by the division of motor vehicles, who shall retain their civil service status, and the inspectors, captains, traffic officers and clerks of the division of motor vehicles holding positions January 1, 1929, under contracts with the various counties of the state. In appointing, prior to January 1, 1930, members of the California highway patrol to serve in any county which is not under contract with the

division of motor vehicles at the time this amendment takes effect, the chief of the division of motor vehicles, subject to the approval of the director of the department of public works, upon request of the board of supervisors of that county, may appoint the traffic officers of such county who held their positions as such on January 1, 1929. Inspectors, captains, traffic officers and clerks appointed under this subdivision of section 30, holding their positions after the expiration of a probationary period of one year, shall automatically acquire permanent civil service status without examination and shall be rated as to efficiency by the chief of the division of motor vehicles in accordance with the terms of the civil service act.

(j) When additional appointments are to be made of inspectors, captains, traffic officers, and clerks, to serve in any county of the state, the board of supervisors of such county shall be notified by the division of such contemplated appointments and thereupon the said board of supervisors shall submit to the division a list of names of proposed inspectors, captains, traffic officers, and clerks. Such persons shall be required to take an examination in accordance with the civil service act and appointments shall be made from the eligible list resulting from said examination. If any board of supervisors should fail or refuse to submit a list of names for such appointments and examination, the division shall submit a list of names to the civil service commission for examination; and appointments by the chief of the division of motor vehicles, subject to the approval of the director of the department of public works shall be made from the eligible lists resulting from said examination. Any person appointed under the provisions of this subdivision must serve a probationary period of one year and if upon the expiration thereof he retains his position, he shall acquire permanent civil service status and shall be rated as to efficiency as provided in subdivision (i).

Additional appointments subject to civil service

(k) The chief of the division whenever in his opinion an emergency exists, is hereby authorized to assign the members of the "California highway patrol" for service in any portion of the state; *provided, however*, that no member of the California highway patrol appointed to serve in any county shall be assigned for service outside said county for a longer period than one week, without the consent of the board of supervisors of that county.

Assignment of members

(l) The chief of the division shall make adequate provision for the patrol of the highways both day and night.

SEC. 2. This act shall be deemed the latest legislative expression upon the matters herein contained, irrespective of any other law adopted by the Legislature at the forty-eighth session thereof and especially is intended to supersede the provisions of section 30 of the California vehicle act as amended by an act entitled "An act to amend the 'California vehicle act,' approved May 30, 1923, as amended and approved May 16, 1925, and as amended and approved May 25, 1927 by amending sections 7½, 19, 23, 25, 30, 31, 42, 43, 44, 45, 46,

Stats 1029, Chap 253, superseded in part.

47, 48, 52, 57, 60, 61, 62, 69, 77, 80, 82, 83, 84, 85, 86, 89, 90, 94, 95, 96, 100, 102, 111, 112, 114, 118, 120, 121, 122, 124, 125, 127, 129, 131, 132, 133, 134, 135, 138, 141, 142, 145, 155 and 159, and by adding thereto new sections to be numbered 8 $\frac{1}{2}$, 22 $\frac{1}{2}$, 23 $\frac{1}{2}$, 28 $\frac{1}{2}$, 30 $\frac{1}{2}$, 31 $\frac{1}{2}$, 45 $\frac{1}{4}$, 52 $\frac{1}{2}$, 72 $\frac{1}{2}$, 76 $\frac{1}{2}$, 83 $\frac{1}{2}$, 98 $\frac{1}{2}$, 100 $\frac{1}{2}$, 111 $\frac{1}{2}$, 114 $\frac{1}{2}$, 134 $\frac{1}{2}$, 141 $\frac{1}{2}$, 150 $\frac{1}{2}$, 152 $\frac{1}{2}$, 153 $\frac{1}{2}$, and 154 $\frac{1}{2}$, relating to the use and operation of vehicles upon the public highways and elsewhere and to the registration and identification of motor vehicles, trailers and semitrailers and the payment of registration and transfer fees therefor, and the licensing of persons operating motor vehicles and prohibiting certain persons from operating vehicles upon the public highways and relating to the powers and duties of the division of motor vehicles and creating a California highway patrol and relating to the powers and duties of boards of supervisors and to the appointment by the division of official adjusting stations and to the registration of holders of certain chattel mortgages, and relating to dealers in license plates and certificates and to the record to be kept by public garages and the renting of motor vehicles and restrictions as to size, weight, construction and equipment of motor vehicles and the erection of warning and direction signs on public highways and imposing certain regulations governing pedestrians and relating to the disposition of fees collected under this act and providing for carrying out the objects of this act," adopted by the Legislature at said session.

CHAPTER 309.

An act to amend section 9 of the state medical practice act, approved June 2, 1913, as amended, relating to applications for certification under said act.

[Approved by the Governor May 18, 1929 In effect August 14, 1929.]

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

Stats 1927,
p 1070,
amended

SECTION 1. Section 9 of the state medical practice act, approved June 2, 1913, as amended, is hereby amended to read as follows:

Qualifications
and proof
required of
applicants

Sec. 9. Every applicant must file with the board, at least two weeks prior to the regular meeting thereof, satisfactory testimonials of good moral character, and a diploma or diplomas issued by some legally chartered school or schools approved by the board, the requirements of which school or schools shall have been at the time of granting such diploma or diplomas in no degree less than those required under this act, or satisfactory evidence of having possessed such diploma or diplomas, and must file an affidavit stating that he is the person named in said diploma or diplomas, and that he is the lawful holder thereof, and that the same was procured

in the regular resident course of instruction and examination without fraud or misrepresentation; *provided*, that in addition thereto each applicant for a "physician and surgeon certificate" must show that he has attended four resident courses of study, each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously, or consecutively; *provided, further*, that an applicant for a "drugless practitioner certificate" must show that he has attended two resident courses of study, each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously or consecutively; *provided, further*, that an applicant for a certificate to practice chiropody must show that he has attended two resident courses of study or prescribed work covering at least two thousand hours, each of said hours not including the time consumed by examinations or tests, to have been of not less than fifty consecutive minutes and each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously or consecutively; that not more than eight hours work is to be credited to any student in any one day of twenty-four hours; and that at least eleven months shall have intervened between the beginning of any course and the beginning of the preceding course; *provided, further*, after July 1, 1930, that an applicant for a certificate to practice chiropody must show that he has attended three resident courses of study or prescribed work covering at least two thousand six hundred twenty-five hours, each of said hours not including the time consumed by examinations or tests, to have been of not less than fifty consecutive minutes, and each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously or consecutively; that not more than eight hours work is to be credited to any student in any one day of twenty-four hours; and that at least eleven months shall have intervened between the beginning of any course and the beginning of the preceding course; *provided, further*, that an applicant for a certificate to practice midwifery must show that the applicant has attended a one-year resident course in a hospital recognized as reputable by the board, and that a course of instruction in anatomy, physiology, obstetrics and hygiene and sanitation as set forth in section 10 hereof has been taken, covering a period of one year; *provided, further*, that in lieu thereof, an applicant who can submit satisfactory proof of the possession of a diploma from a recognized reputable hospital, and who in addition thereto has attended a resident course of instruction in the subjects enumerated in section 10 hereof and satisfactory proof that such instruction has been taken covering a period of at least three months; *and provided, further*, that in lieu thereof an applicant may present proof satisfactory to the board that the applicant has taken a resident course of instruction with the minimum requirements as designated in section 10 of any school or schools approved by the board as giving a course of instruction in said subjects for a certificate to practice

medicine and surgery; *provided, also*, that before July 1, 1918, in lieu of the diploma or diplomas and preliminary requirements herein referred to where the applicant can show to the satisfaction of the board of medical examiners that he has taken resident courses hereinafter required in a school or schools approved by the board totaling for applicants for "drugless practitioner certificate" not less than sixty-four weeks consisting of not less than two thousand hours and for "physician and surgeon certificate" totaling not less than one hundred twenty-eight weeks consisting of not less than four thousand hours, it being required that all applicants shall have received passing grades in all such courses, that the applicant or applicants shall be admitted to examination for their respective form of certificates.

Nontechnical
education
required.

The said application shall be made upon a blank furnished by said board and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as the board may by rule prescribe. In addition to the requirements hereinabove provided for, applicants for any form of certificate hereunder shall present to said board at the time of making such application a diploma from a California high school or other school in the State of California requiring and giving a full four years' resident course of same grade, or other schools elsewhere, requiring and giving full four years' resident standard high school course, or its equivalent, approved by the board, together with satisfactory proof that he is the lawful holder of such diploma, and that the same was procured in the regular resident course of instruction. The passing of an examination before the entrance examining board for the entrance to the academic department of the University of California, Stanford University or the University of Southern California, or the possession of documentary evidence of admission to the academic department of such institutions as a regular student or in full standing shall be sufficient basic or preliminary educational qualifications. In lieu of such diploma, the applicant may present: (1) a certificate from the college entrance examination board, or the college examining board of any state or territory showing that such applicant has successfully passed the examination of said board; or (2) if such applicant be thirty years or more of age he may show to the satisfaction of the board of medical examiners proof of preliminary education equivalent in training power to the foregoing requirements. Every applicant for a "physician and surgeon certificate" graduating after January 1, 1919, shall, in addition to the foregoing requirements, present to the board satisfactory evidence that before beginning the last half of the second year in the resident study of medicine, he has completed a one-year resident course of college grade in the subjects of physics, chemistry and biology; *provided*, that after January 1, 1924, the applicant shall present to the board satisfactory evidence of the completion of a one-year resident course of college grade in the subjects of physics, chemistry and biology before commencing

the study of medicine. The preliminary or basic educational requirements for a chiroprapist shall be as follows: On and after July 1, 1915, the successful completion of one year of high school work or its equivalent; on and after July 1, 1918, two years of high school work or its equivalent; on and after July 1, 1920, three years of high school work or its equivalent; on and after July 1, 1922, four years of resident high school work or its equivalent.

The preliminary or basic educational qualifications for an applicant to practice midwifery in this state shall be the completion of one year of resident high school work or its equivalent, and for midwife applicants graduating after October, 1918, the presentation to the board of a diploma from a California high school giving a full four years' standard resident high school course or its equivalent.

CHAPTER 310.

An act to amend section 10 of the state medical practice act, approved June 2, 1913, as amended, relating to courses of study required of applicants for certification under said act.

[Approved by the Governor May 18, 1929 In effect August 14, 1929]

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

SECTION 1. Section 10 of the state medical practice act, approved June 2, 1913, as amended, is hereby amended to read as follows:

Stats 1927, p 1072, amended.

Sec. 10. Applicants for any form of certificate shall file satisfactory evidence of having pursued in any legally chartered school or schools, approved by the board, a course of instruction covering a total of at least four thousand hours and including the following minimum requirements:

Professional courses of study

FOR A "PHYSICIAN'S AND SURGEON'S CERTIFICATE."

Physicians and surgeons

Group 1.

Anatomy, including embryology and histology ----- 14 to 18½ per cent

Group 2.

Physiology ----- 4½ to 6 per cent

Group 3.

Biochemistry ----- 3½ to 4½ per cent

Group 4.

Pathology, bacteriology and immunology ----- 10 to 13 per cent

Group 5.

Pharmacology, including materia
medica and toxicology----- 4 to 5 per cent

Group 6.

Preventive medicine and hygiene--- 3 to 4 per cent

Group 7.

General medicine, neurology and
psychiatry, pediatrics, dermatol-
ogy, and syphilis----- 20 to 26½ per cent

Group 8.

General surgery, orthopedic surgery,
urology, ophthalmology, otolaryn-
gology, roentgenology ----- 13 to 17½ per cent

Group 9.

Obstetrics and gynecology----- 4 to 5 per cent
Total ----- 76 to 100 per cent
Electives ----- 24 0 per cent
Total number of hours required-----4000 hours

Drugless
practitioners

FOR A "DRUGLESS PRACTITIONER CERTIFICATE."

Group 1. 600 hours.

Anatomy ----- 485 hours
Histology ----- 115 hours

Group 2. 270 hours.

Elementary chemistry and toxicology----- 70 hours
Physiology ----- 200 hours

Group 3. 235 hours.

Elementary bacteriology----- 40 hours
Hygiene ----- 45 hours
Pathology ----- 150 hours

Group 4. 370 hours.

Diagnosis ----- 370 hours

Group 5. 260 hours.

Manipulative and mechanical therapy----- 260 hours

Group 6. 265 hours.

Gynecology ----- 100 hours
Obstetrics ----- 165 hours

Total -----2000 hours

Chiropradists

FOR A "CERTIFICATE TO PRACTICE CHIROPODY."

Group 1. 320 hours.

Anatomy ----- 256 hours
Histology ----- 64 hours

Group 2. 160 hours.

Chemistry -----	64 hours
Physiology -----	96 hours

Group 3. 192 hours.

Bacteriology -----	96 hours
Hygiene -----	32 hours
Pathology -----	64 hours

Group 4. 224 hours.

Diagnosis:

Syphilis -----	64 hours
Dermatology -----	96 hours
Physical diagnosis of diseases effecting the feet	64 hours

Group 5. 1040 hours.

Manipulative and mechanical therapy:

Didactic and clinical chiropody -----	704 hours
Orthopedics -----	208 hours
Surgery -----	128 hours

Group 6. 64 hours.

Materia medica and therapeutics -----	64 hours
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Total -----	2000 hours
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provided, that on and after July 1, 1930, the minimum requirements of groups five and six and the total number of hours of instruction of the above schedule "For a certificate to practice chiropody" shall be as follows:

Group 5. 1665 hours.

Manipulative and mechanical therapy:

Didactic and clinical chiropody -----	1329 hours
Orthopedics -----	208 hours
Surgery -----	128 hours

Group 6. 64 hours.

Materia medica and therapeutics -----	64 hours
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Total -----	2625 hours
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FOR A "CERTIFICATE TO PRACTICE MIDWIFERY."

Midwives

Group 1. 150 hours.

Anatomy -----	75 hours
Physiology -----	75 hours

Group 2. 265 hours.

Hygiene and sanitation -----	100 hours
Obstetrics -----	165 hours

Total -----	415 hours
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Hours of
actual study

In the course of study herein outlined the hours required shall be actual work in the classroom, laboratory, clinic or hospital, and at least eighty per cent of actual attendance shall be required; *provided*, that the hours herein required in any subject need not exceed seventy-five per cent of the number specified, but that the total number of hours in all the subjects of each group shall not be less than the total number specified for such group.

CHAPTER 311.

An act to amend section 14 of the state medical practice act, approved June 2, 1913, as amended, relating to refusal to issue certificates, suspension and revocation of certificates and probation of certificate holders.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 100,
amended.

SECTION 1. Section 14 of the state medical practice act, approved June 2, 1913, as amended, is hereby amended to read as follows:

Unprofes-
sional con-
duct of
applicant

Sec. 14. Said board must refuse a certificate to any applicant guilty of unprofessional conduct. On the filing with the secretary of a sworn complaint, charging the applicant with having been guilty of unprofessional conduct, the secretary must forthwith issue a citation, under the seal of the board, and make the same returnable at the next regular session of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant when and where the charges of said unprofessional conduct will be heard, and that the applicant shall file his written answer, under oath, within twenty days next after the service on him of said citation or that default will be taken against him and his application for a certificate refused. The attendance of witnesses at such hearing may be compelled by subpoenas issued by the secretary of the board under its seal. Said citation and said subpoenas shall be served in accordance with the statutes of this state then in force as to the service of citation and subpoenas generally, and all the provisions of the statutes of this state then in force relating to subpoenas and to citations are hereby made applicable to the subpoenas and citations provided for herein. Upon the secretary's certifying to the fact of refusal of any person to obey a subpoena or citation to the superior court of the county in which the service was had, said court shall thereupon proceed to hear said matter in accordance with the statutes of this state then in force as to contempt for disobedience of process of the court, and should said court find that the subpoena or citation has been legally served, and that the party so served

has wilfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged unprofessional conduct arising under this act, depositions of witnesses may be taken, the same as in civil cases and all the provisions of the statutes of this state then in force as to the taking of depositions are hereby made applicable to the taking of depositions under this act. If the applicant shall fail to file with the secretary of said board his answer, under oath, within twenty days after service on him of said citation, or within such further time as the board may allow, and the charges on their face shall be deemed sufficient by the board, default shall be entered against him, and his application refused. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall proceed to determine the matter, and to that end shall hear such proper evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him.

Whenever any holder of a certificate herein provided for is guilty of unprofessional conduct, as the same is defined in this act, and the said unprofessional conduct has been brought to the attention of the board granting said certificate, in the manner hereinafter provided or whenever a certificate has been procured by fraud or misrepresentation or issued by mistake or that the certificate upon which a reciprocity certificate has been issued was procured by fraud or misrepresentation or issued by mistake or the person holding such certificate is found to be practicing contrary to the provisions hereof and of this act, it shall be the duty of the board and the board shall have power to suspend the right of the holder of said certificate to practice for a period not exceeding one year or to place the holder of said certificate upon probation or suspend judgment in such cases or revoke his certificate, or take such other action in relation to the punishment of the holder of said certificate as in its discretion it may deem proper. In the event of such suspension, the holder of such certificate shall not be entitled to practice thereunder during the term of suspension; but, upon the expiration of the term of said suspension, he shall be reinstated by the board and shall be entitled to resume his practice, unless it shall be established to the satisfaction of the board that said person so suspended from practice, has, during the term of such suspension, practiced in the State of California, in which event the board shall revoke the certificate of such person. No such suspension or revocation shall be made unless such holder is cited to appear and the same proceedings are had as is hereinbefore provided in this section in case of refusal to issue certificates. Said secretary in all cases of suspension or revocation shall enter on his register the fact of such suspension or revocation, as the case may be, and shall certify the fact of such suspension or revocation under the seal of the board, to the county clerk

Unprofessional
conduct of
certificate
holder

of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person, the following: "The holder of this certificate was on the-----day of-----suspended for-----," or, "The certificate was revoked on the-----day of-----," as the case may be, giving the day, month and year of such revocation or length of suspension, as the case may be, in accordance with said certification to him by said secretary. The record of such suspension or revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of said board in the matter of said suspension or revocation. The words "unprofessional conduct" as used in this act, are hereby declared to mean:

"Unprofessional conduct" defined

First—The procuring or aiding or abetting or attempting or agreeing or offering to procure a criminal abortion.

First (a)—To violate or attempt to violate, directly or indirectly, or to assist in or to abet the violation of, or to conspire to violate any provision or term of this act.

Second—The wilful betraying of a professional secret.

Third—All advertising of medical business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons, and so be harmful or injurious to public morals or safety.

Third (a)—The revocation by a sister state of a license or certificate by virtue of which one licensed to practice in California has authority to practice in said sister state.

Fourth—All advertising of any medicine or of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed.

Fourth (a)—Conviction of a felony in which case the record of such conviction shall be conclusive evidence.

Fourth (b)—Conviction of or cash compromise of a charge of violation of the Harrison act regulating narcotics in which case the record of such conviction or compromise, as the case may be, shall be conclusive evidence.

Fifth—Conviction of any offense involving moral turpitude in which case the record of such conviction shall be conclusive evidence.

Fifth (a)—The purchase, sale or barter, or offering to purchase, sell or barter any medical degree, or any degree, diploma, certificate or transcript made or purporting to be made, pursuant to any laws regulating the license and registration of physicians under this act, or any prior medical practice act, passed by the Legislature of the State of California, or the altering with fraudulent intent, in any material regard, a diploma, certificate or transcript, or the use of any such diploma, certificate or transcript that has been purchased, fraudulently issued, counterfeited or materially altered.

Fifth (b)—The impersonation or acting as proxy in any examination required under the medical practice act of any applicant for a certificate provided for in the medical practice act. “Unprofessional conduct” defined.

Fifth (c)—The adjudication of insanity by a superior court in which case the record of such adjudication or judgment or order of commitment shall be conclusive evidence; *provided, however*, that a licentiate whose license has been revoked for the foregoing cause may, upon restoration to or declaration of sanity, apply to the board of medical examiners for a restoration of his certificate (license).

Fifth (d)—The procuring by fraud or misrepresentation of any certificate provided for in this act or any prior medical practice act.

Sixth—Habitual intemperance or excessive use of cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, or chloral hydrate or any of the salts, derivatives or compounds of the foregoing substances.

Sixth (a)—The prescribing, selling, furnishing, giving away or administering or offering to prescribe, sell, furnish, give away or administer any of the drugs or compounds mentioned in the sixth subdivision hereof, to a habitue or addict, except that this shall not apply to the emergency treatment of a patient whose addiction is complicated by the presence of incurable disease, serious accident or injury, or the infirmities attendant upon age; *and provided, further*, that this shall not apply to the treatment of habitues or addicts in institutions approved by the state board of medical examiners where the patient is kept under restraint and control, or in city or county jails or state prisons; *and provided*, that in all cases covered by the exceptions hereto the drugs are administered or applied by a licensed physician and surgeon of this state or a registered nurse acting under his instructions and supervision.

Seventh—The personation of another licensed practitioner or permitting or allowing another person to use his certificate in the practice of any system or mode of treating the sick or afflicted.

Seventh (a)—Employing directly or indirectly any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted or the aiding or abetting any unlicensed person to practice any system or mode of treating the sick or afflicted.

Eighth—The use, by the holder of any certificate, in any sign or advertisement in connection with his said practice or in any advertisement or announcement of his practice, of any fictitious name, or any name other than his own.

Ninth—The use, by the holder of a “drugless practitioner certificate” of drugs or what are known as medicinal preparations, in or upon any human being, or the severing or penetrating by the holder of said “drugless practitioner certif-

icate" of the tissues of any human being in the treatment of any disease, injury, or deformity, or other physical or mental condition of such human being, excepting the severing of the umbilical cord.

Tenth—Advertising, announcing or stating directly, indirectly, or in substance, by any sign, card, newspaper, advertisement or other written or printed sign or advertisement, that the holder of such certificate or any other person, company, or association by which he is employed or in whose service he is, will cure or attempt to cure, or will treat, any venereal disease, or will cure or attempt to cure or treat any person or persons for any sexual disease, for lost manhood, sexual weakness, or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service of, any person, firm, association, or corporation so advertising, announcing or stating.

Eleventh—The use by the holder of any certificate of any letter, letters, word, words, or term or terms used either as prefix or affix or suffix indicating that such certificate holder is entitled to practice a system or mode of treating the sick or afflicted for which he was not licensed in the State of California.

Eleventh (a)—The use by the holder of any certificate provided for in this act, or any prior medical practice act of the term or suffix "M.D." unless the said holder has been granted the degree of doctor of medicine after the completion of a full course of study as prescribed by an approved medical school in accordance with the provisions of this act or any prior medical practice act of the State of California.

Eleventh (b)—The use by the holder of any certificate provided for in this act, or any prior medical practice act of the term or suffix "D.O." unless the said holder has been granted the degree of doctor of osteopathy after the completion of a full course of study as prescribed by an approved osteopathic school in accordance with the provisions of this act or any prior medical practice act of the State of California.

Eleventh (c)—The use by the holder of any certificate issued under the provisions of this medical act or any prior medical practice act of the State of California of the term or suffix "D.S.C." unless the said holder has been granted the degree of doctor of surgical chiropody after the completion of a full course of study as prescribed by an approved school of chiropody in accordance with the provisions of this act.

Twelfth—The employment of "cappers" or "steerers" or other persons in procuring practice for a practitioner for a system or mode of treating the sick or afflicted provided for in this act.

Thirteenth—The certificate issued herein for the practice of midwifery may be revoked when it appears to the satisfaction of the board that in any case or cases that the licentiate may have treated, that due caution and circumspection was not used or that the holder of said certificate in its treatment of

any case or cases had not used proper aseptic and antiseptic precautions.

Unprofessional conduct of midwife

Fourteenth—The certificate to practice midwifery herein may be revoked upon conviction for the violation of any health statute, order or ordinance or for the neglect or refusal to comply with the health rules and regulations of any state, county, city and county, city or township.

Fifteenth—The certificate issued herein for the practice of midwifery may be revoked for the treatment by any midwife in any case of labor in which case there is a complicated vertex presentation in which said licentiate did not call or attempt to call a licentiate licensed to practice a system including the practice of obstetrics under this act or any preceding medical practice act in this state.

Sixteenth—The certificate issued herein for the practice of midwifery may be revoked for a failure to refer to a licentiate under this act or any preceding act in the State of California licensed to practice a system including obstetrics, a case which during pregnancy has, or develops any of the following conditions: A contracted pelvis or other deformity that will interfere with labor; bleeding from the uterus; swelling of the face and hands; excessive vomiting; persistent headache; dimness of vision; convulsions; or for failure to call or summon a physician if any of the following conditions exist or develop at the beginning of or during labor: Complicated presentation of a vertex (head); convulsions, excessive bleeding; prolapse of the cord; a swelling or tumor that obstructs the birth of the child; signs of exhaustion or collapse; unduly prolonged labor; or the failure to refer to a licentiate in this act or any preceding act in the State of California licensed to practice a system including obstetrics, a case, which during the lying-in period, develops the following conditions: Convulsions; excessive bleeding; foul smelling discharge (lochia); persistent rise of temperature to one hundred one degrees Fahrenheit for twenty-four hours; swelling and redness of the breasts; severe chill (rigor) with rise of temperature; inability to nurse the child; or for a failure to refer to a licentiate under this act or any preceding act in the State of California licensed to practice a system including obstetrics, a case where the child has or develops any of the following conditions: Deformities or malformations or injuries; inability to suckle or nurse; inflammation around or discharge from the navel; swelling and redness of the eyelids with a discharge of pus from the eyes (ophthalmia neonatorum); bleeding from the mouth, navel or bowels, inability to urinate.

Seventeenth—The certificate issued herein for the practice of midwifery may be revoked for the treatment by the said midwife licentiate known as the introduction of the hand into the vagina or uterus to remove placenta or membranes.

Eighteenth—The certificate issued herein for the practice of midwifery may be revoked for the failure to have the follow-

ing equipment (in each case): Nail brush; wooden or bone nail cleaner; jar of green or soft castile soap; rubber gloves; tube of sterile vaseline; clinical thermometer; agate or glass douche reservoir; two rounded vaginal douche nozzles; two rectal nozzles, large and small; one soft rubber catheter; blunt scissors for cutting cord; either lysol, carbolic acid or bichloride of mercury tablets; boric acid powder; one per cent solution of nitrate of silver; medicine dropper; narrow tape or soft twine for tying cord; absorbent cotton (preferably in one-quarter pound packages); no other instruments are to be used by a midwife.

CHAPTER 312.

An act to amend the Political Code by adding thereto a new section to be numbered 4041m, empowering boards of supervisors of the counties of the state to lease any land owned by the county for the drilling of oil and gas, and the extraction of other minerals.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

New section. SECTION 1. A new section is hereby added to the Political Code to be numbered section 4041m and to read as follows:

Lease of county lands for mining operations. 4041m. The boards of supervisors, in their respective counties shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law, to lease for the production of oil, gas and other hydrocarbons or for the mining of any other minerals whatsoever, in tracts of such size and shape as the board of supervisors may determine, any land owned by the county where such lands contain, in the judgment of the supervisors, oil, gas and other hydrocarbons, or other minerals in commercial quantities; *provided*, that no land used, owned, dedicated or acquired by purchase, condemnation, gift, or otherwise, as a public park, highway, street, walk, or public play ground shall be so leased; *provided, also*, that no land owned or under the jurisdiction of the county lying within three hundred feet above the line of high tide, or at any point below the line of high tide, of the Pacific ocean, or any arm, bay, or inlet of the Pacific ocean shall be leased, for the drilling for and production of petroleum products, or other minerals. Before executing a lease of any such property, the supervisors shall in open meeting, by not less than a two-thirds vote of its members, adopt a resolution declaring its intention to lease the same, which resolution shall describe the property proposed to be leased in such manner as to identify it, and shall specify the minimum rental and term for which it will be leased, and fix a time not less than three weeks thereafter and place for a public meeting of said supervisors, at which meeting sealed proposals to lease will be

Lands excepted.

Procedure.

received and considered. Said resolution shall, before the date of such meeting, be published once a week for three successive weeks in one or more newspapers of general circulation in the county where said property is situated. At the time and place fixed in said resolution for the meeting all sealed proposals which have been received shall in public session be opened, examined and recorded by said board, and the property may be leased to the highest responsible bidder in the judgment of the board; *provided*, that the board may, should it deem such action for the best public interest, at any time reject any and all bids and withdraw such property from lease. Any order to lease made hereunder by said supervisors shall authorize and direct the execution and delivery by the chairman or other presiding officer of a lease to the lessee. Any money accruing from such leases shall be paid into the general fund of the county treasury for the use of the county.

Disposition
of funds.

CHAPTER 313.

An act to amend section 4300b of the Political Code, relating to sheriff's fees.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 4300b is hereby amended to read as follows:

Stats. 1923,
p. 20,
amended
Sheriff's
fees.

4300b. For serving any process, writ, order, or paper, except as in this section provided, required by law to be served by the sheriff, fifty cents.

For serving a writ of attachment, execution, or order for the delivery of personal property, one dollar.

For taking any bond or undertaking, fifty cents.

For serving an attachment or execution on any ship, boat, or vessel, three dollars.

For keeping and caring for property under attachment or execution, such sum as the court may fix; *provided*, that no greater sum than five dollars per day shall be allowed to a keeper when necessarily employed.

For a copy of any writ, process, or paper actually made by him, when required or demanded according to law, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For advertising sale of property and posting notice, exclusive of cost of publication, or furnishing notice for publication, each, fifty cents.

For publication of notice in newspaper, the reasonable cost of publication, subject to the approval of the court.

For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupant, one dollar and fifty cents.

For subpoenaing witnesses, including copy of subpoena, each, twenty-five cents.

For summoning trial jury of twelve or less, two dollars; for each additional juror, ten cents.

For traveling in the service of any paper required by law to be served, for each mile actually and necessarily traveled, one way only, fifteen cents, when such travel can be made by rail; in other cases twenty-five cents. No constructive mileage to be allowed.

For collecting money on execution, with or without levy, one per cent on the first thousand dollars or less, and one-half of one per cent on all sums over one thousand dollars.

For executing and delivering sheriff's deed, one dollar and fifty cents.

For executing and delivering certificate of sale, fifty cents.

For transporting prisoners to the county jail, the actual cost of such transportation.

For executing and delivering any other instrument, ten cents per folio.

CHAPTER 314.

An act to repeal section 2572 of the Political Code, relating to the board of harbor commissioners of the port of Eureka on Humboldt bay and to the officers and employees thereof.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

Repealed. SECTION 1. Section 2572 of the Political Code is hereby repealed.

Construction. SEC. 2. Nothing contained in this act shall be interpreted as indicating that any part or portion of said section 2572 of the Political Code has not been heretofore repealed.

CHAPTER 315.

An act to amend section 384 of the Penal Code, relating to fires.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

Stats. 1927, SECTION 1. Section 384 of the Penal Code is hereby
p. 413, amended to read as follows:
amended.

384. Any person who shall wilfully or negligently commit any of the acts hereinafter enumerated in this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars, or imprisonment in the county jail not more than six months, or by both such fine and imprisonment: Punishment

(1) Setting fire, or causing or procuring fire to be set to any forest, brush or other inflammable vegetation growing on lands not his own, without the permission of the owner of such land or lighting, maintaining or using a camp fire upon any brush, grass or forest covered land which is the property of another between May first and October thirty-first of any year without first obtaining a written permit from the owner, lessee or agent thereof, unless he possesses a written camp fire permit duly issued by or under the authority of the United States forestry service for use in a territory under the jurisdiction of said United States forest service adjacent to said property of another and is fully complying with all the rules and regulations of the United States forestry service. Wilful or negligent use of fire.

(2) Allowing fires to escape from the control of the persons having charge thereof, or to spread to the lands of any person other than the builder of such fire without using every reasonable and proper precaution to prevent such fire from escaping.

(3) Burning brush, stumps, logs, fallen timber, fallows, slash, or grass, brush or forest covered land or any other inflammable material or blasting with dynamite, powder or other explosives, or setting off fireworks of any kind in forest, fallows, grass or brush covered land, either on his own land or the property of another, between May fifteenth and October thirty-first of any year, unless such burning is done under a written permit from the state forester or his duly authorized agent, and in strict accordance with the terms of the permit; *provided, however*, that no written permission shall be necessary to burn inflammable material in small heaps or piles, where the fire is set on a public road, in door yard premises, corrals, gardens, or plowed fields, at a distance not less than one hundred feet from any woodland, timber, or brush covered land or field containing dry grass or other inflammable material; *and provided, also*, that there shall be at least one adult person in actual attendance and in charge of such fire at all times during its burning.

(4) Setting a backfire, or causing such backfire to be set, except under the direct supervision or permission of a state or federal forest officer, unless it can be established that the setting of such backfire was necessary for the purpose of saving life or valuable property.

(5) Throwing or placing any lighted cigarette, cigar, ashes or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where such lighted cigarette, cigar, match, ashes or other flaming or glowing substance, or other substance or thing, may directly or indirectly start a fire.

(6) Throwing from a moving vehicle any lighted cigarette, cigar, ashes or other flaming or glowing substance, or any substance or thing which may cause a fire.

Use of
fire-producing
machinery

(7) Using any logging locomotive, donkey or threshing engine, or any other engine or boiler, in or near any forest, brush, grass, grain or stubble land, unless he shall prove upon the trial, affirmatively, that such engine or boiler used by him was provided with adequate devices to prevent the escape of fire or sparks from smokestacks, ashpans, fire-boxes, or other parts and that he has used every reasonable precaution to prevent the causing of fire thereby.

(8) Harvesting grain or causing grain to be harvested by means of a combined harvester, header, or stationary threshing machine, or baling hay by means of a hay press, unless he shall keep at all times in convenient places upon each said combined harvester, header, or stationary threshing machine, or hay press, fully equipped and ready for immediate use, two suitable chemical fire extinguishers, approved by the underwriters' laboratories, each of the capacity of not less than two and one-half gallons.

(9) Operating or causing to be operated any gas tractor, oil-burning engine, gas-propelled harvesting machine or auto truck in harvesting or moving grain or hay, or moving said tractor, engine, machine or auto truck in or near any grain or grass lands, unless he shall maintain attached to the exhaust on said gas tractor, oil-burning engine or gas-propelled harvesting machine an effective spark-arresting and burning carbon-arresting device.

(10) Use of steam-operated engines in woods. Using or operating by any person, corporation or company between May fifteenth and October thirty-first of each year, any wood or coal-burning steam-operated donkey or stationary engine in any woods operation, located in any forest or brush covered land, without first clearing away all inflammable material, including snags, from an area of at least one hundred feet in radius about such engine, unless substitute fire prevention measures are adopted that meet with the approval of the state forester; *provided*, that loaders may be operated where inflammable material has been removed from an area of twenty-five feet radius from machine, and snags have been felled and tops of rotten wood covered with mineral earth within a radius of fifty feet from such loader.

Using or operating by any person, corporation or company between May fifteenth and October thirty-first of each year, any gas, steam or electrically-driven donkey or stationary engine in any woods operation located in any forest or brush covered lands, without providing and maintaining at all times, for fire-fighting purposes only, a suitable box containing sufficient tools to equip ten men for fire fighting, among which tools there shall be not less than five shovels and two axes at each engine so operated. *It is provided, however*, that when two or more such engines are working within a distance of

three hundred feet from each other, that only one such box equipped as above may be maintained.

Using or operating by any person, corporation or company between May fifteenth and October thirty-first of each year, any steam-operated donkey, stationary engine, locomotive or loader without providing such engines with an adequate force pump or water under pressure equivalent to a pump, and not less than two hundred feet of hose, of not less than one inch in diameter; *provided, however*, that where two stationary or donkey engines customarily operate within one hundred feet of each other, that one engine only need be equipped with pump and hose.

It is provided that the requirements of this section shall not apply to logging operations in the redwoods (*sequoia sempervirens*) region.

(11) Refusing or failing to render assistance in combating a forest fire at the summons of the state forester, deputy state forester, assistant state forester, or any state forest inspector, state ranger, or state fire warden, unless prevented from so doing by sickness or other physical disability. Refusing to fight forest fire

(12) Leaving a camp fire burning or unextinguished without some person in attendance, or allowing such fire to spread after being built. Leaving camp fire

(13) The provisions of this act shall not apply to the customary use of fire and powder in logging operations in the redwood region (*sequoia sempervirens*) nor to the setting of fire on lands within any municipal corporation of the state. Exceptions

CHAPTER 316.

An act to amend section 18b of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909 (Stats. 1909 page 551), as amended, relating to annexation of districts by cities.

[Approved by the Governor May 18, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 18b of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement Stats 1927. p 730. amended.

of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, as amended, is hereby amended to read as follows:

District
annexed
to city.

Sec. 18b. Upon the inclusion of all of the territory embraced in any such lighting district within one or more unincorporated cities, either by reason of annexation proceedings or by reason of the incorporation of one or more cities, all funds paid into the lighting fund of such district in the county treasury shall be paid over by the board of supervisors of such district as follows: If the whole of such district is so included within one incorporated city, such funds shall be paid to the treasurer of said incorporated city, and administered by the legislative body thereof, and said legislative body shall have all of the powers and perform all of the duties granted to or imposed upon the board of supervisors of the county in which such district is located and of the board of supervisors of said district and shall carry out the provisions of this act as to such district to the same purpose and extent as if originally constituted the governing body thereof under the provisions of this act, and shall become liable for all outstanding liabilities of said district incurred prior to its inclusion within such incorporated city; if the whole of such district is so included within more than one incorporated city, then such proportionate part of such funds shall be paid to the treasurer of each such incorporated city within which a portion of the district is so included as the area of that portion of the district included therein bore, before being so included, to the total area of the district, as it existed before any of such inclusions and such funds so paid shall be administered by the legislative body of each such incorporated city, and each said legislative body shall have all the powers and perform all of the duties, so far as that portion of the district within its boundaries is concerned, granted to or imposed upon the board of supervisors of the county in which such district is located and of the board of supervisors of said district and shall carry out the provisions of this act as to the portion of the district included within its boundaries to the same purpose and extent as if originally constituted the governing body thereof. Each such incorporated city shall become liable for its proportion, computed as provided in this section, of all the outstanding liabilities of said district incurred prior to its inclusion within such cities.

Upon the expenditure of the funds and the discharge of the obligations and liabilities of any such lighting district, the whole of which has been included within one or more incorporated cities, such district shall ipso facto be dissolved with the same force and effect as if dissolved under the provisions of section 18 of this act.

Part of
district
annexed

If less than the whole of such district shall be included within one or more incorporated cities, either by reason of annexation proceedings or by reason of incorporation proceedings, the district shall continue in existence and shall

continue to function without being affected thereby, unless the same shall be dissolved upon petition as in this act provided, and the board of supervisors may levy a special tax upon all of the taxable property within the limits of such lighting district for the purposes and in the manner provided in this act, the same as though all of such property was situated in the unincorporated territory of the county, and with the same effect.

In case a portion of the territory embraced in any such lighting district has been detached therefrom prior to the twenty-ninth day of July, 1927, by reason of either annexation or incorporation proceedings, and the portion of the territory of such district remaining unannexed or unincorporated has been dissolved instead of continuing its existence as a lighting district, and subsequently moneys have been and continue to be paid in to the fund of such district by reason of the collection of delinquent taxes or otherwise, a portion of such subsequent fund accretions, determined as directed by this section as it existed at the time of such annexation or incorporation, shall be and continue to be paid to the city or cities within which such detached portion of such district was included, and the remainder of such moneys shall be and continue to be paid into the road fund of the road district within which the remaining unannexed or unincorporated portion of such district lay.

Annexation
or incorpo-
ration in
part and
dissolution
in part

CHAPTER 317.

An act to enable municipalities to contract with the county to exercise fire protection functions in municipalities and to reimburse the county for such services.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

SECTION 1. The board of supervisors of any county wherein a county fire warden has been appointed shall have power to contract with any incorporated city, or town, or chartered city within such county and such incorporated city, town, or chartered city therein, through its board of trustees, council, or other legislative body, shall have power to contract with such county for the performance by the county fire warden of any or all functions for the prevention and suppression of forest fires. Whenever such contract has been duly entered into the county fire warden and his deputies and assistants may thereupon exercise the same powers and duties within such city, or town, or chartered city as are conferred upon officers charged with the duty of preventing and suppressing forest fires; by state law and local ordinance within such city or county. In any such contract the city,

Contracts
between
municipal-
ities and
counties for
services of
fire warden.

town or chartered city shall have power and authority to provide for the payment by such incorporated city, or town, or chartered city to the county of such consideration as may be agreed upon, the same to be paid to the county treasurer of the county.

"Forest fire"
defined

SEC. 2. The term "forest fire" as used in this act, means any fire burning uncontrolled on any lands covered wholly, or in part by timber, brush, grass, grain, or other inflammable vegetation.

CHAPTER 318.

An act to add new sections to the Political Code to be numbered 363k, 363l, and 363m, creating a division of motor vehicles in the department of public works, and providing for the administration thereof.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

New section

SECTION 1. A new section is hereby added to the Political Code to be numbered 363k and to read as follows:

Division
of motor
vehicles

363k. There is hereby created in the department of public works an additional division to be known as the division of motor vehicles. This division shall be in charge of a chief who shall be appointed by and hold office at the pleasure of the director of the department of public works, shall receive a salary of five thousand dollars per annum, and before entering upon the duties of his office shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars.

New section.

SEC. 2. A new section is hereby added to the Political Code to be numbered 363l and to read as follows:

Succession
to duties,
etc., of
other
departments

363l. The department of public works shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the motor vehicle department of California, the superintendent of the motor vehicle department of California and the division of motor vehicles under the department of finance including all those certain duties, powers, purposes, responsibilities and jurisdiction of the department of finance which were heretofore transferred to said department from the motor vehicle department and the superintendent of the motor vehicle department.

Except as herein otherwise provided, whenever, by the provisions of any statute or law now in force or that may hereafter be enacted, a duty or a jurisdiction is imposed or an authority conferred upon the motor vehicle department, the superintendent of the motor vehicle department or the division of motor vehicles of the department of finance, or any of the offices or deputies thereof or either thereof, such

duty, jurisdiction and authority are hereby imposed upon and transferred to the department of public works with the same force and effect as though the title of the department of public works had been specifically set forth and mentioned therein in lieu of the name of any such board, commission, office, officer, deputy or employee thereof as the case may be.

For the purposes of this article the terms "motor vehicle department," "division of motor vehicles," "division of motor vehicles of the department of finance" or similar designation, and of the several members, officers or employees of such board, office, or division when used in any statute or law now in force or that may hereafter be enacted shall be construed to mean and refer to the department of public works the same as though the title of the department of public works had been specifically set forth and named therein.

Terms to refer to department

SEC. 3. A new section is hereby added to the Political Code to be numbered 363*m* and to read as follows:

New section

363*m*. From and after the date upon which this act takes effect, the department of public works shall be in possession and control of all records, books, papers, offices, equipment, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of the division of motor vehicles or the division of motor vehicles of the department of finance. The department of public works is hereby authorized and empowered to expend the money in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of all the statutes the administration of which is hereby committed to the department of public works, or for the use, support or maintenance of the division of motor vehicles or of the division of motor vehicles of the department of finance, such expenditures by the department of public works to be made in accordance with law in carrying out the purposes for which such appropriations were made or such special funds created.

Possession of property

CHAPTER 319.

An act to amend section 637½ of the Penal Code, relating to protection of fish and game.

[Approved by the Governor May 18, 1929 In effect August 14, 1929]

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

SECTION 1. Section 637½ of the Penal Code is hereby amended to read as follows:

Stats 1919, p 719, amended. "Predatory animals "

637½. Where the words "predatory animals" occur in this chapter, the following animals only shall be considered predatory animals: The order Insectivora (moles, shrews), the family Canidae (wolves, coyotes, foxes), the family Procyo-

nidae (ringtail cats, coons), the family Mustelidae (martens, fishers, wolverines, weasels, minks, skunks, badgers), the family Felidae (cougars, wildcats, jackrabbits), the order Rodentia (rats, mice, gophers), except the families Scuridae and Petauristidae (tree squirrels, flying squirrels), the black-tailed jack-rabbit of the order Lagomorpha; the cottontail rabbit and the brush rabbit of the family Leporidae in fish and game districts four, nineteen and twenty-one; and the following species of birds: blue jays, English or European house sparrow, great horned owl, sharp-shinned hawk, Cooper's hawk, duck hawk, house finch, commonly known as California linnet, crow and black-billed magpie.

CHAPTER 320.

An act to amend section 90⁵ of the Code of Civil Procedure, relating to writs of execution.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

Stats 1921,
p 123,
amended.
Contents of
execution

SECTION 1. Section 902 of the Code of Civil Procedure is hereby amended to read as follows:

902. The execution must be directed to the sheriff or to a constable of the county in which it is to be served, and must be subscribed by the justice and bear date of issuance thereof. It must intelligibly refer to the judgment, by stating the names of the parties, and the name of the justice before whom, and of the county and the township or city where, and the time when it was rendered; the amount of judgment, if it be for money; and, if less than the whole is due, the true amount due thereon. It must contain, in like cases, similar directions to the sheriff or constable, as are required by the provisions of title nine, part two, of this code, in an execution to the sheriff.

CHAPTER 321.

An act to amend section 905 of the Code of Civil Procedure relating to proceedings supplementary to execution.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

Stats 1921,
p 123,
amended.

SECTION 1. Section 905 of the Code of Civil Procedure is hereby amended to read as follows:

905. The sections of this code, from 714 to 721, both inclusive, are applicable to justices' courts, the word "constable" being substituted, to that end, for the word "sheriff," whenever the writ is directed to a constable, and the word "justice" for "judge." If the judgment debtor does not reside in the county wherein the judgment was entered, an abstract of the judgment, in the form prescribed by section 897, may be filed in the office of the justice of any town, township, or city wherein the defendant resides, and such justice may issue execution on such judgment, and may take and exercise such jurisdiction in proceedings supplemental to execution, as if such judgment were originally entered in his court.

Proceedings
supplement-
ary to
execution

"Service outside of county." Where an execution issued by a justice court is to be served out of the county in which it was issued, the execution shall have attached to it a certificate under seal, by the county clerk of such county to the effect that the person issuing the same was an acting justice of the peace or a clerk of the justice court of said county at the date of the writ. Thereafter such execution may be served and levied against any property in any county of the state by the sheriff or any constable therein.

Service
outside of
county.

CHAPTER 322.

An act to amend section 3 of an act entitled "An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the state dairy bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith," approved April 15, 1919, relating to containers used for the sale of imitation milk.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 3 of an act entitled "An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the state dairy bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith," approved April 15, 1919, is hereby amended to read as follows:

Stats. 1919,
p. 89,
amended

Sec. 3. Each person, who by himself, or another, lawfully manufactures any imitation milk, or any substitute that may be used as and substituted for milk or condensed or evaporated milk, shall mark the same by printing, stamping or stenciling upon the top, if the top be of sufficient size and upon the sides of each case, box, carton, or other package, in which that article

Imitation
milk to be
labeled.

or substance shall be kept, and in which it shall be removed from the place where it is produced or put up in a clear manner, in the English language, the words "imitation milk," in printed letters in plain roman type, each of which shall not be less than one inch in height and one-half inch in width, and in addition to the above shall prepare a statement, printed in plain roman type of a size not smaller than pica, stating in the English language its name, and the name and address of the manufacturer, the name of the place where manufactured or put up, and also the names of the various ingredients and the actual percentages of fat contained in said imitation milk and the percentage of milk fat, if any; and shall place a copy of said statement within and upon the contents of each case, box, carton, or other package, and next to that portion of each case, box, carton, or other package as is commonly and most conveniently opened, and in addition thereto shall label each bottle, can, container, or other package containing imitation milk with the words "imitation milk" printed in black-face plain roman capital letters of a size not less than twelve point, and said words shall appear upon the main or principal label of said bottles, cans, containers, or other packages containing any imitation milk.

CHAPTER 323.

An act to provide for the payment of actual and necessary traveling expenses of employees of school districts.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 324.

An act to amend sections 5 and 8 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of levee district number one of Sutter county," approved March 20, 1874, as amended, relating to the election and recall of directors and the levy and collection of taxes.

[Approved by the Governor May 18, 1929 In effect August 14, 1929.]

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

Stats. 1923,
p. 775,
amended

SECTION 1. Section 5 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of levee district number one of Sutter County," approved

March 20, 1874, as amended, is hereby amended to read as follows:

Sec. 5. All elections hereafter held in said levee district Elections
 for the election of directors shall be held at the same time and places within said Sutter county as the general state or county elections are held, and be conducted by the same election officers as shall hold and conduct such general elections, but separate ballot boxes and separate poll lists shall be provided and kept for such elections for directors, and separate returns thereof shall be made to the board of supervisors, and shall be by it canvassed and disposed of as provided for canvassing and disposing of the returns for the election of county officers. Only electors of said district who are owners of record of real estate situate in said district at the date of such election shall be entitled to vote at such elections. The directors of the district shall, at least five days before the date of any election therein for district purposes, prepare or cause to be prepared from the public records of Sutter county a list of electors arranged in alphabetical order who are owners of real property in said district at the time of the preparation of such list, and shall certify the same or cause the same to be certified and a copy of the list so certified shall be delivered to each election board in said county where electors of said district are registered immediately prior to the date of any election to be held therein, and no elector shall be permitted to vote at any election in said district unless his or her name appears on said list unless such elector shall, before offering to vote, furnish the election board with an affidavit, subscribed and sworn to by such elector before a notary public, or other officer authorized to administer oaths, showing that such elector is the owner of real property situate within said district. The clerk of the board of directors shall furnish to the county clerk uniform ballots for the election of levee directors, and no other form of ballot shall be used. The form of ballot shall be substantially as follows:

Qualifications of electors

List of electors

Ballots.

Official ballot provided by the board of directors of levee district number one for the election of directors. Form of ballot

Immediately following the above there shall be spaces in which shall be inserted the names of each candidate for levee director who has officially announced himself ten days prior to the date of the election by filing or having filed with the clerk of the board of directors a written statement that he is a candidate for the office of director. There shall also be a blank space for the writing in the name of any person for whom the elector desires to vote and whose name is not printed on the ballot. The ballots shall be lined and each space shall have a blank square for the expression of the will of the voter. The clerk of the board of directors shall also furnish to the county clerk all other necessary supplies, and the supplies and ballots shall be distributed by the county clerk together with

Recall of
members
of board

the general election supplies. Any member of the board of directors of said levee district may be removed or recalled at any time by the electors of the district who are owners of record of real estate situate in the district, and in the manner, in so far as applicable, prescribed by the provisions of section 4021a of the Political Code.

Tax collector,
treasurer and
assessor

The treasurer of Sutter county shall be ex officio tax collector and ex officio treasurer of such district. The assessor of Sutter county shall be ex officio assessor of said district.

Stats 1923,
p. 776,
amended.
Annual
meeting
of board.

SEC. 2. Section 8 of said act is hereby amended to read as follows:

Sec. 8. The board of directors must meet on the first Monday in July of each year in which an assessment is made to examine the assessment roll and equalize the assessment of property of said district. It must continue in session for that purpose, from time to time, until the business of equalization is disposed of but not later than the third Monday in July.

Equalizing
assessments

The board has power, after giving notice in such manner as it may by rule prescribe, to increase or lower the entire assessment roll or any assessment contained therein, so as to equalize the assessment of the property contained in said roll, and make the assessment conform to the true value of the property in money. During such session the board may correct any errors, omissions or defects in form or description in the assessment roll, and may direct the ex officio assessor of the district to assess any real property that has escaped assessment. Upon the hearing of any question arising during the course of such equalization, the board may subpoena such witnesses, and hear and take such evidence in relation to the subject pending, as in its discretion it may deem proper. The clerk shall note all alterations made in valuations or assessments, and within five days after the session have the total values, as finally equalized by the board, extended into columns, and added up, and shall forthwith deliver the assessment roll so corrected, to the county auditor. In order to find the per cent, of taxes necessary to be levied, the board shall find:

Per cent
of taxes
necessary

First—The amount necessary to pay the interest and any part of the principal that may become due for the then current year on the funded debt of said district.

Second—The probable amount that may be needed for repairs, etc.

Third—The amount needed for salaries, fees and delinquencies.

Rate fixed

Fourth—The amount of floating debt that it may be desirable to pay during the then current year; and from these several amounts shall find the rate per cent necessary to produce the probable fund needed for the ensuing year. The board of directors shall meet on the first Tuesday after the first Monday in September and fix such rate, and when so fixed, the clerk of the board shall certify the same to the county auditor. The auditor must then compute, and enter

into a separate money column in the assessment book, the respective sums, in dollars and cents, rejecting the fractions of a cent, to be paid as a tax on the property therein enumerated, and foot up the column, showing the total amount of such taxes, and on or before the fourth Monday in September said auditor must deliver said assessment book to the ex officio tax collector of the district. On delivering the assessment book to the ex officio tax collector, the auditor must charge the ex officio tax collector with the full amount of the taxes levied and unpaid. All taxes so levied shall, from the first Monday in March preceeding their levy, be a lien upon the land and property in said district, in the manner, and with the same effect, and shall be collected in the same manner and way, and at the same time, as state and county taxes, except that all of said taxes shall be collected at one time and in one installment, at the same time as the first installment of state and county taxes are collected.

Taxes a lien

All the provisions of law relative to the collection of state and county taxes, including the time for their payment, the giving of notice as to such time of payment, when they become delinquent, the penalties, cost and interest that shall accrue for their nonpayment, and the period and manner of redemption, are hereby made applicable to the collection, payment, delinquency and redemption of these taxes, except when they are inconsistent with the provisions of this section. On the first Monday of December of each year at six o'clock p.m. all taxes then unpaid, are delinquent and thereafter the tax collector must collect for the use of the district, an additional ten per cent thereon, and if they are not paid before the last Monday in April next succeeding, at six o'clock p.m. he shall collect an additional five per cent thereon.

Collection of taxes

Delinquent taxes.

Penalty.

The ex officio tax collector shall sell to the levee district for the nonpayment of taxes the property assessed for levee taxes at the same time and in the same manner as property assessed for state and county taxes, is sold to the state for the nonpayment of taxes, and if such property be not redeemed within the period of redemption provided by law for the redemption of property sold to the state for state and county taxes, the tax collector shall sell such property at public auction in the same manner as property assessed for state and county taxes and sold to the state for the nonpayment thereof, is sold at the expiration of the period of redemption.

Sale of property.

All the acts of the official charged with the levy and collection of levee district taxes, shall be given the same credence and shall have the same presumptions as to the regularity of such actions, as are given by law to the acts of officials charged with the levy and collection of state and county taxes, and all deeds executed by the ex officio shall be as conclusive evidence that the rentals therein are correct and that all acts required by law have been regularly done, and all steps required by law have been regularly taken, as is provided by

Suit for
collection
of taxes.

law in relation to deed for the sale of property for state and county taxes. It is expressly provided, however, that at any time after taxes become delinquent, the board of directors may commence and maintain in the superior court of Sutter county a civil action in the name of the district and against all proper parties for the recovery of such delinquent taxes and penalty, with legal interest thereon and costs, and for the enforcement of the lien thereof on the land assessed. For the information of the board the ex officio tax collector shall, when required, furnish said board with a complete list of all delinquent taxes, and of the persons owing the same, and with a certified copy of any assessment contained in the assessment roll.

Parties
defendant.

In such action any person holding or claiming any interest in the land upon which such taxes were levied, or who is a proper or necessary party to a complete determination of any question involved in the action, may be joined as defendant. In any action brought to collect such tax, or to enforce such lien, the district assessment roll, or a copy of any assessment thereon, certified by the ex officio tax collector, shall be prima facie evidence of the matters therein contained, that the assessment of said property and the equalization thereof, and the levy of such taxes, were legally made, and that the officers making the same were duly authorized by law to make the same. Notice of the pendency of such action may be filed in the office of the county recorder of Sutter county at any time after such action is commenced, containing matters required by section 409 of the Code of Civil Procedure of California, and with like effect as in other actions affecting real property; and, except as herein otherwise provided, the rules governing civil procedure in other actions, as expressed in said code, shall prevail in such action. In such action the court may decree and adjudge a lien against the land for the amount of taxes levied against the same, together with the delinquent penalty and all costs of suit, which costs shall include reasonable attorney's fees, to be fixed by the court, and may order the land to be sold as in other cases, to satisfy such lien. All taxes, penalties and costs collected by virtue of this act shall be forthwith paid into the treasury of Sutter county to the credit of said district.

Notice and
procedure

CHAPTER 325.

An act to add three new sections to be numbered 10½, 13 and 14 of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, as amended, relating to withdrawal and annexation of territory in public cemetery districts and

creating a perpetual care fund to provide for the perpetual care of burial lots in cemeteries therein.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section to be numbered 10½ is hereby added to an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, to read as follows:

Stats. 1921, p. 1103, amended.

Sec. 10½. The board of trustees shall have power upon a two-thirds vote of the whole of said board to establish and create a fund to be known as "the perpetual care fund," and for this purpose may set aside, use and apply from any unexpended funds such sum as in the judgment of said board may be necessary or expedient to provide for the perpetual care of the burial lots in said cemetery and for this purpose may receive property by grant, gift, devise, or any other method; *provided, however*, that no part of the tax levy provided for in section 9 of said act shall be used for this purpose.

"Perpetual care fund."

The board of trustees is hereby empowered and authorized to invest and reinvest the principal of said fund in such income producing securities as may be approved by the treasurer and district attorney of the county in which said cemetery district is situated; *provided*, that no part of the principal of said fund shall be expended for the care of said lots, but such expenditures shall be limited to the income thereof; *and provided, further*, that the board of trustees shall annually on or before the first day of July, file with the board of supervisors of the county in which said cemetery district is situated, an itemized report of the receipts and expenditures from such fund; *and provided, further*, that all moneys received from the income of said fund shall be deposited in the county treasury of the county in which said cemetery is situated in a separate fund to be known as "the perpetual care fund," the same to be expended solely for the purpose herein specified upon warrants issued by the county auditor on orders signed by not less than two of said cemetery trustees.

Investment of principal

Expenditure of income

Report.

SEC. 2. A new section to be numbered section 13 is hereby added to said act to read as follows:

Stats. 1921, p. 1105, amended.

Sec. 13. Any portion of a public cemetery district which will not be benefited by remaining within such district may be withdrawn therefrom as in this section provided, upon receiving a petition signed by fifty or more freeholders residing in, or owning property within the portion desired to be withdrawn from any public cemetery district or by a majority of such freeholders, if there are less than one hundred freeholders within the portion sought to be withdrawn, requesting withdrawal of such portion from the district on the ground that such portion will not be benefited by remaining in said district, the board of supervisors shall fix a time for the hearing of

Withdrawal from district.

Procedure

such petition and for hearing protest to the continuance of the remaining territory as a public cemetery district, which shall not be less than ten days nor more than sixty days after the receipt thereof. The said board shall, at least thirty days prior to the time so fixed, publish a notice of such hearing by one insertion in a newspaper, circulated in said district, which the board deems most likely to give notice to the inhabitants thereof of the proposed withdrawal.

Hearing

Any person interested may appear at said hearing and object to the withdrawal of said portion from said district, and may object to the continuance of the remaining territory as a public cemetery district, and the board of supervisors shall consider all objections and shall pass upon the same and if it finds that said portion of the district sought to be withdrawn will not be benefited by remaining within said district, and that the territory not sought to be withdrawn will be benefited by continuing as a public cemetery district, then it shall grant said petition.

Stats 1921,
p 1103,
amended
Altering
district
boundaries

SEC. 3. A new section to be numbered section 14 is hereby added to said act to read as follows:

Sec. 14. The boundaries of any such public cemetery district may be altered and outlying districts, whether the same be in one or more counties, be annexed thereto in the following manner: A petition signed by fifty or more freeholders within the territory proposed to be annexed, or by a majority of such freeholders if there are less than one hundred within the portion proposed to be annexed, designating the boundaries of such contiguous territory proposed to be annexed and asking that such territory be annexed to said public cemetery district, shall be presented to the board of supervisors of the county in which said public cemetery district is situated, or in case the district is in more than one county, by the board of supervisors in which the largest portion of the district is situated.

Procedure.

Notice

At their first regular meeting after the presentation of said petition, said board of supervisors shall cause notice of said petition to be published in a newspaper published and circulated in the territory sought to be annexed, if there be such a newspaper, otherwise, by posting copies of said notice in three of the most conspicuous places in said territory proposed to be annexed, for three weeks prior to the date to be fixed by said board for the hearing of said petition. Upon the date fixed for such hearing, or to which it may be continued, said board of supervisors shall take up and consider said petition and any objections which may be filed to the inclusion of any property in said district.

Powers of
board of
supervisors

Said board of supervisors shall have the power by order entered on its minutes to grant said petition either in whole or in part, and by order entered on its minutes to alter the boundaries of said public cemetery district and to annex thereto, all, or such portion of said territory described in said petition as will be benefited by inclusion in said public cemetery dis-

trict, and from and after the making of said order, which territory shall become and be a part of such public cemetery district and shall be taxed, together with the remainder of said district, for all taxes to be thereafter levied by said board of supervisors for the operation and maintenance of said public cemetery district. No territory which will not be so benefited, or which is not contiguous to said public cemetery district, or which is not described in said petition, shall be included in said district.

4

CHAPTER 326.

An act to add a new section to the Code of Civil Procedure to be numbered 1822bb, relating to sale of property of missing persons.

[Approved by the Governor May 18, 1929 In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 1822bb to read as follows: New section

1822bb. The trustee may sell any or all of the personal or real property of the missing person when it is considered by the court as being to the best interest of the estate and all parties concerned including the heirs at law or legatees, and for that purpose shall file a petition with the court asking for an order directing and authorizing said sale. This petition shall be set for hearing not sooner than ten days after the filing of said petition and notice thereof shall be given by the clerk of the court by posting a notice at the place where the court is held. Notice shall also be given by registered mail to each of the persons who would be heirs at law of the missing person, if he were dead, and if it appears that such missing person left a will, then like notice to each legatee mentioned therein, at their respective places of address, a return card being requested with each of said notices so registered in the mail. If the address of any such person is unknown said notice must be mailed as aforesaid to said person at the county seat of the county in which the court is held, and an affidavit of the trustee filed showing that such address is unknown, and stating what efforts he has made to learn the same. Sale of property
Procedure

On the day of hearing the petition proof shall be offered in behalf thereof showing the reasons for the making of said sale, and if the court finds that it will be for the best interests of all persons concerned in the estate of said missing person to have said sale made, it shall order the trustee to sell any or all said property, real, personal or both in the manner provided by this code for sales of property of deceased persons, and all the provisions of law regarding such sales shall govern Court order

the sales of property of missing persons under this section, including the provisions concerning confirmation of the sales by the court; *provided, however*, that any such sale of real property shall not take place before the expiration of eight months from the date of the appointment and qualification of the trustee.

CHAPTER 327.

An act relating to the use of public schoolhouses as civic centers.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 328.

An act to amend section 925 of the Penal Code, relative to the grand jury.

[Approved by the Governor May 18, 1929 In effect August 14, 1929]

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

Stats. 1927,
p 1156,
amended
Advice
requested
and
otherwise

SECTION 1. Section 925 of the Penal Code is hereby amended to read as follows:

Charge
involving
district
attorney.

925. The grand jury may, at all times, ask the advice of the court, or the judge thereof, or of the district attorney; but unless such advice is asked, the judge of the court must not be present during the sessions of the grand jury. The district attorney of the county may at all times appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable by them, and may interrogate witnesses before them whenever he thinks it necessary; except that when a charge against or involving the district attorney, or assistant district attorney, or deputy district attorney, or any one employed by or connected with the office of the district attorney, is being investigated by the grand jury, such district attorney, or assistant district attorney, or deputy district attorney, or either or any of them, shall not be allowed to be present before such grand jury when such charge is being investigated, in an official capacity but only as a witness, and he shall only be present while a witness and after his appearance as such witness must leave the place where the said grand jury is holding its session. The attorney general is empowered when requested so to do by the grand jury of any county or city and county, to employ special counsel and special investigators, whose duty it shall be to investigate and present the evidence in such investigation to the said grand jury of such county or city and county.

Special
counsel

The services of such special counsel and special investigators shall be a county charge of such county or city and county.

County
charge.

The grand jury, whenever criminal causes are being investigated before them, must appoint a competent stenographic reporter to be sworn and to report the testimony that may be given in such causes in shorthand, and to transcribe the same in all cases where an indictment is returned. If an indictment has been found against a defendant, a copy of the testimony given in his case before the grand jury, shall be served upon him within five days after the discharge of the grand jury, or if the grand jury has not been discharged, at least ten days before the date first set for trial; *provided*, that if the copy of the testimony shall not be served as herein provided the court shall on motion of the defendant continue the trial to such time as may be necessary to secure to the defendant receipt of a copy of such testimony ten days before such trial. The services of such stenographic reporter shall constitute a charge against the county, and such stenographic reporter shall be compensated for reporting and transcribing at the same rates as prescribed in section 274, Code of Civil Procedure, to be paid out of the county treasury on a warrant of the county auditor when ordered by the judge of the superior court. No person other than those specified in this and the succeeding section is permitted to be present during the session of the grand jury except the members and witnesses actually under examination, and no person must be permitted to be present during the expression of their opinions, or giving their votes upon any matter before them. The grand jury or district attorney may require by subpoena the attendance of any person before the grand jury as interpreter, and such interpreter may, while his services are necessary, be present at the examination of witnesses before the grand jury. The compensation for services of such interpreter constitute a charge against the county, and shall be fixed by the grand jury, in an amount not to exceed ten dollars a day and paid out of the county treasury on a warrant of the county auditor upon an order of the judge of the superior court.

Report of
testimony

Services of
reporter

Who may be
present

Interpreters

CHAPTER 329.

An act to amend section 308 of the Civil Code of the State of California, concerning the organization of boards of directors of corporations and meetings thereof.

[Approved by the Governor May 18, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 308 of the Civil Code of the State of California is hereby amended to read as follows:

Stats 1927,
p. 81,
amended.

Organization
of board.

308. Immediately after their election, the directors must organize by the election of a president, who must be one of their number, one or more vice presidents, a secretary, and a treasurer. They must perform the duties enjoined upon them by law and the by-laws of the corporation. A majority of the directors is a sufficient number to form a board for the transaction of business, and every decision of a majority of the directors forming such board, made when duly assembled, is valid as a corporate act; *provided*, that a minority of the directors, in the absence of a quorum, may adjourn from day to day, but may not transact any business.

Absence of
quorum.

CHAPTER 330.

An act to amend the state medical practice act, approved June 2, 1913, as amended, by adding thereto a new section known as section 11a, relating to the recognition of a certificate of examination issued by the national board of medical examiners of the United States.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

Stats. 1913,
p. 729,
amended.

SECTION 1. A section to be numbered 11a, is hereby added to the state medical practice act, approved June 2, 1913, as amended, to read as follows:

Issuance of
"physician
and surgeon's
certificate."

Sec. 11a. The board of medical examiners may in its discretion, with or without an oral examination given by said board, issue a "physician and surgeon's certificate" to any applicant upon payment of a fee of one hundred dollars upon the following terms and conditions and upon satisfactory proof thereof, that the applicant shall file with the board at least two weeks prior to a regular meeting thereof satisfactory testimonials of good moral character and a "Diplomate" certificate issued by the national board of medical examiners of the United States, together with such other documentary evidence that may be required by the board of medical examiners of the State of California to show that the standard of the applicant's preliminary, premedical, and professional education, as well as the standard of the national board of medical examiners on the date the "Diplomate" certificate was issued to said applicant was in no degree or particular less than that which is or may hereafter be required under section 9 and 10 of the state medical practice act for a physician and surgeon's certificate, and that the said "Diplomate" certificate was procured without fraud or misrepresentation and in addition thereto said applicant hereunder must satisfy the board that at no time has any certificate or license issued by any state or territory of the United States or issued by a foreign country to said

Recogni-
tion of
"Diplomate"
certificate.

applicant been revoked or annulled for unprofessional conduct; *and provided, further*, that the applicant who fails to receive a certificate hereunder shall be entitled to a refund of ninety dollars; *and provided, further*, that any certificate issued under the provisions of this section may be revoked for unprofessional conduct as set forth in this act; *and provided, further*, that none of the provisions of this section shall in any way affect the provisions of section 12 of this act.

Revocation.

CHAPTER 331.

An act to amend section 2322e of the Political Code, relating to county horticultural commissioners.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 2322e of the Political Code of the State of California is hereby amended to read as follows:

Stats. 1927,
p. 437,
amended.

2322e. Certain terms when used in this act shall be construed as follows:

(a) The term "county" shall include in its meaning a consolidated city and county.

Words and
phrases
defined.

(b) The term "shipment" shall mean any article or thing or articles or things which may be, are being, or have been transported from one place to another place.

(c) The term "noxious weed" shall mean any species of plant injurious to agriculture or the seeds thereof.

(d) The term "insect or other animal pests" shall mean any form of animal life which is or may be detrimental to agriculture in any of its phases, or to other property, and shall include the eggs, larvae, pupae, or other immature stages of such form of animal life.

(e) The term "plant diseases" shall mean any unhealthy condition of plants or parts thereof caused by the parasitic organisms known as fungi, bacteria and slime molds.

(f) The term "seeds" shall be construed to include any reproductive or propagative part of a plant.

(g) The term "nursery stock" shall mean any trees, shrubs, plants, vines, bulbs, cuttings, grafts, scions or buds.

(h) The term "appliance" shall be construed to mean any box, tray, container, ladder, tent, vehicle, implement, or any other article which is or may be used in connection with the growing, harvesting, handling, or transportation of any agricultural commodity.

CHAPTER 332.

An act to amend section 2322h of the Political Code, relating to county horticultural commissioners.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

Stats 1923,
p. 1207,
amended.

Disposition
of infested
shipments

Return of
infested
shipments.

Shipment
may be
delivered.

SECTION 1. Section 2322h of the Political Code of the State of California is hereby amended to read as follows:

2322h. When any shipment of nursery stock, fruits, vegetables, plants, seeds, parts of plants, plant products or their containers, or orchard appliances or farm implements or any host or other carrier of any insect or other animal pest or plant disease or noxious weed imported or brought into any county or locality in the State of California from another county or locality within said state is found to be infested or infested with a plant disease, insect or other animal pest or noxious weed which would be or be liable to be a menace to horticulture or agriculture in the State of California or any portion thereof, or there is reasonable cause to presume that said shipment may be so infested or infected, the entire shipment shall be refused delivery and shall be immediately destroyed by the said commissioner or under his direction by his deputy or inspector; *provided, however,* that if it be determined by said commissioner that the nature of such plant disease, insect or other animal pest or noxious weed be such that no damage or detriment can be caused to said horticulture or agriculture by the return of said shipment to the point of shipment, then the said commissioner or deputy or inspector who shall make the inspection shall notify in writing the owner or bailee thereof to return said shipment to the point of shipment within forty-eight hours after such notification, and it shall be the duty of such owner or bailee, at his own expense, to so return said shipment and under the direction and control of said commissioner, and if said owner or bailee shall fail to do so within the time specified, it shall be the duty of the said commissioner to destroy the same; *provided further, however,* that if such plant disease, insect or other animal pest, or noxious weed may be exterminated or controlled by such treatment or processing or other like procedure as may be prescribed by the commissioner of the county into which said shipment has been brought, and if it shall be determined by said commissioner that the nature of the plant disease, insect or other animal pest or noxious weed be such that no damage can be caused to horticulture or agriculture in the State of California or any portion thereof through such treatment or processing or other like procedure, such shipment may be so treated, processed or subjected to other like procedure at the expense of the owner or bailee of said shipment in a manner and within a time satisfactory to the commissioner, and under

his supervision and if so treated, processed or subjected to other like procedure, said shipment may be delivered to the consignee.

CHAPTER 333.

An act to amend the "California irrigation district act" by amending section 18 thereof, relating to the distribution of water, so as to provide for the sale or lease of surplus water.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 18 of the California irrigation district act is hereby amended to read as follows:

Stats 1919,
p 661,
amended

Sec. 18. It is hereby expressly provided that all waters distributed for irrigation purposes shall be apportioned ratably to each landowner upon the basis of the ratio which the last assessment of such owner for district purposes within said district bears to the whole sum assessed upon the district; and any landowner may assign the right to the whole or any portion of the waters so apportioned to him; or the board of directors of said district may, if they deem it for the best interest of the district, enter into a contract for the lease or sale of any surplus water, or the use of such water, not then necessary for use within the said district for any lawful purposes, for use either within or without the district; *provided, however,* that no right in such or any water owned by the district shall thereby be acquired by user; *and provided, further,* that nothing in this section shall be construed as authorizing the sale of any water right. *Provided, further,* that when any rates of toll and charges for the use of water are fixed by the board of directors, as provided in section 55 of this act, the water for the use of which such rates of toll and charges have been fixed, shall be distributed equitably, as may be provided by the board of directors, among those offering to make the required payment therefor; *and provided, further,* that if an irrigation district has contracted to deliver, and is delivering, water to mutual water companies for distribution to territory served thereby, the water shall be appropriated on such a basis as the board of directors shall find to be just and equitable and for the best interests of all parties concerned. Any lease or contract entered into for a period of more than one year shall not be valid unless approved by the California bond certification commission.

Apportion-
ment of
water.

Surplus
water

CHAPTER 334.

An act to amend section 4149a of the Political Code, relating to the duties of the live stock inspector.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

Stats 1907,
p. 398,
amended
Duties of
live stock
inspector

SECTION 1. Section 4149a of the Political Code is hereby amended to read as follows:

4149a. Duties of. It shall be the duty of the live stock inspector, acting under the supervision of the state veterinarian, to enforce all laws of the State of California, and all orders and ordinances of the board of supervisors of his county pertaining to the health and sanitary surroundings of all live stock in his county, and for that purpose he is hereby authorized and empowered, by and with the approval of the board of supervisors, to establish, maintain, and enforce such quarantine, sanitary and other regulations as he may deem proper and necessary. He shall give to the duties of his office such time and attention as may be necessary to secure the general protection and advancement of all matters pertaining to the health and sanitary condition of the domestic live stock of his county. He shall attend such meetings as shall be deemed necessary and advisable by the board of supervisors.

CHAPTER 335.

An act providing for the employment of home teachers by governing boards of school districts.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 336.

An act to add a new section to the reclamation board act, as amended, to be numbered 5a, relating to the reclamation board.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

Stats 1911
(Ex Sess.),
p. 118,
amended.

SECTION 1. A new section to be numbered 5a is hereby added to the reclamation board act, as amended, to read as follows:

Sec. 5a. The director of finance shall be executive officer of the reclamation board for the purpose of reporting to the governor's council upon matters relating to reclamation projects and problems.

Executive
officer of
board

CHAPTER 337.

An act to add a new section to the Penal Code, to be numbered 531a, relating to fraudulent conveyances.

[Approved by the Governor May 18, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered 531a and to read as follows:

New section

531a. Every person who, with intent to defraud, knowingly executes or procures another to execute any instrument purporting to convey any real property, or any right or interest therein, knowing that such person so executing has no right to or interest in such property, or who files or procures the filing of any such instrument, knowing that the person executing the same had no right, title or interest in the property so purported to be conveyed, is guilty of a misdemeanor and is punishable by imprisonment for not more than one year or by fine of five thousand dollars or both.

Execution or
procurement
of fraud-
ulent con-
veyance

CHAPTER 338.

An act making an appropriation for minor construction, improvements and equipment at the Norwalk State Hospital, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor May 18, 1929 In effect immediately.]

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

SECTION 1. The unencumbered balance in the appropriation for construction and equipment of assembly hall and chapel and the unencumbered balance in the appropriation for construction and equipment of warehouse at Norwalk State Hospital, heretofore appropriated in and by the provision of chapter 142, statutes of 1927, is hereby reappropriated and made available for minor construction, improvements and equipment at Norwalk State Hospital.

Appropriation
Norwalk State
Hospital

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, and inasmuch as it is also necessary for the immediate preservation of the pub-

Urgency
measure.

lic peace, health and safety, it is hereby declared an urgency measure and shall, under the provisions of section 1, article four of the constitution, take effect immediately. The following is a statement of facts constituting such necessity: Certain items of minor construction, improvements and equipment must be immediately provided at the Norwalk State Hospital to properly house inmates at said institution. Without such proper housing the health and safety of these inmates will be seriously imperiled.

CHAPTER 339.

An act making an appropriation for repairs, improvements and equipment at the State Capitol Building, Sacramento, including the installation of two new elevators, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor May 18, 1929 In effect immediately]

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

Appropriation
Repairs
and improve-
ments, state
capitol
building.

SECTION 1. The sum of eighty thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for repairs, improvements and equipment at the state capitol building, Sacramento, including the installation of two new elevators.

Urgency
measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, and inasmuch as it is also necessary for the immediate preservation of the public peace, health and safety, it is hereby declared an urgency measure and shall, under the provisions of section 1, article four of the constitution, take effect immediately. The following is a statement of facts constituting such necessity: Because of the obsolete and worn out condition of the elevators in the state capitol it is necessary that they be immediately replaced with new elevators. Without such replacement the safety of the public will be seriously imperiled.

CHAPTER 340.

An act to add a new section to the Political Code to be numbered 462, relating to claims for which a warrant has been issued and paid and the amount thereof returned to the state treasury for payment by the state treasurer, and prescribing a time after which said amount shall revert to and become a part of the general fund of the state.

[Approved by the Governor May 20, 1929. In effect August 14, 1929.]

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

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 462 and to read as follows:

462. Whenever the amount of any claim against the state for the payment of which a warrant of the state controller has been issued and paid to any state department, officer, board or commission, has been returned to the state treasury by such department, board, officer, or commission, the state treasurer shall thereafter hold the same for the payment of such claim for a period of two years after such return thereof and if the said claim be not so paid within said period of time said amount so returned shall at the close of the next succeeding fiscal year revert to and become a part of the general fund of the state.

Disposition
of unpaid
moneys.

CHAPTER 341.

An act to amend section 689 of the Code of Civil Procedure, relating to execution of judgment in civil actions.

[Approved by the Governor May 20, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 689 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1925,
p 1004,
amended.

689. If the property levied on is claimed by a third person as his property by a written claim verified by his oath or that of his agent, setting out his right to the possession thereof, and served upon the sheriff, the sheriff must release the property if the plaintiff, or the person in whose favor the writ of execution runs, fails within five days after written demand, to give the sheriff an undertaking executed by at least two good and sufficient sureties in a sum equal to double the value of the property levied on. If such undertaking be given, the sheriff shall hold the property. The sheriff, however, shall not be liable for damages to any such third person for the taking or keeping of such property if no claim is filed by any such third party.

Indemnity
where
property
claimed by
third party

Such undertaking shall be made in favor of, and shall indemnify such third person against loss, liability, damages, costs and counsel fees, by reason of such seizing, taking, withholding, or sale of such property by the sheriff.

Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment. If they, or others in their place, fail to justify at the time and place appointed, the sheriff must release the property; *provided, however*, that if no exception is taken, within five days after notice of receipt of the undertaking, the third person shall be deemed to have waived any and all objections to the sufficiency of the sureties.

The sheriff may demand and exact the undertaking herein provided for notwithstanding any defect, informality or insufficiency of the verified claim served upon him.

Hearing

Whenever a verified third party claim is served upon the sheriff, upon levy of execution, the plaintiff, or the person in whose favor the writ of execution runs, shall be entitled to a hearing within twenty days therefrom, before the court having jurisdiction of the action, in order to determine title to the property in question, which hearing must be granted by the said court upon the filing of an application or petition therefor. Ten days' notice of such hearing must be given to all parties claiming an interest in the property, or their attorneys, which notice must specify that the hearing is for the purpose of determining title to the property in question. The court may continue the hearing beyond the said twenty-day period, but good cause must be shown for any such continuance.

CHAPTER 342.

An act to amend section 868 of the Code of Civil Procedure, relating to writs of attachment in justices' courts.

[Approved by the Governor May 20, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 556,
amended.

To whom
directed
and what
to require.

SECTION 1. Section 868 of the Code of Civil Procedure is hereby amended to read as follows:

Keeper

868. The writ may be directed to the sheriff or any constable of the county in which such justice court is situate and must require him to attach and safely keep all of the property of the defendant within his county not exempt from execution or so much thereof as may be sufficient to satisfy the plaintiff's demand against the defendant, the amount of which must be stated in conformity with the complaint, unless the defendant, whose property has been or is about to be attached, give him security by the undertaking of at least two sufficient sureties, or deposit a sum of money with him, in an amount sufficient to satisfy such demand against such defendant besides costs; in which case to take such undertaking or sum of money; *provided, however,* that whenever a levy shall be made upon personal property, other than money, belonging to a going concern, then the sheriff must, if the defendant consents, place a keeper in charge of said attached property at plaintiff's expense for at least two days or more, and said keeper's fees must be prepaid by the attaching creditor. After the expiration of said two days, the sheriff shall take said property into his immediate custody, unless other disposition is made by the court or parties.

Action
against more
than one
defendant

In the event that the action is against more than one defendant, any defendant whose property has been or is about to be attached in such action may give the sheriff such undertaking or deposit such sum of money, and the sheriff shall

take the same, and such undertaking or the deposit of such sum of money shall not subject such defendant to or be answerable for any demand against any other defendant, nor shall the sheriff thereby be prevented from attaching or be obliged to release from attachment any property of any other defendant; *provided, however*, that such defendant, at the time of giving such undertaking or sum of money to the sheriff, shall file with the sheriff a statement duly verified under oath, wherein such defendant shall aver and declare that the other defendant or defendants in the action in which said undertaking was given or sum of money was deposited has or have not any interest or claim of any nature whatsoever in or to said property. Such statement must further contain the character of such defendant's title and the manner in which he acquired title to such attached property.

Several writs may be issued at the same time or thereafter, to the sheriffs or constables of different counties; *provided*, that where a writ of attachment issued by a justice court is to be served out of the county in which it was issued, the writ of attachment shall have attached to it a certificate under seal by the county clerk of such county, to the effect that the person issuing the same was an acting justice of the peace of said county, or a clerk of the justice court, at the date of the writ. Service
out of
county.

After the return and filing of the writ of attachment, or upon filing by the plaintiff of a verified affidavit setting forth the loss of the writ of attachment, the justice of the peace, upon demand of the plaintiff, may issue an alias writ which shall be in the same form as the original. Alias
writs

CHAPTER 343.

An act to amend section 4153 of the Political Code, relating to the duties of the district attorney.

[Approved by the Governor May 20, 1920. In effect August 14, 1929]

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

SECTION 1 Section 4153 of the Political Code is hereby amended to read as follows: Stats 1921,
p 212,
amended

4153. Duties of district attorney. The district attorney is the public prosecutor, and must: Duties of
district
attorney

1. Attend the courts, and conduct, on behalf of the people, all prosecutions for public offenses.

2. Institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed; and for that purpose, when not engaged in criminal proceedings in the superior court, or in civil cases

Duties of
district
attorney

on behalf of the people, must attend upon the magistrates in cases of arrest, when required by them, and attend before and give advice to the grand jury, whenever cases are presented to them for their consideration.

3. Draw all indictments and informations, defend all suits brought in his county against the state or his county wherever brought, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or his county.

4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the county treasurer.

5. On the first Monday of each month file with the auditor an account, verified by his oath, of all moneys received by him in his official capacity during the preceding month, and at the same time pay them over to the county treasurer.

6. Give, when required, and without fee, his opinion in writing, to county, district, and township officers, on matters relating to the duties of their respective offices.

7. Prepare, without fee, upon request of any board of education, board of school trustees or high school board, all the legal papers and forms necessary for the voting of school bond issues within the county and advise such boards as may be necessary in relation to school bond issues.

8. When requested by the auditor or treasurer so to do, defend or prosecute, except as hereinafter provided, any action brought by or against the auditor or treasurer for the purpose of testing the validity or constitutionality of any act of the Legislature providing for the payment of county funds or funds held in trust by the county in those cases only where the interest of the county is not adverse; *provided*, that in counties having a freeholders charter creating the office of county counsel, it shall be the duty of the county counsel to defend or prosecute any such action and any and all other civil actions or proceedings in which the county or any other officer thereof is concerned or is a party and to perform all the duties mentioned in subdivisions six and seven of this section.

9. When requested by any judge of the superior or municipal court so to do, appear for and represent such court or judge if such court, or judge in his official capacity, is made a party defendant in any action; *provided*, that in counties having a freeholders charter creating the office of county counsel, it shall be the duty of the county counsel, when requested by any judge of the superior or municipal court so to do, to appear for and represent such court or judge if such court, or judge in his official capacity, is made a party defendant in any action.

CHAPTER 344.

An act to provide for the licensing and bonding of dealers engaged in handling any deciduous fruit, including grapes and dates, produced by another in the State of California making an appropriation therefor and declaring the same an urgency measure.

[Approved by the Governor May 20, 1929. In effect immediately.]

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

SECTION 1. Certain terms when used in this act, shall, unless such construction be inconsistent with the context, be construed as follows: Words and phrases defined

(a) "Person" includes individual, exchange, partnership, association, a group of persons, and corporations;

(b) "Deciduous fruit" means all deciduous fruits, including grapes and dates;

(c) "Cash buyer" means every person (1) who has a regular business address in California and who has registered the same in the office of the director, and (2) who, if his permanent business address is located outside of California, has also registered such business address in the office of the director, and (3) who furnishes in writing to each grower with whom he does business his said regular California business address, and (4) who represents himself as a "cash buyer," and (5) who purchases any deciduous fruits in California from the grower or producer thereof for the purposes of resale, and (6) who agrees by his contract of purchase to pay the purchase price upon demand following delivery, and (7) who within forty-eight hours (Sundays and legal holidays excepted) after demand has been made by said grower upon him pays or remits to said grower the full purchase price of all or any delivered portion of said deciduous fruits either in lawful money of the United States or by bank check of said buyer certified by the bank upon which it is drawn, or by a cashier's check of a bank in California, payment of which can not be stopped.

Demand for the purchase price must be made upon the cash buyer in writing and the mailing of a registered letter making such demand, addressed to said buyer at his said California business address, shall be conclusive evidence that demand was made upon the mailing of said letter.

(d) "Consignment shipper" means every person (1) who represents himself as a "consignment shipper" and (2) who contracts with the grower of deciduous fruits for the marketing thereof for the sole account and risk of said grower and who pays to said grower the net proceeds derived from said sale, and (3) who does not, either in writing or verbally guarantee any price to said grower for his deciduous fruits, but a consignment shipper may, at his option, by a written contract

with the grower recite that said shipper has an order for any deciduous fruits of the variety covered by the contract at a named price and that said shipper agrees to use said grower's fruit to fill such order.

(e) "Dealer" includes every person other than a cash buyer or consignment shipper who attempts to make money on any deciduous fruit by dealing with the grower thereof.

(f) "Director" means the director of agriculture of the State of California or such agent as he may appoint.

Scope of act

SEC. 2. This act shall have no application to any "cash buyer" except to such a person who fails to make payment as required by paragraph (c) of section 1; nor to any "consignment shipper" except in so far as any consignment transaction involves a written or verbal price guarantee or involves a verbal contract of the person soliciting deciduous fruits that he has an order for said deciduous fruits at a named price and that he desires said grower's products to fill such order; nor shall this act apply to any deciduous fruit consumed fresh in this state, or dried, canned, preserved or concentrated in this state, and the purchase of any deciduous fruit from the grower for the purpose of any such use is hereby declared to be beyond the application of this act provided said deciduous fruit is actually so used.

"Dealer" within meaning of act

SEC. 3. Whenever any person although claiming to be a cash buyer either (1) causes a grower to part with the control of all or any portion of his deciduous fruits by any means of proposed payment other than that specified in paragraph (c) of section 1, or (2) causes a grower to part with the control of all or any portion of his deciduous fruits by means of any contract under which the grower has waived the right to demand the purchase price as and when he parts with said control, then in either of said events said person is not a cash buyer but is a dealer within the meaning of this act. Whenever any person although claiming to be a consignment shipper either (1) causes the grower to part with control of a portion or all of his deciduous fruits under any agreement by which the price thereof is guaranteed to said grower either verbally or in writing, or (2) causes a grower to part with control of a portion or all of his deciduous fruit by any representation that said person has an order at a named price for deciduous fruit of the variety produced by said grower and that said grower's fruit is desired to fill said order, then in either of said events the said person is not a consignment shipper but is a dealer within the meaning of this act, notwithstanding the fact that the grower, because of said representation, is induced to, and does, enter into a consignment contract with said person in which no mention is made of said guaranteed price or of said order; and in all cases where any person represents to the grower either verbally or in writing that he holds or will get a cash deposit to support an order for deciduous fruit and by means of such representation causes a grower to part with control of a portion or all of

False representation of "cash buyer."

his deciduous fruit, then such person shall upon the removal of said deciduous fruits from the grower's control be liable to said grower for the amount of said deposit less said person's legal charges; *provided* that in the event any litigation be instituted by the person making said deposit to compel the return or release of said deposits then a consignment shipper may hold said deposit until the said litigation is determined.

Penalty

SEC. 4. It shall be unlawful for any person to engage in the business of a dealer in the State of California unless and until he has fully complied with all the provisions of this act.

When
business
of dealer
prohibited

SEC. 5. Any person desiring to engage in the business of a dealer in the State of California must first file in the office of the director an application for a license duly executed under oath upon a form provided therefor by the director, which application shall set forth the following information:

Application
for license

1. The name and business address of the applicant;

2. Whether applicant is an individual, exchange, partnership, association, a group of persons, or a corporation, and if a corporation in what state organized and where its principal place of business is located; and if incorporated in any state or country other than California, the address of its office in California, together with the name and address of a person in California upon whom service of legal process can be made in suits against said applicant brought in California;

Matters
application
shall set
forth.

3. How long the applicant has been engaged in business as a dealer in the State of California;

4. Whether or not said applicant has made settlement in full with the growers of deciduous fruit handled by said applicant in either one of the two immediately preceding calendar years and if such settlement has not been made, the name and address of each grower that the said applicant has not settled with;

5. Whether or not said applicant has been in control of, or conducted the operations of, any company, partnership or corporation or other form of organization which has been previously engaged in handling deciduous fruits, as a dealer, in a manner set forth in this act, and whether said applicant in such previous capacity has made settlement with all growers within the State of California;

6. The names and addresses of three persons, including at least one bank, all within the State of California, to whom inquiries concerning said applicant may be made;

7. A statement of the approximate number of tons of deciduous fruits that the applicant expects to deal with during the next twelve months, detailing the number of tons of each kind of deciduous fruit included within the total;

8. Such additional and different information concerning applicant or his business as the said director deems advisable in order to determine whether the applicant is qualified to engage in said business.

SEC. 6. For filing such application, the applicant must pay a fee of twenty-five dollars.

Fee.

Refusal
to grant
license.

Hearing

Director's
finding
conclusive

Surety bond
and recovery
thereon

SEC. 7. The director shall examine such application and cause an investigation to be made of said applicant and his business, business rating, character and reputation. If, from such examination and investigation the director shall determine that the said applicant is in the matter of his business, business rating, character and reputation not properly qualified to engage in business as a dealer, he shall refuse to grant a license and deny the application, and notify the applicant of his decision. Any applicant whose application is denied by the director may, within ten days after the mailing of said notice of rejection, petition said director for a hearing and thereupon said director shall afford applicant an opportunity for a hearing on a date not less than ten nor more than twenty days after the receipt of said petition. All persons and growers to whom the applicant is indebted or any and all persons who may have objected to the licensing of applicant shall be given at least ten days' notice of said hearing by mail. Said hearing shall be informal and the director shall hear any and all evidence which may be offered or adduced either for or against said applicant, in the matter of his business, business rating, character and reputation. After hearing all of said evidence, the director shall make his findings of fact on which he may again deny the said application or grant the same as he finds the facts to be, and the said findings of fact so made by the director shall be conclusive.

SEC. 8. Before any license is granted by said director, the applicant therefor must deliver to said director a good and sufficient surety bond executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety, in the amount of five dollars for each ton of deciduous fruits that the said applicant intends to deal with during the next twelve months as set forth in his application, up to and including one thousand tons and in addition the sum of one dollar per ton for each ton in excess of one thousand tons, but no bond shall be less than five thousand dollars in amount. Said bond shall be in the form approved by the director and shall be conditioned upon compliance with the provisions of this act and upon faithful compliance with the condition of all contracts, verbal or written, made by the dealer with growers of deciduous fruit relative thereto and upon applicant's accounting for the proceeds of any fruit contracted for in accordance with the terms of the contracts with growers. Said bond shall be to the State of California in favor of every person with whom applicant deals in the marketing of deciduous fruits. Every such bond shall continue in force and effect until notice of the termination thereof is given by registered mail to said director and every such bond shall set forth such fact. Any person claiming to be injured or damaged by any act of said dealer, or the said director on behalf of all growers contracting with the said dealer may maintain an action on said bond against the dealer and the surety named in said bond, or either of them, and

any judgment against the dealer or surety in any such action shall include the costs thereof and those incident to the bringing of the action, including a reasonable attorney fee. In the event the contract does not specify a date for settlement, then the dealer shall settle therefor within thirty days from the delivery of the fruit into the dealer's control and the dealer shall then truly account to and pay over to said grower the full amounts called for by the contract, including any minimum price guaranteed by said dealer.

SEC. 9. If the applicant deals with deciduous fruit by guaranteeing a grower a minimum price, but at the same time handled the fruit for the account of the grower, said applicant shall file with the director before the issuance of a license a schedule of applicant's maximum and minimum commissions and other charges for service in connection with said deciduous fruit handled on account of or as agent for growers.

Filing of
commission
schedule

SEC. 10. When an applicant for a license has met all of the requirements therefor, the director shall issue and deliver to the applicant a license which will authorize the applicant, and none other, to engage in business as a dealer for a year from the date thereof. Said license is not assignable and shall become void upon any assignment or transfer. It shall be the duty of each dealer to notify the director whenever said dealer intends to handle a greater or lesser number of tons than specified in the dealer's original application and thereupon the bond of said dealer shall be increased or decreased, as the case may be, in the same manner as the original bond was fixed, and no dealer shall handle any greater number of tons of deciduous fruit than provided for in dealer's bond on file with the State of California.

License

Duty of
dealer

SEC. 11. For the purpose of enforcing the provisions of this act, the director upon his own motion may, or upon a verified complaint against any dealer or any person, firm, exchange, association, or corporation assuming or attempting to act as such, shall have full authority to, and must make any and all investigations he deems necessary, and he shall have at all times free and unimpeded access to all buildings, yards, warehouses, storage and transportation or any other facilities or places in which any deciduous fruits are kept, stored, handled or transported. He shall have full authority to administer oaths and take testimony hereunder, to issue subpoenas requiring the attendance of witnesses before him, together with all books, memoranda, papers and other documents, articles or instruments; to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation, and all parties disobeying the orders or subpoenas of said director shall be guilty of contempt and shall be certified to the superior court of the state, which court shall punish any such contempt. Copies of records, inspection certificates, certified reports and all papers

Powers of
director

on file in the office of the director shall be prima facie evidence of the matters therein contained.

Duties of
director

SEC. 12. It is hereby made the duty of the director, upon his own motion or upon the receipt of a verified complaint, to investigate personally or through his agents:

(a) Any transaction involving the solicitation, receipt, sale or attempted sale, of any deciduous fruit, by any person or persons assumed to act as a dealer;

(b) Any alleged failure to account and settle for deciduous fruit as in this act required;

(c) The making of alleged false statements concerning the condition and quality of deciduous fruit received or placed in storage or in transit by dealer;

(d) The alleged solicitation of growers' fruit by the making of false or misleading statements as to market conditions, and

(e) Any alleged deceptive, fraudulent or dishonest act with respect to such fruit, or any violation hereof. In furtherance of such investigations or inspections, the director, or any authorized representative, may examine that portion of the ledger, books, accounts, memoranda, documents, scales, measures and other articles and things used in connection with the business of said dealer relating to the transactions involved. If the director, upon investigation, shall have reason to believe that any dealer is not acting in accordance with the provisions of this act, or has been guilty of any of the matters and things described in this section, it shall be the duty of the director to have personal service made on said dealer or to mail by registered mail a complaint against said dealer, and in the event dealer fails to make informal adjustment or settlement of the charges set forth therein, to the satisfaction of the director, the director shall give notice of the time and place of a formal hearing thereon. Notice of any hearing shall be given at least ten days prior thereto and said hearing shall be held in any city or town in which the dealer has an office, or in any city or town in or near which the transaction complained of is alleged to have occurred. At the time and place appointed for such hearing, the director, or his agent, shall hear all parties and their evidence and thereupon the director shall dismiss the charges or suspend the license of said dealer for a specified period or revoke the same or make such other appropriate order as may be deemed just and proper; any order shall specify the effective date thereof and any order other than one suspending or revoking a license shall automatically suspend such license until said order is complied with.

Hearing

Revocation
or suspen-
sion of
license

Action by
director
reviewable

SEC. 13. Any action of the director with reference to the granting of, or the refusal to grant, or to renew any license, or with reference to the revocation or suspension of any license granted under the provisions of this act, may be reviewed by any court of competent jurisdiction.

SEC. 14. It shall be the duty of every dealer to promptly make and keep a correct record showing in detail the following with reference to the handling, sale or storage (in transit or otherwise) of said fruit:

Records to be kept by dealer.

- (a) The name and address of the grower;
- (b) The date fruit is received and the amount thereof;
- (c) The condition of such fruit upon receipt by the dealer;
- (d) Date of sale for the account of the grower if a minimum price guarantee is provided for;
- (e) The price for which sold if a minimum price is guaranteed to grower;
- (f) An itemized statement of the charges to be paid by the grower in connection with any sale involving a minimum price guarantee to grower;
- (g) A detailed statement of all claims made by growers against the dealer, a copy of each, when received, to be certified to and filed with the director;

(h) A copy of the record and account of sales of fruit, the possession of which is obtained by dealer on a contract involving a minimum price guarantee, shall be delivered to the grower upon the consummation of the sale, together with all moneys received by dealer in payment for such transaction made upon account of the grower, less the agreed commission and other charges, and said payment and accounting must be made by said dealer to the grower within ten days after said dealer receives the money in payment of said fruit.

SEC. 15. All deciduous fruit, except that obtained and handled by a dealer solely on a consignment basis without any price guarantee, shall be settled for by every dealer on the basis of the grade or quality that is referred to in the contract, whether written or oral, pursuant to which dealer obtained possession or control of such fruit, unless said fruit is inspected by a state or by a state and federal inspector in the State of California and found to be of a different grade or quality than that referred to in said contract, but in lieu of such an inspection any dealer and grower may, in writing only, agree that the grade or quality of any lot of deciduous fruit was different from that referred to in said contract. For any failure by a dealer to settle with a grower in the manner provided for above regardless of the terms of the contract made by dealer with said grower, the director may suspend or revoke the license of said dealer in the manner provided for in this act and on account thereof the director may refuse to grant a license to an applicant therefor.

Payment for and inspection of fruit

Penalty for noncompliance

SEC. 16. Any person who acts as a dealer as defined in this act without a license or having a license wilfully violates any provision of this act; or any person who represents himself as a "cash buyer" but who is not a cash buyer as defined in this act; or any person who represents himself as a "consignment shipper" but who is not a consignment shipper as defined in this act; or any cash buyer as defined in this act who wilfully refuses to make payment for deciduous fruits as and when

Violation of act

Felony

required by this act, is guilty of a felony, and, upon conviction thereof, shall be punished by a fine of not to exceed five thousand dollars, or by confinement in the state prison for not more than one year, or by both such fine and imprisonment. It is hereby made the duty of the several district attorneys of this state to prosecute all violations of this act, subject to prosecution in their respective counties. Civil suits and criminal prosecutions arising by virtue of any of the provisions of this act may be commenced and tried in the county where the said deciduous fruit was received by the dealer, or in the county in which the principal place of business of such dealer is located within the State of California, or within the county in which the violations of this act occurred.

Duty of district attorneys

Effect on "produce dealers act"

SEC. 17. This act is not intended and shall not be construed to in any manner impair or repeal any part or provision of chapter 860 of the laws of California, 1927, approved June 1, 1927, and commonly known as the "produce dealers act," but the requirements for licensing and bonding of dealers in deciduous fruits, prescribed by this act, are in addition to all of the requirements and provisions of the said "produce dealers act," with the exception that any person who has given or may give the five thousand dollar bond required by said "produce dealers act" may have said bond so drawn that it will also apply to the first one thousand tons of deciduous fruits that he may during the same time handle as a dealer under this act, and in such a case the additional bond required of him under this act shall be computed upon the tonnage in excess of said one thousand tons.

Purpose of act.

SEC. 18. It is hereby declared to be one of the principal purposes of this act to promote and encourage sales of deciduous fruits in California for cash and to eliminate fraudulent and false purported sales or purchases through any scheme whatever by which payment is not actually received by the grower although he parts with possession of such fruit.

Disposition of license fees

SEC. 19. All license fees collected under the provisions of this act shall be paid by the director into the state treasury monthly to the credit of the general fund of the state.

Construction of act

SEC. 20. It is here recognized that the deciduous fruit industry, including grape production, is one of supreme importance to all of the people of the State of California and either directly or indirectly affects their prosperity and well-being; and to this end, this statute and each of its provisions shall be liberally construed to accomplish its purpose and intent and the said director shall be deemed to be vested with all express and implied powers necessary to carry out the fundamental purposes of this act. It is further declared that a great emergency exists and, therefore, this act shall take effect immediately from and after its passage.

Constitutionality

SEC. 21. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it

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

SEC. 22. There is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended by the department of agriculture for administering the provisions of this act, the sum of twenty thousand dollars.

Appropriation

SEC. 23. The Legislature hereby declares that it deems it necessary for the immediate preservation of the public peace, health and safety that this act shall go into immediate effect, by reason of the following facts, to wit:

Urgency measure

That certain crops will come into bearing and unless state supervision is exercised over the handling and sale of said crops the effect will be detrimental and to the damage of a great number of the producers of said crops and will imperil the property and safety of land owners of the state and that through the means provided in this act the necessary supervision of the handling and sale of said crops will be provided, and it is hereby declared that this act constitutes an urgency measure which, under the provisions of section 1 of article four of the constitution of the State of California shall be put into immediate effect.

Statement of urgency

This act shall take effect immediately.

Effective immediately

CHAPTER 345.

An act to amend section 6 of an act entitled "An act to prevent the unauthorized use and disposition of, and traffic in human bodies, to prescribe the keeping of proper records, to promote medical education and public health by regulating the disposition and utilization of the unclaimed dead, to provide penalties for the violation of this act and to repeal sections 3094 and 3095 of the Political Code and all other acts or portions of acts in conflict with this act," approved May 18, 1927, and to add a new section thereto to be numbered 9, relating to disposition of human bodies and to the powers and duties of the state department of health in relation thereto.

[Approved by the Governor May 20, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 6 of an act entitled "An act to prevent the unauthorized use and disposition of, and traffic in human bodies, to prescribe the keeping of proper records, to promote medical education and public health by regulating the disposition and utilization of the unclaimed dead, to provide penalties for the violation of this act and to repeal sections 3094 and 3095 of the Political Code and all other acts

Stats 1927. p 1050. amended

or portions of acts in conflict with this act," approved May 18, 1927, is hereby amended to read as follows:

Bodies not to be used for scientific purposes.

Sec. 6 Whenever the duly authorized officer or agent of the state board of health deems a body required to be buried at public expense, unsuitable or unnecessary for scientific purposes, he shall notify the official custodian of such body or bodies, in order that it may be cremated, or buried at public expense as required by law. No warrants for the payment of the expenses of the burial of any person whose body is required to be buried at public expense, shall be drawn or paid except upon the certificate of the duly authorized officer or agent of the state board of health, stating that such body is unnecessary or unfit for anatomical purposes, or that the body is that of a soldier, sailor, or marine, or that of a widow of a soldier, sailor, or marine. Whenever, through the failure of any person to duly notify, or to promptly deliver into the custody of the educational institutions at the place of death, the body of a deceased indigent as required by this act, such body shall become unfit for scientific or educational purposes, the duly authorized officer or agent of said state board of health shall so certify and such body shall be buried at the expense of those guilty of noncompliance with such provisions of this act.

New section

SEC. 2. A new section is hereby added to said act to be numbered 9 and to read as follows:

Construction of acts in re indigent dead

Sec. 9. No other acts or parts of acts shall be construed as limiting the powers of the state department of public health in the transportation and distribution of bodies of the indigent dead for educational purposes as provided in this act.

CHAPTER 346.

An act to add a new section to the Code of Civil Procedure, to be numbered 1752½, relating to property of minors.

[Approved by the Governor May 20, 1929. In effect August 14, 1929.]

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

New section

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered 1752½, and to read as follows:

Custody of funds if estate less than \$1,000

1752½. If a minor have no guardian of his estate, money belonging to the minor not exceeding the sum of two hundred fifty dollars may be paid to the parent of the minor entitled to the custody of said minor to hold for the minor upon written assurance of such parent that the total estate of the minor does not exceed one thousand dollars in value, and the written receipt of such parent shall be an acquittance of the person making such payment. Such parent shall account to the minor for the money when the minor reaches the age of majority.

CHAPTER 347.

An act to amend section 4 of an act entitled "An act to regulate the preparation, manufacture, care and marketing of milk products, to prevent fraud and to protect the public health in the preparation and marketing of said milk products, to prohibit the introduction of foreign fats into milk products, providing for the enforcement and prescribing penalties for the violation hereof," approved May 29, 1923, as amended.

[Approved by the Governor May 20, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 4 of an act entitled "An act to regulate the preparation, manufacture, care and marketing of milk products, to prevent fraud and to protect the public health in the preparation and marketing of said milk products, to prohibit the introduction of foreign fats into milk products, providing for the enforcement and prescribing penalties for the violation hereof," approved May 29, 1923, as amended, is hereby amended to read as follows:

Stats 1923,
p. 509,
amended

Sec. 4. It shall be unlawful for any person, firm or corporation, by himself, his servant or agent, or as the servant or agent of another, to sell or exchange or expose for sale or exchange, or have in possession with intent to sell or exchange, any condensed or evaporated skim milk in containers smaller than a "number ten can." All hermetically sealed containers containing condensed or evaporated skim milk must bear the name and address of the manufacturer, distinctly branded, indented, labeled or printed thereon, together with the words "condensed skim milk" in Roman letters of a size at least as large as any other words or letters appearing on said brand, indentation or label.

Unlawful
sale, etc.,
of condensed
or evaporated
skim milk.

CHAPTER 348.

An act to add a new section to an act entitled "An act to provide for suitable sanitary conditions in foundries and metal shops and providing penalties for the violation thereof," approved May 24, 1921, to be numbered 4, relating to the enforcement of said act.

[Approved by the Governor May 20, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to an act entitled "An act to provide for suitable sanitary conditions in foundries and metal shops and providing penalties for the

Stats 1921,
p. 354,
amended

violation thereof," approved May 24, 1921, to be numbered 4 and to read as follows:

Duty of health officer and district attorney.

Sec. 4. It shall be the duty of every city or county or city and county health officer to report violations of this act to the district attorney of the county in which said violation is committed, and it shall be the duty of said district attorney to prosecute all persons who violate the provisions of this act.

CHAPTER 349.

An act to amend section 4300f of the Political Code, relating to fees of jurors.

[Approved by the Governor May 20, 1929. In effect August 14, 1929.]

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

Stats. 1907,
p. 553,
amended.
Jurors'
fees.

SECTION 1. Section 4300f of the Political Code is hereby amended to read as follows:

4300f. Jurors' fees, except as in this title otherwise provided:

For attending as a grand juror or juror in the superior court, for each day's attendance, per day, two dollars.

For attending justice and municipal courts for each juror sworn to try the cause, per day, two dollars.

For each mile actually traveled in attending court as a juror, in going only, per mile, fifteen cents.

CHAPTER 350.

An act to amend section 626m of the Penal Code, relating to hunting and fishing at night.

[Approved by the Governor May 20, 1929. In effect August 14, 1929.]

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

Stats 1921,
p. 174,
amended.
Night hunt-
ing and
fishing

SECTION 1. Section 626m of the Penal Code is hereby amended to read as follows:

626m. Every person who, at any time between one-half hour after sunset of any one day and one-half hour before sunrise of the following day, hunts, pursues, takes, catches, kills, or destroys any of the game birds, or animals of this state; or who, between one hour after sunset of any one day and one hour before sunrise of the following day, takes, catches, kills or destroys, any game fish in fish and game districts one, one and one-half, one and three-quarters, two, two and one-half, three, four, four and one-half, four and three-quarters, twenty-three, twenty-four and twenty-five, is guilty of a misdemeanor.

Nothing in this section contained shall be deemed to repeal nor in anywise affect any of the provisions of section 626u of this code. Construction

CHAPTER 351.

An act relating to elections of trustees in union or joint union high school districts.

[Approved by the Governor May 20, 1929 In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 352.

An act to amend sections 361e, 361f and 361g of article two-b of chapter three of title one of part three of the Political Code and to add two new sections to said article, chapter, title, and part of said code to be numbered 361h and 361i, relating to the department of agriculture and the division of land settlement thereof.

[Approved by the Governor May 20, 1929 In effect August 14, 1929]

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

SECTION 1. Section 361e of the Political Code is hereby amended to read as follows: Stats 1927,
p 942,
amended

361e. There is hereby created in the department of agriculture an additional division to be known as the division of land settlement to administer the affairs of state land settlement. This division shall be in charge of a chief, who shall be appointed by and hold office at the pleasure of the director of agriculture and receive such annual salary as may be fixed by the director with the approval of the governor. Division of
land settle-
ment.

The state land settlement board is hereby continued in existence for the purpose of carrying out the provisions of section 361i of this code. Henceforth said board shall consist of but three members, the director of finance, the director of public works and the director of agriculture, all acting ex officio. The members of the state land settlement board shall receive no additional compensation for their services as ex officio members of said board, but shall be allowed their actual necessary expenses incurred in the performance of their duties. The director of finance shall be chairman of said board. Two members of the board shall constitute a quorum, and such quorum may exercise all the powers and authority conferred upon the board. State land
settlement
board.

SEC. 2. Sec. 361f of the Political Code is hereby amended to read as follows: Stats. 1927,
p. 943,
amended.

361f. The department of agriculture shall succeed to and is hereby vested with all the duties, powers, purposes, responsi- Succession
to duties,
powers, etc.

bilities and jurisdiction of the state land settlement board and of the several members, officers, deputies and employees of said board except as otherwise provided in section 361*i* of this code, and whenever by the provisions of any statute or law now in force or that may hereafter be enacted a duty or jurisdiction is imposed or authority conferred upon said board or any of said members, officers, deputies or employees or upon any other person by any statute, the enforcement of which is hereby transferred to the department, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of agriculture with the same force and effect as though the title of said department of agriculture had been specifically set forth and named therein in lieu of the names of any such board, member, office, officer, deputy or employee thereof as the case may be.

For the purposes of this article the terms "state land settlement board," "member of state land settlement board," or similar designation shall be construed to mean and refer to the "department of agriculture."

Positions
abolished

The positions of all officers, deputies and employees under the state land settlement board are and each of them is hereby abolished and shall have no further legal existence, but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction, together with all lawful rules and regulations established thereunder, are hereby expressly continued in force.

Power and
duty to
administer
laws

The department of agriculture is hereby invested with the power and is charged with the duty of administering and enforcing all laws now or hereafter imposing any duty, power or function upon said board or upon any members, offices, officers, deputies or employees herein transferred to said department. The department shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of said board, offices and officers.

Possession
of property

Stats 1927,
p 943,
amended
Expenditure
of funds

SEC. 3. Section 361*g* of the Political Code is hereby amended to read as follows:

361*g*. From and after the date upon which this act takes effect the department of agriculture shall be and is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of all the statutes, the enforcement of which is hereby committed to the department or for the use, support or maintenance of said state land settlement board, its offices or officers.

New section

SEC. 4. A new section is hereby added to article two *b* of chapter three of title one of part three of the Political Code to be numbered 361*h* and to read as follows:

Powers as
to existing
contracts

361*h*. The director of agriculture, in accordance with plans approved by the state land settlement board as provided in sec-

tion 361i of this code, shall have power to make such revisions of existing contracts of purchase executed under and by virtue of the land settlement act; to make such reductions in the sale prices heretofore fixed for land and improvements acquired pursuant to said act; allow or provide for the allowance of such credits or cash payments to purchasers who have executed contracts or acquired title from the state under said act; enter into such new contracts of purchase; accept such evidence of purchasers' obligations to the state other than those provided for in said land settlement act; execute such releases to settlers as may be necessary to carry out the purposes of this section; make such settlement of litigation between the settlers and the state; accept such agreements by the settlers to forbear the prosecution of future litigation against the state; repurchase properties from settlers holding contracts of purchase or deeds; make such sales or transfers of unsold land, easements, improvements, irrigation and drainage systems, and other property held in connection with state land settlements, or take such other action as may, in the judgment of the director of agriculture, be necessary or advisable in the interest of the state or conducive to the success of any colonization project heretofore organized under and by virtue of said land settlement act or conducive to the safety or conservation of the investment of any state funds and to the welfare of settlers of any such colonization project.

The director of agriculture is hereby empowered, in accordance with plans approved by the state land settlement board as provided in section 361i of this code, to dispose of any and all land and property heretofore or hereafter acquired by the state land settlement board or department of agriculture pursuant to the land settlement act, and to vest the title thereto in the grantees thereof, free from supervision and control by the director of agriculture and state land settlement board, at such time or times, upon such terms and in such manner as he may, in his judgment, deem to be for the interest of the state. Any and all acts heretofore done by the director of agriculture or the state land settlement board in conformity to the purposes and provisions of this section are confirmed and ratified.

Disposition of lands

Acts validated

SEC. 5. A new section is hereby added to article two b of chapter three of title one of part three of the Political Code to be numbered 361i and to read as follows:

New section.

361i. It shall be the duty of the director of agriculture to prepare and present to the state land settlement board for its approval on or before January 1, 1930, a plan or plans for the readjustment of land settlement affairs on a basis which will provide for the withdrawal of the state, not later than four months from and after the final adjournment of the forty-ninth session of the Legislature of the State of California, from the conduct of land settlement or colonization projects. The state land settlement board shall pass on said plan or plans and make such changes therein as the board may deem

Withdrawal from land settlement projects

advisable. Such plan or plans as presented by the director of agriculture or as modified by the state land settlement board shall be approved by said board and shall become the basis on which the director of agriculture shall proceed to effect the withdrawal of the state from the conduct of land settlement or colonization projects.

Repeals. SEC. 6. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 353.

An act making an appropriation for the construction and equipment of quarters for prison guards at San Quentin prison, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor May 20, 1929. In effect immediately.]

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

Appropriation San
Quentin
prison.

SECTION 1. The unencumbered balance in the appropriation for the construction and equipment of extension of hospital tuberculosis ward at San Quentin prison, heretofore appropriated in and by the provisions of chapter 142, statutes of 1927, is hereby reappropriated and made available for the construction and equipment of quarters for prison guards at San Quentin prison.

Urgency
measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, and inasmuch as it is also necessary for the immediate preservation of the public peace, health and safety, it is hereby declared an urgency measure and shall, under the provisions of section 1, article four of the constitution, take effect immediately. The following is a statement of facts constituting such necessity: Because of inadequate quarters for the prison guards at the San Quentin prison it is necessary that additional quarters be immediately constructed to properly house the prison guards at said prison. Without such proper quarters, the health and safety of these guards will be seriously imperiled.

CHAPTER 354.

An act to amend section 849 of the Code of Civil Procedure, relating to summons, by whom and how served and returned.

[Approved by the Governor May 20, 1929 In effect August 14, 1929.]

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

Stats 1805,
p. 27,
amended

SECTION 1. Section 849 of the Code of Civil Procedure is hereby amended to read as follows:

849. The summons may be served by the sheriff or constable of any of the counties of this state or by any other person of the age of eighteen years or over not a party to the action. When a summons issued by a justice court is to be served out of the county in which it is issued the summons must have attached to it a certificate under seal by the county clerk of such county to the effect that the person issuing the same was an acting justice of the peace or a clerk of the justice court at the date of the summons and must be served and returned as provided in title five, part two of the code, or it may be served by publication and sections 413 and 412 so far as they relate to the publication of summons are made applicable to justices' courts, the word "justice" being substituted for the word "judge" wherever the latter word occurs.

Certification,
service and
return of
summons

CHAPTER 355.

An act establishing the emergency permanent improvement fund and relating to the deposits of moneys therein and withdrawals therefrom.

[Approved by the Governor May 20, 1929. In effect August 14, 1929.]

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

SECTION 1. Whenever an unencumbered balance shall remain from any appropriation made from the general fund of the state for any permanent improvement when such permanent improvement shall have been completed, upon direction of the department of finance, said unencumbered balance shall be placed by the state controller in the emergency permanent improvement fund, which fund is hereby created; any money hereafter placed in said fund as herein provided shall be expended for emergency repairs or improvements made necessary on account of fire, other disaster or by any act of God to or on any property belonging to the State of California as the director of finance may in his judgment, by order, direct.

Emergency
permanent
improvement
fund

Expendi-
tures

CHAPTER 356.

An act to add a new section to be numbered 7a to an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the management and control

of the same by the state, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, as amended.

[Approved by the Governor May 20, 1929 In effect August 14, 1929]

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

Stats 1909,
p 982,
amended

SECTION 1. A new section to be numbered 7a is hereby added to an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the management and control of the same by the state, and repealing all acts and portions of acts in conflict with this act," approved April 19, 1909, as amended, and to read as follows:

Consolidation
of district
and county
fairs

Sec. 7a Any district agricultural association formed and organized under the provisions of this act may contract with any county or county fair association for the holding of the fairs of the district agricultural association in conjunction with the fairs of such county or county fair association. A fair so held by a district agricultural association in conjunction with the fair of a county or county fair association shall be construed to be the district fair of such association.

CHAPTER 357.

An act making an appropriation for permanent improvements at the San Francisco State Teachers College, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor May 20, 1929 In effect immediately]

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

Appropriation
San Francisco State
Teachers
College

SECTION 1. The sum of fifteen thousand dollars heretofore appropriated for the construction and equipment of building for kindergarten at San Francisco State Teachers College, in and by the provisions of chapter one hundred forty-two of the statutes of 1927, is hereby reappropriated and made available for the construction of retaining walls, and for grading, surfacing, landscaping, and other permanent and necessary improvements at San Francisco State Teachers College.

Urgency
measure

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, and inasmuch as it is also necessary for the immediate preservation of the public peace, health and safety, it is hereby declared an urgency measure and shall, under the provisions of section 1, article four of the constitution, take effect immediately. The following is a statement of facts constituting such necessity: The retaining walls on the property of the San Francisco State

Teachers College are rapidly disintegrating and becoming a public menace and must be immediately repaired to protect injury to the public. Without such proper repairs the safety of the public will be seriously imperiled.

CHAPTER 358.

An act to amend section 583 of the Code of Civil Procedure, relating to the dismissal of actions.

[Approved by the Governor May 20, 1929. In effect August 14, 1929]

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

SECTION 1. Section 583 of the Code of Civil Procedure is hereby amended to read as follows:

583. The court may in its discretion dismiss any action for want of prosecution on motion of the defendant and after due notice to the plaintiff, whenever plaintiff has failed two years after action is filed to bring such action to trial. Any action heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced or to which it may be transferred on motion of the defendant, after due notice to plaintiff or by the court upon its own motion, unless such action is brought to trial within five years after the defendant has filed his answer, except where the parties have stipulated in writing that the time may be extended. When, in any action after judgment, a motion for a new trial has been made and a new trial granted, such action shall be dismissed on motion of defendant after due notice to plaintiff, or by the court of its own motion, if no appeal has been taken, unless such action is brought to trial within three years after the entry of the order granting a new trial, except when the parties have stipulated in writing that the time may be extended. When in an action after judgment, an appeal has been taken and judgment reversed with cause remanded for a new trial, the action must be dismissed by the trial court, on motion of defendant after due notice to plaintiff, or of its own motion, unless brought to trial within three years from the date upon which remittitur is filed by the clerk of the trial court.

Stats 1905,
p. 244,
amended

Dismissal
of actions

CHAPTER 359.

An act to amend section 9 of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, as amended, relat-

ing to the levy of taxes for public cemetery districts and fixing the maximum tax which may be levied therefor.

[Approved by the Governor May 20, 1929 In effect August 14, 1929.]

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

Stats 1927,
p 820,
amended

SECTION 1. Section 9 of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, as amended, is hereby amended to read as follows:

Annual
tax levy

Sec. 9. The said board of cemetery trustees shall annually, at or before the time fixed by law for the levy of county taxes, estimate and certify to the board of supervisors of the county wherein the district is situated, or if said district is not entirely within one county, then as hereinafter provided, the amount of money necessary to be raised by taxation for maintaining the cemetery of the district and for the acquisition of property necessary for the purposes of the district during the ensuing fiscal year. If said district is in more than one county, the total estimate as provided for hereinbefore shall be divided by said board of cemetery trustees in proportion to the value of the real property of the district in each county. This value must be determined from the equalized values of the last assessment rolls of said counties. When said division of the estimate has been made, said board of cemetery trustees shall certify to the board of supervisors of the respective counties that part of the estimate apportioned to each county. The board of supervisors of each county wherein is situated a cemetery district or any part thereof organized under the provisions of this act must, annually, at the time of levying county taxes levy a tax upon all the property within said cemetery district situated in said county sufficient to raise the amount so certified to said board of supervisors by said board of cemetery trustees, to be raised by tax on the property of said district in said county. The tax so levied, however, shall not exceed two mills on each dollar of assessed valuation of the property in said district.

CHAPTER 360.

An act to validate and legalize all proceedings or actions commenced prior to the taking effect of this act under and pursuant to the "Street opening act of 1903," as amended, approved March 24, 1903.

[Approved by the Governor May 20, 1929 In effect August 14, 1929.]

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

Certain
street
improvement
proceedings
validated.

SECTION 1. All proceedings or actions commenced prior to the taking effect of this act under and pursuant to the "Street opening act of 1903," approved March 24, 1903, as amended,

and all steps taken by the legislative body of any city in any such proceedings and any and all acts done and performed therein by any officer or officers of any city, or any and all acts done or steps taken by any other officer or officers in connection therewith, are hereby validated, legalized, ratified and confirmed.

CHAPTER 361.

An act to add a new section to the Political Code, to be numbered 3670d, relating to settlement by the state of the principal and interest of bonded debt created and outstanding by any city, city and county, county, town, township or district prior to November 8, 1910.

[Approved by the Governor May 20, 1929 In effect August 14, 1929]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered 3670d and to read as follows: New section

3670d. Whenever the principal and interest of any bonded indebtedness created by any city, city and county, county, town, township or district, and outstanding on the eighth day of November, 1910, are in any year paid, in whole or in part, from revenues of such city, city and county, county, town, township or district other than taxes, then the state controller shall pay to such city, city and county, county, town, township or district, in the same manner as provided in section 3670c of this code, the proportion of the amount so paid which would have been due from the state had payment been provided for by taxation, and the auditor or clerk of such city, city and county, county, town, township or district shall certify to the state controller the tax rate that would have been necessary to provide for such payment of principal and interest of such bonds under a levy of taxes therefor. Refunding bonded indebtedness to political subdivisions

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed. Repeals

CHAPTER 362.

An act making an appropriation to pay the claim of Harry L. Hopper against the State of California.

[Approved by the Governor May 21, 1929. In effect August 14, 1929.]

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

SECTION 1. The sum of six hundred fifty-eight dollars and fifty cents is hereby appropriated out of any money in the fish and game preservation fund in the state treasury not otherwise appropriated to pay the claim of Harry L. Hopper against the State of California. Appropriation claim of Harry L. Hopper

CHAPTER 363.

An act to amend the California irrigation district act, approved March 31, 1897, by amending sections 7, 26, 27b, 84 and 90 thereof, relating to directors of irrigation districts.

[Approved by the Governor May 21, 1929 In effect August 14, 1929]

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

Stats 1897,
p. 256,
amended. SECTION 1. Section 7 of the California irrigation district act, approved March 31, 1897, is hereby amended to read as follows:

Officers to
be elected Sec. 7. At such election there shall be elected a board of directors, and an assessor, collector, and treasurer; *provided*, that where a consolidation of officers as hereinafter provided for is deemed advisable in the organization of a district, the petitioners may request in their petition for organization such consolidation, and the board of supervisors calling the election shall in its order therefor announce such consolidation, and then only one person shall be elected to fill the several offices so consolidated.

Stats 1917,
p. 761,
amended SEC 2 Section 26 of said act is hereby amended to read as follows:

Qualification
of director Sec. 26. A director shall be an elector and a freeholder of the irrigation district and a resident of the division which he is elected to represent.

Stats 1927,
p. 188,
amended SEC. 3. Section 27b of said act is hereby amended to read as follows:

Deposit
of funds Sec. 27b. Notwithstanding the provisions of any other law relating to the deposit of public money, any money belonging to an irrigation district organized or existing under this act may be deposited by the treasurer or any officer of such district having legal custody of such money in any state or national bank or banks in this state, and said district shall receive such rate of interest therefor as may be agreed upon by the officer making such deposit and said bank or banks. Such treasurer or other officer shall require such bank or banks in which such money is deposited to furnish as security for such deposits, bonds of the United States, or of this state or of any county, municipality, school district, or irrigation district within this state that are legal investments for savings banks of this state, the market value of which bonds shall at all times be at least ten per cent in excess of the amount of the deposits secured thereby; or in lieu of such bonds such treasurer or said other officers shall be entitled to take as security for such fund so deposited, depositary bonds duly executed and delivered by a surety company duly authorized to do business in the State of California, which depositary bonds shall be and remain in an amount not less than the amount of the funds so deposited and held in said bank or banks. The cost of such depositary bond or

Security

bonds may be borne by the district. Such treasurer or said other officers shall not be responsible for any loss of public moneys resulting from the deposit thereof in banks when made in accordance with the provisions of this section but such treasurer shall be chargeable with the safe keeping, management and disbursement of the bonds deposited with him as security for the deposits of such moneys, and the respective irrigation district shall be responsible for the custody and safe return of any bonds so deposited.

Responsibility of officers

SEC. 4. Section 90 of said act is hereby amended to read as follows:

Stats 1927, p 193, amended Decision of board

Sec 90. If the board of directors, after the hearing provided for in section 88 hereof, shall determine that said petition complies with the requirements of section 86 hereof and that the inclusion within the district of the tract of land described in said petition, or some portion or portions thereof, will be for the best interests of the district and if no protest against the inclusion of such land is made as provided in section 91 hereof, or if such protest be made and enough signatures be withdrawn therefrom so that said protest is no longer sufficient, the board shall order the boundaries of the district to be changed so that said tract of land, or such portion or portions thereof as the board shall deem it for the best interests of the district to include, shall be included within the district, but no land shall be so included unless the board, after the hearing aforesaid, shall determine that it can be irrigated by means of some of the works of the district or by means of practicable works connecting therewith and will be benefited by such irrigation; and if the board determines that only a portion or certain portions of the tract of land described in said petition should be included, said petition shall be dismissed unless the petitioners include a majority of the holders of title or evidence of title of said portion, or of each of said portions, of said tract, representing also at least one-half the area of said portion, or of each of said portions, or unless, within sixty days from the time such determination is made, there shall be filed with the board the consent in writing, acknowledged or proved as required in section 86 hereof, of a majority of the holders of title or evidence of title of said portion, or of each of said portions of said tract of land, representing also at least one-half of the area of said portion or of each of said portions. The order shall describe the boundaries of the land so included within the district, and if said land adjoins any portion of the district the order shall also describe that portion of the boundary of the district which coincides with the boundary of the land so included, and for the purposes of said order the board may cause a survey to be made of such portions of said boundaries as may be deemed necessary. If more than one petition for the inclusion of land has been presented, the board may in one order include within the district any number of separate tracts of land.

Order

Public land. Any public land of the United States of America may be included within any irrigation district by such order of the board of directors without any petition therefor except as may be required by the laws of the United States, if such land can be irrigated by means of any of the works of the district or by any practicable works connecting therewith and will be benefited by such irrigation. When the board finds that the inclusion of any land within an irrigation district without condition would work an injury to the land already within the district, the board may prescribe conditions upon such inclusion of land either by providing for priority of right to water for the land already in the district or for the payment of an additional annual charge upon the land included or such other conditions as may to the board seem just. If any such conditions are prescribed by the board all the owners of the land subject to such conditions must, before any order for its inclusion is made, sign an agreement with the district describing the land so to be included and specifying such conditions. The signatures to said agreement must be acknowledged or proved as provided by law for the signatures of instruments to be recorded, and said agreement must be recorded in the office of the county recorder of the county in which such lands are situated, and thereupon and upon the recording of a copy of the order including such lands as hereinafter provided, such lands shall become a part of the district subject to the conditions of said agreement.

Alternative method of fixing conditions Or in lieu of the execution and recording of such agreement signed and acknowledged by the owners of land to be included subject to such conditions the board of directors may adjourn said hearing for not less than thirty days nor more than sixty days and shall give notice of the time and place of such adjourned hearing by publication in a newspaper of general circulation published in the county in which the office of the board of directors is located and in which the lands affected are situate for not less than once a week for three consecutive weeks; said notice so published shall set out at length the conditions proposed to be imposed and directing all persons interested to appear at the time and place specified in said notice and show cause, if any they have, why such conditions should not be imposed. At such hearing, or at any further adjournment thereof duly entered upon the minutes, the board of directors may by resolution adopt, reject, or modify such conditions as may be just and make the order hereinabove provided for containing such of said conditions as may have been adopted and such order shall be final and conclusive upon a copy thereof duly certified by the secretary of the board having been recorded in the office of the county recorder of the county in which the lands affected are situate; *provided*, that said certified copy of such order shall not be recorded for a period of thirty days from and after the making of such order, during which thirty days a majority of the holders of title

Publication

Hearing

Order.

Recordation

Objections

or evidence of title of the land described in the petition for inclusion and representing also more than one-half of the area of said tract or tracts of land, may file with the secretary of the board of directors a statement or statements in writing signed and acknowledged in the form required for the conveyance of real property, objecting to the inclusion of such lands with the conditions imposed thereon, whereupon said objections shall be laid before the board of directors and if the board finds the same to be in the form required by this section and signed by a majority of the holders of title or evidence of title of the tract or tracts of land described in said petition for inclusion, and also representing more than one-half of the area of land described in said petition, then the board of directors shall enter in its minutes an order dismissing said petition for inclusion and no further proceedings shall be had thereon, but such order of dismissal shall be without prejudice to the filing of another petition or other petitions for inclusion of the same land or any part thereof; *and provided further*, that agreeable to the laws of the United States and the proper regulations or consent of any authorized department thereof, or the laws of this state as the case may be; such conditions as the board of directors shall deem equitable and just may be imposed upon any public lands of the United States or of this state as a part of the order of inclusion without the agreement or hearing provided for in this section.

Dismissal

Public lands

SEC. 5. Section 84 of said act is hereby amended to read as follows:

Stats 1897, p 280, amended.

Sec. 84. Nothing in this act provided shall, in any manner, operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon, of any valid outstanding bonds or other indebtedness of said district at the time of the filing of said petition for the exclusion of said lands, but upon the contrary, said lands shall be held subject to said lien and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of the filing of the petition for the exclusion of said land, as fully as though said petition for such exclusion were never filed and said order or decree of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of said irrigation district the same as though said petition for its exclusion had never been filed or said decree of exclusion never made; and all provisions which may have been resorted to to compel the payment by said lands of its quota or portion of said outstanding obligations, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said lands of its quota and portion of said outstanding obligations of said irrigation district for which it is liable, as herein provided. But said land so excluded shall not be held answerable or chargeable for any

Lands excluded not released from indebtedness.

Obligations excepted.

obligation of any nature or kind whatever, incurred after the filing with the board of directors of said district of the petition for the exclusion of said lands from the said district; *provided*, that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from said district, as hereinbefore provided. *Provided further*, that if within ten days of the time of any order excluding any lands from an irrigation district, other lands of equal or greater assessable value, have been included within the district, such excluded lands shall no longer be subject to further assessment by the district, except in the event of proceedings on behalf of the bondholders to enforce the payment by said excluded lands of their pro rata share of any principal or interest due and unpaid on the district's bonded indebtedness incurred while such excluded lands were part of such irrigation district.

CHAPTER 364.

An act to amend section 737ii of the Political Code, relating to the salary of the judge of the superior court of San Benito county.

[Approved by the Governor May 21, 1929. In effect August 14, 1929]

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

Stats 1927,
p. 562,
amended.
San Benito
county.

SECTION 1. Section 737ii of the Political Code is hereby amended to read as follows:

737ii. The annual salary of the judge of the superior court in and for the county of San Benito is five thousand dollars.

CHAPTER 365.

An act to amend section 737p of the Political Code, relating to the salary of the judge of the superior court in and for the county of Kings.

[Approved by the Governor May 21, 1929. In effect January 1, 1931]

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

Stats 1927,
p. 560,
amended
Kings
county.
Effective
date.

SECTION 1. Section 737p of the Political Code is hereby amended to read as follows:

737p. The annual salary of the judge of the superior court in and for the county of Kings is five thousand dollars.

SEC. 2. This act shall take effect January 1, 1931.

CHAPTER 366.

An act to amend section 737y of the Political Code, relating to the salary of the superior judge in and for the county of Modoc.

[Approved by the Governor May 21, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 737y of the Political Code is hereby amended to read as follows: Stats 1927,
p. 561,
amended

737y. The annual salary of the judge of the superior court in and for the county of Modoc is four thousand dollars. Modoc
county

CHAPTER 367.

An act to amend section 5 of an act entitled "An act creating the Colorado river commission of California, prescribing its powers, fixing compensation and appropriating funds for its use," approved May 17, 1927, and to add a new section thereto, to be numbered section 4½, making an appropriation for the use of said commission and extending the term of its existence.

[Approved by the Governor May 21, 1929 In effect August 14, 1929.]

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

SECTION 1. A new section to be numbered section 4½ is hereby added to an act entitled "An act creating the Colorado river commission of California, prescribing its powers, fixing compensation and appropriating funds for its use," approved May 17, 1927, to read as follows: Stats 1927,
p. 1031,
amended

Sec. 4½. In addition to any moneys heretofore appropriated the sum of twenty thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended in accordance with law for the purpose of carrying out the provisions of this act and completing the work of said commission. Appropriation.

SEC. 2. Section 5 of said act is hereby amended to read as follows: Stats 1927,
p. 1031,
amended

Sec. 5. The commission and all offices and positions thereunder shall cease and determine on the first day of September, 1931. Time limit

CHAPTER 368.

An act to amend section 605 of the Political Code, relating to the fees payable to the insurance commissioner.

[Approved by the Governor May 21, 1929 In effect August 14, 1929]

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

Stats. 1915,
p 1546,
amended.
Insurance
department
fees.

SECTION 1. Section 605 of the Political Code is hereby amended to read as follows:

605. The commissioner must require in advance, in United States gold coin, the following fees: (1) For filing papers required under either of subdivisions two or three or four of section 607 of the Political Code, fifty-five dollars; (2) for filing papers required under subdivision five of section 607 of the Political Code, on account of change or changes made at one time, ten dollars; (3) for filing bond under section 623 of the Political Code, five dollars; (4) for filing appointment of agent or stipulation or both appointment and stipulation under section 616 of the Political Code, five dollars; (5) for filing each certificate of deposit of securities under section 594a of the Political Code, five dollars; (6) for furnishing copies of papers filed in his office, twenty cents per folio; (7) for certifying copies, one dollar each; (8) for each certificate issued, as provided in section 619 of the Political Code, five dollars; (9) for registering each policy and issuing certificate as provided by section 634 of the Political Code, twenty-five cents; (10) for issuing each annual certificate of authority authorizing any insurance company to transact business in this state, ten dollars; (11) for issuing each annual license under sections 633 or 633aa of the Political Code, to an agent or solicitor, one dollar; (12) for issuing each original annual license under section 633a of the Political Code to an insurance broker, ten dollars; (13) for issuing each renewal of annual license under section 633a of the Political Code to an insurance broker, five dollars; (14) for attaching the seal of office to any paper or document not herein specified, one dollar; (15) for issuing any other certificate, two dollars.

CHAPTER 369.

An act to add a new section to the Political Code, to be numbered 361j, relating to the department of agriculture.

[Approved by the Governor May 21, 1929. In effect August 14, 1929.]

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

New section. SECTION 1. A new section is hereby added to the Political Code to be numbered 361j and to read as follows:

361j. Any bureau, division, board or other agency of the department of agriculture which is supported otherwise than by appropriations from the general fund in the state treasury may be charged its pro rata share of the administrative expenses of the department; apportionment of such expenses to be made and determined by the director of agriculture, subject to the approval of the director of finance; *provided, however*, that the pro rata share so charged shall not exceed five per cent of the collections made by the department of agriculture for such bureau, division, board or other agency.

Prorating of expenses in department of agriculture.

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

CHAPTER 370.

An act to amend section 1 of an act entitled "An act creating an advisory pardon board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, adding an additional member to the advisory pardon board.

[Approved by the Governor May 21, 1929 In effect August 14, 1929]

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

SECTION 1. Section 1 of an act entitled "An act creating an advisory pardon board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, is hereby amended to read as follows:

Stats. 1917, p. 292, amended

Section 1. An advisory pardon board of and for the State of California is hereby created, which shall consist of the lieutenant governor, who shall be chairman of said board, the attorney general, the director of the department of penology and the wardens of the two state prisons. Should the lieutenant governor be absent or unable to perform the duties herein prescribed the president pro tempore of the Senate shall act in his place. The board shall have and exercise the powers and duties hereinafter set forth and specified.

Advisory pardon board created

CHAPTER 371.

An act authorizing the director of finance and the director of public works to investigate available sites in the city of Sacramento for the erection of a new residence for the governor of the state, and providing for the acquisition of such site or making a report with reference to same to the forty-ninth session of the Legislature.

[Approved by the Governor May 21, 1929. In effect August 14, 1929]

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

Investigation
of site for
new mansion
for governor

SECTION 1. The director of finance and the director of public works are hereby authorized and directed to begin an investigation of available sites in the city of Sacramento for the erection of a new residence for the governor of the state.

Authoriza-
tion to
acquire or
recommend
site

SEC. 2. The department of finance, with the approval of the director of public works, is hereby authorized to acquire by gift, donation, or other means, a site in the city of Sacramento for the erection of a new residence for the governor of the state, or to recommend a site to the forty-ninth session of the Legislature and the method by which such site may be acquired.

CHAPTER 372.

An act to amend section 359b of the Political Code, relating to the governor's council.

[Approved by the Governor May 21, 1929 In effect August 14, 1929]

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

Stats. 1927,
p 190,
amended.
Governor's
council.

SECTION 1. Section 359b of the Political Code is hereby amended to read as follows:

359b. A council to be known as the governor's council is hereby created to consist of the director of finance, director of education, director of public works, director of public health, director of institutions, director of agriculture, director of industrial relations, director of social welfare, director of natural resources, director of investment, director of professional and vocational standards, director of military and veterans' affairs, and director of penology. At least once each month the council shall meet in Sacramento at such time and place as may be designated by the governor. It shall be the duty of each of the members of the council to report to the governor at the time of such monthly meeting, and at such other times as the governor may desire, the facts regarding the administration of the functions of his department and to perform such other duties, as a member of the council, as may be required of him by the governor.

CHAPTER 373.

An act to amend section 363a of the Political Code, relating to the department of public works.

[Approved by the Governor May 21, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 363a of the Political Code is hereby amended to read as follows: Stats 1927.
p. 460,
amended
Divisions

363a. For the purpose of administration, the department shall be forthwith organized by the director of public works with approval of the governor in such manner as shall be deemed necessary to properly segregate and conduct the work of the department. The work of the department is hereby divided into at least three divisions to be known respectively as the division of water resources, the division of highways and the division of architecture.

The chief of the division of water resources shall be and is hereby designated as the state engineer, and he shall receive a salary of seven thousand five hundred dollars per annum. The chief of the division of highways shall be and is hereby designated as the state highway engineer and he shall receive a salary of ten thousand dollars per annum. The chief of the division of architecture shall be and is hereby designated as the state architect and he shall receive a salary of five thousand dollars per annum. The director of public works with the approval of the governor may create such other divisions and subdivisions as may be necessary and change or abolish the same from time to time with the approval of the governor. Chiefs and
salaries.

CHAPTER 374.

An act providing for the compilation of, printing, binding, publishing, and distribution of a legislative manual, state blue book, or roster, repealing all conflicting acts.

[Approved by the Governor May 21, 1929 In effect August 14, 1929.]

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

SECTION 1 The secretary of state is hereby authorized, with the approval of the department of finance, to compile, or cause to be compiled, published, and distributed a legislative manual, state blue book, or roster, when, and in such numbers as said department may determine. Compilation
of blue book

SEC. 2. The volume shall be distributed as follows: To the governor of the state, fifty copies; to each elective officer, senator, and member of the Assembly, forty copies; the state library, fifty copies; the governor and secretary and state Distribution

Sales and
disposition
of proceeds

library of each and every state in the union, and each city and county free library and the several branches thereof if any of the State of California, one copy each; the congressional library at Washington, D. C., five copies. The remainder of the volumes published may be either distributed free or sold at such price as may be fixed by the department of finance, and the amount received by the secretary of state from the sale of any of such volumes shall be deposited to the credit of the general fund of the state.

Repeals

SEC. 3. All other acts or parts of acts conflicting with the provisions of this act are hereby repealed.

CHAPTER 375.

An act to amend section 5 of an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision without governor's approval, February 25, 1901, as amended.

[Approved by the Governor May 21, 1929 In effect August 14, 1929]

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

Stats 1913,
p 30,
amended.

SECTION 1. Section 5 of "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision without governor's approval, February 25, 1901, as amended, is hereby amended to read as follows:

Payment
of bonds.

Sec. 5. All municipal bonds issued under the provisions of this act shall be payable substantially in the following manner: A part to be determined by the legislative body of the municipality, which shall be not less than one-fortieth part of the whole amount of such indebtedness, shall be paid each and every year on a day and date, and at a place or places to be fixed by the legislative body of the municipality issuing the bonds and designated in such bonds, together with the interest on all sums unpaid at such date; *provided, however*, that, in case of bonds issued for the acquisition, construction or completion of waterworks or light or power works or plants, or any other authorized revenue-producing public works, plant, utility or property, the legislative body of the municipality may, in its discretion, determine and fix a date for the earliest maturity of the principal of such bonds not more than ten years from the date of the issue of such bonds, but, in this event, the whole amount of such indebtedness must be made payable in equal annual parts in not to exceed forty years from the time of con-

tracting the same. The bonds shall be issued in such denominations as the legislative body of the municipality may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day and at the place or places fixed in such bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of six per cent per annum, and shall be payable semiannually, and said bonds shall be signed by the executive of the municipality, or by such other officer thereof as the council, board of trustees, or other legislative body of the municipality shall, by resolution adopted by a two-thirds vote of all its members, authorize and designate for that purpose; and also signed by the treasurer thereof, and shall be countersigned by the clerk. The coupons of said bonds shall be numbered consecutively and signed by the treasurer. All such signatures and countersignatures excepting that of the clerk may be printed, lithographed, or engraved. In case any of such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds.

Denomina-
tion of
bonds

Coupons.

CHAPTER 376.

An act to add a new section to the Penal Code, to be numbered 647a, relating to vagrancy.

[Approved by the Governor May 21, 1929 In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered 647a and to read as follows:

New section

647a. Every person who annoys or molests any school child or who loiters about any school or public place at or near which school children attend, is a vagrant, and is punishable by a fine of not exceeding five hundred dollars or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

Vagrants
Schools and
school
children.

CHAPTER 377.

An act making an appropriation to meet a deficiency in the appropriation for support of the railroad commission for the seventy-ninth and eightieth fiscal years.

[Approved by the Governor May 21, 1929. In effect immediately.]

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

SECTION 1 The sum of seventy-five thousand dollars is hereby appropriated out of any money in the state treasury,

Appropriation:

Railroad
commission
support.

not otherwise appropriated, to meet a deficiency in the appropriations for support of the railroad commission for the seventy-ninth and eightieth fiscal years.

Urgency
measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an emergency measure and shall, under the provisions of section 1 of article four of the constitution, take effect immediately.

CHAPTER 378.

An act to amend section 401 of the Civil Code, relating to extension of corporate existence.

[Approved by the Governor May 21, 1929. In effect August 14, 1929.]

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

Stats 1921,
p. 132,
amended.

SECTION 1. Section 401 of the Civil Code is hereby amended to read as follows:

Extension
of corporate
existence.

401. Every corporation heretofore or hereafter formed, and existing under the laws of the state, may at any time prior to the expiration of the term of its corporate existence extend such term to a period not exceeding fifty years from the date of such extension.

Procedure.

Such extension may be made at any meeting of the stockholders, or members, called by the directors especially for considering the subject, if voted for by stockholders representing two-thirds of the capital stock; or by two-thirds of the members where there is no capital stock; or may be made upon the written consent of two-thirds of the members or of stockholders representing two-thirds of the capital stock; *provided*, in the case of any corporation engaged in public utility business the written consent of the railroad commission shall first be obtained. A certificate of such vote or consent of the stockholders or members, bearing the corporate seal and signed and sworn to by the president and secretary and by a majority of the directors or trustees of the corporation, together with, in the case of a corporation engaged in public utility business, a duly certified copy of such written consent of the railroad commission, shall be filed in the office of the secretary of state and thereupon the term of existence of the corporation shall be extended for the period specified in such certificate. The secretary of state shall forthwith issue a certified copy of said certificate and transmit said copy to the county clerk of the county in which the principal place of business of the corporation was situated at the time said corporation was incorporated which copy shall be filed by said county clerk upon payment of the fee prescribed by law. A copy of such certificate, certified by the secretary of state, shall be filed by such corporation in the office of the county clerk of every county

in which said corporation has or holds real property. Any ^{Penalty.} corporation which shall fail to comply with the requirements of the preceding sentence shall be subject to the penalties and liabilities provided in section 299 for a failure of corporations to file copies of their articles of incorporation with the county clerks of the counties in which they shall purchase, hold or locate real property. The fees for certifying such certificate ^{Fees.} and filing the same and the certified copy thereof, shall be the same as those prescribed by law for certifying and filing articles of incorporation in such cases.

In no event shall such extensions be construed to prolong or ^{Effect} extend the term of existence of any franchise or privilege heretofore granted to any corporation or joint stock company by special legislative act, or by the municipal authorities of any county, city, city and county, town or other political subdivision of this state, beyond the term fixed by the provisions of the act, ordinance or resolution conferring such privilege or franchise, or beyond the term fixed for the maximum period of existence of such corporation or joint stock company by laws in force and governing the formation and organization thereof at the time such corporation or joint stock company was formed or organized.

CHAPTER 379.

An act making an appropriation to meet the deficiency in the appropriation for support of the University of California for the seventy-ninth and eightieth fiscal years.

[Approved by the Governor May 21, 1929 In effect immediately.]

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

SECTION 1. The sum of forty-two thousand two hundred ^{Appropriation·} eighty-five dollars is hereby appropriated out of any money ^{University of} in the state treasury, not otherwise appropriated, to meet the ^{California} deficiency in appropriation for the support of the University ^{support.} of California for the seventy-ninth and eightieth fiscal years.

SEC. 2. Inasmuch as this act provides an appropriation for ^{Urgency} the usual current expenses of the state, it is hereby declared ^{measure.} an emergency measure and shall, under the provisions of article four, section 1 of the constitution, take effect immediately.

CHAPTER 380.

An act to cure defects in maps or plats filed for record prior to April 1, 1929, and in deeds or conveyances referring to such maps.

[Approved by the Governor May 21, 1929. In effect August 14, 1929.]

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

Validation
of maps
and plats,
and refer-
ences
thereto in
conveyances.

SECTION 1. Any map or plat recorded or filed with the county recorder of the county in which the lands shown on said map or plat are situated prior to the first day of April, 1929, shall for all purposes be deemed to have been properly so recorded or filed and to comply with all the requirements of the laws in force at the time it was so recorded or filed, notwithstanding any defect, omission or informality in the preparation or execution of such map or plat or of the affidavits, certificates, acknowledgments, indorsements, acceptances of dedication or other matters thereon, or required to be thereon, by any law in force at the time of such recording or filing and all sales or conveyances of land by reference to any such map or plat shall be valid as though said map or plat had been made certified, indorsed, acknowledged and filed in all respects in accordance with the laws in force at the time said map or plat was so recorded or filed. And any deed or conveyance referring to any such map or plat, which prior to the passage hereof, was copied into the proper book of records kept in the office of any county recorder shall impart after the passage hereof notice of its contents to subsequent purchasers and incumbrancers, notwithstanding any defect, omission or informality in the preparation or execution of such map or plat or of the affidavits, certificates, acknowledgments, indorsements, acceptances of dedication or other matters thereon or required to be thereon by any law in force at the time of such recording or filing.

 CHAPTER 381.

An act to add a new section to the Political Code to be numbered 363p, relating to pamphlets and bulletins of the department of public works.

[Approved by the Governor May 21, 1929. In effect August 14, 1929.]

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

New section. SECTION 1. A new section is hereby added to the Political Code to be numbered 363p, and to read as follows:

363p. The department of public works is hereby authorized to prepare, publish and issue such printed pamphlets and bulletins, as the director of public works may deem necessary, for the dissemination of information to the public concerning the work and activities of the several divisions of the department, and may use funds provided for the support of the several divisions of the department with the approval of the department of finance to pay the cost of the preparation, publication and distribution thereof.

Publishing
bulletins
of the
department

CHAPTER 382.

An act to amend section 2210b of the Political Code, relating to the Woman's Relief Corps Home of California.

[Approved by the Governor May 21, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 2210b of the Political Code is hereby amended to read as follows:

Stats. 1919,
p. 1191,
amended.

2210b. The board of directors must elect from their number a president, a vice president, a secretary and a treasurer, each of whom holds office for one year from his election. No member of said board other than the secretary and treasurer shall receive any compensation for his services. The secretary and treasurer shall each receive for their services such compensation as shall be fixed by the board of directors with the approval of the director of finance, which compensation shall be paid from the state treasury at the same time and in the same manner as the salaries of other state officers are paid.

Election and
compensation
of officers.

CHAPTER 383.

An act to add a new section to the Penal Code to be numbered 1308, relating to bail bonds.

[Approved by the Governor May 21, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section to be numbered 1308 is hereby added to the Penal Code, to read as follows:

New section

1308. No court or magistrate shall accept any person or corporation as surety on bail if any summary judgment against any such person or corporation entered pursuant to section 1306 of this code remains unpaid after the expiration of ten days after service of notice of entry of such summary judgment; *provided*, that, if during said ten days any action

Surety on
bail, when
acceptable

or proceeding available in the law is initiated in the same or other court to determine the validity of the order of forfeiture or summary judgment rendered thereon, the provisions of this section shall be inoperative until such action or proceeding has finally been determined. It is hereby made the duty of the clerk of the court in which such judgment is rendered to serve notice of entry of judgment upon the judgment debtor within five days after the date of entry of summary judgment.

CHAPTER 384.

An act to amend section 1418 of the Penal Code relating to reprieves, commutations, and pardons.

[Approved by the Governor May 21, 1929. In effect August 14, 1929.]

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

Stats 1880,
p. 2,
amended
Governor's
power in
respect to
convictions
for treason.

SECTION 1. Section 1418 of the Penal Code is hereby amended to read as follows:

Exception

1418. He may suspend the execution of the sentence, upon a conviction for treason, until the case can be reported to the Legislature at its next meeting, when the Legislature may either pardon, direct the execution of the sentence, or grant a further reprieve; *provided*, that neither the governor nor the Legislature shall have power to grant pardons or commutations of sentence in any case where the convict has been twice convicted of felony, after the first day of January eighteen hundred eighty, unless upon the written recommendation of a majority of the judges of the supreme court. In the case of a convict twice convicted of felony, the application for pardon or commutation of sentence shall be made directly to the supreme court. If a majority of the judges recommend that executive clemency be granted, the clerk of the supreme court shall transmit the application, together with all papers and documents filed in the case, to the governor.

Convicts
twice
convicted
of a felony.

CHAPTER 385.

An act to add a new section, numbered 1027 to the Penal Code, relating to alienists in cases where a plea of not guilty by reason of insanity is entered.

[Approved by the Governor May 21, 1929. In effect August 14, 1929.]

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

New section. SECTION 1. A new section, numbered 1027, is hereby added to the Penal Code, to read as follows:

1027. When a defendant pleads not guilty by reason of insanity the court must select and appoint two alienists, at least one of whom must be from the medical staffs of the state hospitals, and may select and appoint three alienists, at least one of whom must be selected from such staffs, to examine the defendant and investigate his sanity. It is the duty of the alienists so selected and appointed to examine the defendant and investigate his sanity, and to testify, whenever summoned, in any proceeding in which the sanity of the defendant is in question. Said alienists so appointed by the court shall be allowed such fees as in the discretion of the court seem just and reasonable, having regard to the services rendered by the witnesses. The fees allowed shall be paid by the county where the indictment was found or in which the defendant was held for trial.

Appointment
of alienists
upon plea of
insanity

Nothing contained in this section shall be deemed or construed to prevent any party to any criminal action from producing any other expert evidence as to the sanity of the defendant; where expert witnesses are called by the district attorney in such action, they shall only be entitled to such witness fees as may be allowed by the court.

Construction

Any alienist so appointed by the court may be called by either party to the action or by the court itself and when so called shall be subject to all legal objections as to competency and bias and as to qualification as an expert. When called by the court, or by either party, to the action, the court may examine the alienist, as deemed necessary, but either party shall have the same right to object to the questions asked by the court and the evidence adduced as though the alienist were a witness for the adverse party. When the alienist is called and examined by the court the parties may cross-examine him in the order directed by the court. When called by either party to the action the adverse party may examine him the same as in the case of any other witness called by such party.

Examination
of alienists

CHAPTER 386.

An act to regulate and prevent the transportation of persons to gambling ships; to prevent the solicitation of persons to visit gambling ships; and to provide penalties for such transportation or solicitation.

[Approved by the Governor May 21, 1929. In effect August 14, 1929.]

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

SECTION 1. The term "gambling ship" as used in this act, shall be deemed to mean, and shall include, any boat, ship, vessel, water craft or barge upon which there is played, carried on or conducted for money, checks, credit or other

"Gambling
ship"
defined

representative of value, any game played, carried on or conducted with cards, dice, balls, pins, checkers, quoits, spindles, tables, wheels, machines or other device, contrivance or apparatus, or with any combination of any thereof.

Procuring or inducing person to visit gambling ship.

SEC. 2. It is unlawful for any person, within this state, to solicit, entice, induce, persuade or procure, or to aid in soliciting, enticing, inducing, persuading or procuring any person to visit any gambling ship, whether such gambling ship be within or without the jurisdiction of the State of California.

SEC. 3. It is unlawful for any person, within this state, to solicit, entice, induce, persuade or procure, or to aid in soliciting, enticing, inducing, persuading or procuring any person to visit any boat, ship, vessel, craft, barge, hulk, float or other thing capable of floating, whether such boat, ship, vessel, craft, barge, hulk, float or other thing capable of floating be within or without the jurisdiction of the State of California from which such boat, ship, vessel, craft, barge, hulk, float or other thing capable of floating any person is transported, conveyed or carried to any gambling ship, whether such gambling ship be within or without the jurisdiction of the State of California.

Transporting person to gambling ship.

SEC. 4. It is unlawful for any person, firm, association or corporation to transport, convey or carry, or to aid in transporting, conveying or carrying any person to any gambling ship, whether such gambling ship be within or without the jurisdiction of the State of California.

SEC. 5. It is unlawful for any person, firm, association or corporation to transport, convey or carry, or to aid in transporting, conveying or carrying any person to any boat, ship, vessel, craft, barge, hulk, float, or any other thing capable of floating, whether such boat, ship, vessel, craft, barge, hulk, float or other thing capable of floating be within or without the jurisdiction of the State of California, from which such boat, ship, vessel, craft, barge, hulk, float or other thing capable of floating, any person is transported, conveyed, or carried to any gambling ship, whether such gambling ship be within or without the jurisdiction of the State of California.

Violation of act.

SEC. 6. Any person, firm, association or corporation, either as principal, agent, servant, employee or otherwise violating any of the provisions of this act is guilty of a misdemeanor.

Constitutionality.

SEC. 7. If any section, subsection, paragraph, sentence or clause of this act is for any reason held to be invalid, the Legislature hereby declares that had it known of the invalidity of that portion at the time of this enactment, it would have passed the remainder of this act without the invalid portion and that it is the intention of the Legislature that the remainder of this act operate in the event of the invalidity of any portion of this act.

CHAPTER 387.

An act to amend "Sacramento and San Joaquin drainage district refunding act," approved May 26, 1927, by repealing sections 4, 5, 6, 7, 8, 9, 11 and 12 of said act and by amending section 2 thereof, relating to the operation and maintenance of certain flood control project works, by amending section 3 thereof, relating to the cancellation of bonds and providing for the disposition of moneys now in the bond fund or bond interest fund, by amending section 10 thereof, relating to the calling of installments for the collection of Sutter-Butte by-pass assessment number six, and by amending section 13 thereof, relating to payment of assessments in warrants and to the crediting of installment payments.

[Approved by the Governor May 21, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 2 of "Sacramento and San Joaquin drainage district refunding act," approved May 26, 1927, is hereby amended to read as follows:

Stats 1927.
p 1501.
amended.

Sec. 2. For a period of eight years from and after the date upon which this act as amended becomes effective, the operation and maintenance of the units or portions of the flood control work within the Sacramento and San Joaquin drainage district hereinafter enumerated shall be under the direction and control of the department of public works, and the cost of such operation, control and maintenance, during said period, shall be defrayed by the state:

Flood control work transferred to department of public works

(1) The east levee of the Sutter by-pass north of Nelson slough.

(2) The levees and channels of the Wadsworth canal, the intercepting canals draining into the same, and all structures incidental thereto.

(3) The collecting canals, sumps, pumps and structures of the drainage system of project number six east of the Sutter by-pass.

(4) The by-pass channels of the Butte slough by-pass, the Sutter by-pass, the Tisdale by-pass, the Yolo by-pass, and the Sacramento by-pass with all cuts, canals, bridges, dams, and other structures and improvements contained therein and in the borrow pits thereof.

(5) The levees of the Sacramento by-pass.

(6) The channels and the overflow channels of the Sacramento river and its tributaries within the Sacramento and San Joaquin drainage district.

(7) The Sacramento river outlet enlargement project below Cache slough to the extent of the state's liability therefor.

The Sacramento and San Joaquin drainage district and the reclamation board and the members thereof, during said period, are hereby relieved of all responsibility or liability for the

operation or maintenance of all levees, overflow channels, by-passes, weirs, cuts, canals, pumps, drainage ditches, sumps, bridges, basins, or other flood control works within or belonging to the Sacramento and San Joaquin drainage district.

Stats 1927,
p 1505,
amended
Cancellation
of proceed-
ings.

SEC. 2. Section 3 of said act is hereby amended to read as follows:

SEC. 3. It shall be the duty of the reclamation board to cancel all proceedings taken in connection with the bond issue of the Sacramento and San Joaquin drainage district based upon and secured by Sutter-Butte by-pass assessment number six of said district now authorized but not sold.

Transfer
of funds

Immediately upon this act becoming a law the state controller shall request the state treasurer to transfer and the state treasurer shall immediately transfer, any and all moneys deposited in the bond fund or bond interest fund of said assessment from said fund or funds into the construction fund of said assessment to be used for the retirement of warrants as in section 15 of the reclamation board act provided.

Stats 1927,
p 1503,

SEC. 3. Section 4 of said act is hereby repealed.

SEC. 4. Section 5 of said act is hereby repealed.

p. 1507,

SEC. 5. Section 6 of said act is hereby repealed.

SEC. 6. Section 7 of said act is hereby repealed.

SEC. 7. Section 8 of said act is hereby repealed.

p 1508,
repealed
Stats. 1927,
p 1508,
amended

SEC. 8. Section 9 of said act is hereby repealed.

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

Payment of
assessment

SEC. 10. Immediately upon the said bonds herein authorized and directed to be canceled being canceled, said reclamation board is hereby authorized, in its discretion to order that said assessment number six shall be paid in semiannual installments equal to not less than three and one-half per cent of the principal of said assessment for each installment; *provided, however*, that if a supplementary assessment number six shall be levied by said reclamation board, immediately upon said supplementary assessment number six becoming a lien upon the lands, it shall be the duty of said reclamation board to rescind and cancel its then existing order and said reclamation board may in its discretion order that thereafter said assessment number six and said supplementary assessment number six shall be paid in semiannual installments equal to not less than three and one-half per cent of principal amount of said assessments for each installment. Each of such semiannual installments upon each tract shall be based upon the original principal amount of the assessment on such tract less any deductions theretofore made by reason of any credits made upon such tract pursuant to the provisions of chapter 556 of the Statutes of California, 1919, and shall continue to be so based until such time as the principal and interest of said assessment on such tract are paid in full; *provided, however*, that said reclamation board may in its discretion, by order

entered in its minutes, postpone or discontinue from time to time the calling of said semiannual installments or any of them for such periods of time as it deems advisable.

SEC. 10. Section 11 of said act is hereby repealed.

SEC. 11. Section 12 of said act is hereby repealed.

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

Sec. 13. Any owner or holder of lands within the boundaries of said district whose lands are subject to the lien of said assessment number six or said supplemental assessment number six levied in connection with said project number six shall have the right to present to any officer authorized by law to collect such assessments, or any part thereof, warrants of said district now, or hereafter to be, issued in connection with said project number six in payment of his assessment, or any part thereof, and it shall be the duty of such officer to accept such warrants so presented or tendered in payment of such assessment, or any part thereof, at the face value of such warrant or warrants so presented, plus accrued interest. All warrants when received by any officer authorized by law to receive same shall be by him transmitted to the state controller who is hereby authorized and directed to give said officer a receipt for said warrants. It shall be the duty of the state controller, upon demand of the reclamation board, to cancel said warrants and to credit the face value thereof, plus the accrued interest thereon to the date of the tender of said warrants in payment of assessments, to the fund upon which said warrants were originally drawn and to charge said fund with said accrued interest. Thereupon it shall be the duty of the state controller to notify the state treasurer of such cancellation and the state treasurer shall make the proper entry in his books. Partial payments on any tract in excess of any regular installment amount shall be credited to the payment of the principal amount of the assessment upon that tract thereby reducing the interest that would thereafter accrue upon that tract.

Stats 1927,
p. 1508,
p. 1509,
repealed

Stats 1927,
p. 1509,
amended

Payment of
assessment
with
warrants

Duty of state
controller.

CHAPTER 388.

An act to amend sections 14, 15 and 19 of the "Reclamation board act," approved December 24, 1911, as amended, and adding two new sections thereto to be numbered 15a and 37a, respectively, relating to the auditing of canceled warrants and providing for the application of moneys released, reimbursed, or appropriated under and pursuant to chapter one hundred seventy-six, California statutes of 1925 and the war department appropriations act of congress of the United States for the fiscal year ending June 30, 1930,

being public law number eight hundred forty-three, seven-tieth congress, approved February 28, 1929, and providing for the repeal of all laws in conflict herewith.

[Approved by the Governor May 21, 1929 In effect August 14, 1929.]

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

Stats 1923,
p. 765,
amended.

SECTION 1. Section 14 of the reclamation board act, approved December 24, 1911, as amended is hereby amended to read as follows:

Assessment
becomes lien
on land

Sec. 14. After the reclamation board has held the hearings in each county pursuant to section 13 of this act and the assessment lists have been made to conform with its decision, said lists shall be certified by the secretary of the board to be correct, and shall thereupon be filed in the offices of the county treasurers, respectively, of the several counties in which are situated any of the lands assessed thereby. Each such county treasurer shall endorse thereon the date and time to the hour and minute when the same was so filed in his office; and thereafter from that time such assessment shall constitute a lien upon the lands so assessed in such county, and shall impart notice to all subsequent purchasers or incumbrancers or any person acquiring any interest in or lien upon said lands. The assessment shall then be paid to the respective county treasurers in one or more installments of such amounts, and at such times, respectively, as the board, from time to time, in its discretion, may, by order entered in its minutes, direct.

When
payable

At any time within thirty days after said assessment list has been so filed in the office of the county treasurer as provided above, the whole amount of such assessment upon any tract of land therein separately assessed may be paid in cash to the county treasurer and thereupon the county treasurer shall issue his receipt therefor and shall endorse the fact and date of such payment upon the assessment list, and thereupon the lien of such assessment upon such tract of land shall cease. No interest shall be charged on any assessment paid in full within this thirty-day period. All assessments not paid in full within said period of thirty days shall bear interest at the rate of seven per cent per annum from and after the time when the assessment list is filed in the office of the county treasurer for collection. The remaining portion not yet ordered paid by said board of the assessment upon any tract of land may be voluntarily paid in full, with the accrued interest thereon, at any time after the lien of such assessment has accrued.

Delinquent
assessments

If any installment shall remain unpaid at the expiration of thirty days from the date of the board order calling said installment, then said installment shall become delinquent, together with accrued interest thereon to date of delinquency. When any such installment shall become delinquent, a penalty of ten per cent of the amount of such installment plus interest, shall be added thereto and collected for the use of the district;

provided, that if any action is pending in any court to have the assessment on any tract of land reviewed, modified or annulled, as provided herein, such assessment, if not annulled in said action, may, in the discretion of the board, become delinquent thirty days after any judgment rendered therein shall become final. From date of delinquency until time of delinquent sale, such unpaid installment, together with added interest and penalty, shall bear interest at the rate of seven per cent per annum.

After the said installment has become delinquent, the board, when it shall deem it advisable, shall publish in each county where such delinquencies exist, at least once a week for two weeks in some newspaper of general circulation published in the said county, a list in one notice of all said delinquencies in such county which notice shall contain a description of the property assessed as described in the assessment list by reference number as set forth in said assessment list or by other description sufficient to identify the same, the name of the owner to whom it is assessed or a statement that it is assessed to unknown owners; if such is the fact, the amount of the delinquent installment, interest and penalty as above provided, and a further notice that each of said parcels will be sold at public auction by said county treasurer in front of the courthouse of said county at a specified day and hour, to pay said installment with accrued interest and the penalty, together with its proportion of the total cost of publication of said notice of sale.

Notice of
delinquency
and sale.

At the time and place stated in said notice, or such other time to which said sale may have been postponed, the county treasurer shall sell each parcel of land described in said notice to the highest bidder for gold coin of the United States unless prior thereto he shall have received payment in full of said delinquent installment, interest, penalty and cost of publication. If not completed on the first day the sale may be continued from day to day and over Sundays and legal holidays until completed. No license shall be required of the county treasurer for conducting such sale. No bid for any parcel shall be accepted which is less than the aggregate sum then due for said installment thereon, together with accrued interest, penalty and cost of publication. If no bid is made for any parcel at such delinquent sale which is equal to the total amount then due thereon, the county treasurer shall bid in and sell said parcel to the said Sacramento and San Joaquin drainage district for the amount of said delinquent installment or installments, together with accrued interest, penalty and cost of publication.

Sale

The county treasurer shall execute to each purchaser at such delinquent sale including said drainage district, a certificate of such sale, which certificate of sale shall be recorded by said purchaser in the county recorder's office of said county. Out of the proceeds of said sales the county treasurer shall transmit to the state treasurer the total amount then due on

Certificate
of sale

the property so sold as shown in said notice, and shall pay to the owner of said property any surplus remaining after such payment to the state treasurer. The county treasurer shall, when directed by the reclamation board, postpone the said delinquent sale from time to time for not less than ten nor more than thirty days by a written notice posted at or near the place of sale, which written notice shall be substantially as follows: The sale of property for delinquent assessment under (name and number of assessment) of the Sacramento and San Joaquin drainage district, which was fixed for (time and place of sale) has been postponed to (time to which postponed) at the same place.

Redemption

Any person interested in any tract of land sold at such delinquent sale may redeem the same at any time within one year after the date of sale by paying to the county treasurer for such purchase a sum equal to the purchase price stated in the certificate of sale with interest thereon at the rate of twelve per cent per annum from the date of sale to the date of such redemption, together with the amount remaining due and unpaid of any installment upon any assessment on said land under the reclamation board act, with the penalty prescribed above for such other delinquencies. If no redemption shall be made within one year the reclamation board upon demand and the surrender of such certificate of purchase and the delivery of a certificate of the county treasurer that no redemption has been made within such year from date of sale, shall execute to the purchaser, his heirs or assigns, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all incumbrances except state, county and municipal taxes, assessments levied or assessed by statutory authority, and the unpaid balance of said or any assessment made by said drainage district, which said balance must be called in and collected in the same manner as other assessments, except that no parcel sold and conveyed to the Sacramento and San Joaquin drainage district shall thereafter, until redeemed or until sold and disposed of by the reclamation board, be subject to sale by the treasurer for subsequent installments of the said or any assessment as in this act provided.

Deed

Each deed by the reclamation board purporting to be executed under this act shall be prima facie evidence of the truth of the matters therein recited and of ownership by grantee of the lands therein described. All deeds herein required to be executed by the reclamation board may be executed by the president and secretary thereof on behalf of said board. Any parcel of land bid in and purchased by the Sacramento and San Joaquin drainage district at such delinquent sale shall be held in trust for the assessment under which the same was sold and may be sold and conveyed by said reclamation board or their successors in office at any time after the expiration of said redemption period of one year at public or private

Sale of
land bid in
by district

sale and with or without notice, to any person paying not less than the amount for which said parcel was bid in by said county treasurer at such delinquent sale, for said drainage district, with interest thereon at the rate of twelve per cent per annum compounded yearly from the date of such delinquent sale, and also the amount of all subsequent installments or other assessments then delinquent, with accrued interest and penalties thereon.

Payment for the land so purchased shall be made in gold coin of the United States, and the reclamation board shall execute a deed to such purchaser at such sale conveying said property, free of all encumbrances except state, county and other municipal taxes, assessments levied or assessed by statutory authority and the unpaid balance of all assessments of said drainage district, which balance must be called in and collected in the same manner as other assessments. If any lands so held by said drainage district remain unsold then the reclamation board shall sell all such lands so held by said drainage district at public auction to the highest bidder for cash, upon two weeks published notice substantially in the manner provided for notice upon above delinquent sales, and shall execute to the purchaser a conveyance, which deed shall convey title to the land as above prescribed. The proceeds of such sale shall be deposited with the state treasurer to the credit of the assessment under which the property became delinquent.

No county or public officer shall charge or receive any fee for any of the services required to be performed by him under the provisions of this act; but any reasonable and necessary expense actually incurred by any officer in carrying out any of the provisions of this act relating in any manner to the collection or enforcement of any assessment, shall be paid out of the funds of said drainage district applicable thereto.

Expense

SEC. 2. Section 15 of said act is hereby amended to read as follows:

Stats 1925, p. 615, amended

Sec. 15. All money collected upon sales or otherwise shall be paid to the county treasurer of the county in which the land is situated, and said money, together with all other money collected by the county treasurer shall, within one month after its receipt by the county treasurer, be by him deposited in the state treasury to the credit of said drainage district in a fund which is hereby created and known as the Sacramento and San Joaquin drainage district fund, specifying the name and number of the assessment from which such money was derived, and shall be paid out upon warrants of the state controller, and the controller is hereby directed to issue warrants upon said funds whenever drafts of the reclamation board shall be presented to him, and the state treasurer is hereby directed to pay such controller's warrants when there is sufficient money in the fund of said drainage district; *provided*, that all moneys collected from assessments shall be paid out only on warrants issued for works or other expenses covered by the assessment

Deposit of money collected

Warrants

from which such money was derived, which assessments must be numbered consecutively, to the end that all moneys raised by assessment upon any of the lands embraced in said drainage district, shall be expended only for works of reclamation or other expenses, beneficial to the lands so assessed, and for the payment of warrants issued for the construction of the works and other expenses for which such assessment was levied, and each warrant must designate the name and number of the assessment from which it is to be paid. Drafts of the reclamation board may be presented to the controller and warrants drawn as aforesaid, against the funds to be raised by an assessment as soon as the reclamation board has passed its order or resolution for the levy of such assessment and appointed the assessors therefor. In case there are not sufficient funds applicable thereto for the payment of such warrants when presented to the state treasurer, he shall endorse on such warrants the date of presentation and register the same, and thereafter such warrants shall bear interest at the rate of seven per cent per annum, and must be paid in the order of their registration. All such warrants, whether heretofore or hereafter issued, shall be considered as contracts in writing for the payment of money, and the period prescribed for the commencement of an action based upon any such warrants, or connected therewith, is and shall be four years from the date of the first publication of the notice specifying such warrants published by the state treasurer pursuant to the provisions of this section; and no statute of limitations shall be deemed to have run against any action upon or affecting any warrant heretofore or hereafter drawn against any assessment under this act by reason of the lapse of time during which funds adequate for the payment of the outstanding warrants against such assessment were not available. Said warrants shall, at any time within said period of four years, be received in payment of any assessment for work or expenses for which such warrants were issued. The reclamation board may, at its option, at any time before payment of any warrant renew the same upon application of the owner or holder thereof by an endorsement thereon of the fact and date of such renewal and notice thereof to the state treasurer and controller. Whenever there is sufficient money in the treasury applicable to the payment of any outstanding warrants of the district, the state treasurer shall give notice that there is money in the treasury to pay certain warrants, giving their numbers in the order of their registration; said notice shall be published for ten days in one newspaper published in the city of Stockton and one published in the city of Sacramento. After the last publication of said notice the warrants therein mentioned shall cease to bear interest. The reclamation board shall designate a paper in each of said cities which shall be the official papers of said district for the purpose of such publication. Whenever in the opinion of the reclamation board it shall appear that the total amount of any assess-

Insufficient
funds

Renewal of
warrants

Notice of
sufficiency
of funds
to pay
warrants

Partial
release of
assessment

ment previously levied and assessed and which has become a lien upon lands in said drainage district including assessments which have been bonded pursuant to the provisions of chapter five hundred twenty, statutes of 1919, is greater than required to meet all obligations incurred or to be incurred for the purposes for which such assessment was levied, the reclamation board may by resolution entered in its minutes, order the release of the lien of and abandonment of any part of the charges against any tract so assessed not required to be collected, as aforesaid; *provided, however*, that the portions of said assessment to be first abandoned and released shall be such portions of the charges on each tract as are based upon flood control benefits or by-pass severance as those terms are defined in, and have been determined by the assessors appointed by the reclamation board, pursuant to the provisions of section 32 of this act; *and provided, further*, that no assessment upon any tract shall be so released or abandoned until any and all delinquent installments which may have accrued thereon, together with interest and penalties, shall have been paid in full and a copy of such resolution certified by the secretary of said board and attested with its seal shall be deposited in the office of the county treasurer of each county wherein is situated any land affected by such assessment, and shall be by such county treasurer annexed to the assessment list of such assessment for that county; and in any such case, when any payment has been made upon the part of such assessment upon any tract of land so abandoned and released, in whole or in part, the reclamation board may cause such warrants to be issued, in the manner as provided in this section, as may be necessary to secure a just, fair and equitable readjustment of said assessment so paid. Likewise, the reclamation board may also in its discretion abandon any assessment in whole or in part at any time prior to the time when the lien of such assessment has accrued to the extent that said assessment shall be greater than required to meet the obligations incurred or to be incurred thereon. In case of any change of county boundary lines or creation of any new county, all acts and proceedings in this act provided for in the manner of or relating to or in pursuance of or founded upon any assessment upon lands affected by such change of county boundary lines, or creation of such new county, shall be done and conducted as if such lands were situated in the same county as at the time of appointment of the assessors to make such assessment.

Change of
county
boundaries

SEC. 3. A new section is hereby added to said act to be numbered 15a and to read as follows:

Stats 1913,
p 273,
amended

Sec. 15a. All warrants of the Sacramento and San Joaquin drainage district when received by the reclamation board, department of finance, the respective county treasurers or any other officer authorized by law to accept same, for the cancellation or retirement thereof or in payment of assessments, shall be by said board, department, or officer transmitted to

Warrants to
state
controller

Cancellation
of warrants
by state
controller

the state controller who is hereby directed to give said board, department, or officer a receipt for said warrants. It shall thereupon be the duty of said state controller, upon demand by the reclamation board, to cancel said warrants and credit the face thereof, plus accrued interest thereon to the date of the tender of said warrants to the board, department or officer receiving same, to the fund upon which said warrants were originally drawn and to charge said fund with said accrued interest. Thereupon it shall be the duty of the state controller to notify the state treasurer of such cancellation and the said state treasurer shall thereupon make the proper entries in his books.

Stats 1923,
p. 770,
amended
Liability of
members of
reclamation
board.

SEC. 4. Section 19 of said act is hereby amended to read as follows:

Sec. 19. No member of the reclamation board shall be held personally liable on any obligation or liability of any kind or character arising out of the claim that he has failed to carry out any obligation imposed upon said reclamation board by this act or any part thereof and the legislature hereby expressly declares that discretion is vested in said board and the members thereof to determine how and when the various provisions of this act and the projects herein contemplated may best be carried into effect.

Stats 1925,
p. 620,
amended
Declared
purpose
of section.

SEC. 5. A new section is hereby added to said act to be numbered 37a and to read as follows:

Sec. 37a. The purpose of this section is to further the provisions of chapter one hundred seventy-six of the California statutes of 1925 approving the modified report of the California debris commission dated January 5, 1925, as a plan for controlling the flood waters of the Sacramento and San Joaquin rivers and their tributaries, for the improvement and preservation of navigation and the reclamation and protection of lands that are susceptible to overflow from said rivers and their tributaries, which said report was adopted by the congress of the United States in section 13 of that certain act of said congress entitled "An act for the control of floods on the Mississippi river and its tributaries, and for other purposes," approved May 15, 1928.

Use of
moneys
received
by state.

All money or funds which have heretofore or shall hereafter be reimbursed, paid or released by the United States to the State of California under and pursuant to the war department appropriations act of congress for the fiscal year ending June 30, 1930, being public law number eight hundred forty-three, seventieth congress, approved February 28, 1929, and any and all acts of similar import adopted by the United States under and pursuant to the modified report of the California debris commission aforesaid are hereby appropriated for the uses and purposes hereinafter set forth, and all said money or funds together with all money which shall be or has been appropriated or made available by the State of California for expenditure during the eighty-first and eighty-second fiscal

years under and pursuant to said chapter one hundred seventy-six California statutes of 1925 hereinbefore referred to (except for purposes of maintenance and except appropriations pursuant to the provisions of chapter five hundred fifty-six, statutes of 1919) shall immediately, upon any of said moneys becoming available, be deposited in a fund which is hereby created to be known as "Joint navigation and flood control project fund," which said fund shall be expended and disbursed by the state reclamation board for the uses and purposes and subject to the conditions hereinafter set forth at such times and in such manner as said reclamation board in its discretion shall deem necessary or proper. The state controller shall issue his warrants upon order by the reclamation board payable out of said fund and the state treasurer is hereby directed to pay the same. Said money shall be disbursed and applied for the following uses and purposes, to wit:

"Joint navigation and flood control project fund" created

(1) For new construction, lands, rights of way, or easements required to be done or acquired by the State of California, pursuant to said plan or project in such amounts as the reclamation board shall determine, but subject to the limitation on expenditure hereinafter in subdivision (2) hereof contained. On all work which, under said report of the California debris commission is to be prosecuted jointly by the United States and the State of California, the reclamation board may upon request by the California debris commission cause warrants to be drawn by the state controller and the state controller shall draw his warrant in favor of the treasurer of the United States payable out of said fund; *provided, however*, that no amounts shall be so drawn from said fund and paid to the said treasurer of the United States unless an equal amount shall have been appropriated or authorized to be appropriated by the congress of the United States conditional on the payment of an equal amount by the State of California, for the prosecution of said work so to be undertaken jointly as aforesaid.

Disbursement of fund

(2) The reclamation board shall have the right to draw upon said fund in an amount not to exceed twenty-five thousand dollars during any one fiscal year for the purpose of defraying the general administrative operations and overhead of the said reclamation board in connection with the prosecution and completion of said modified report of the California debris commission; *provided, further*, that not more than two hundred thousand dollars (\$200,000) during the eighty-first fiscal year and not more than two hundred thousand dollars (\$200,000) during the eighty-second fiscal year shall be so expended for the purposes as in subdivisions (1) and (2) of this section set forth.

(3) With the balance of said money appropriated, reapropriated or provided, the state department of finance with the consent of the reclamation board is hereby authorized, from time to time and in such manner as it in its discretion shall determine to purchase, retire and cause to be canceled, at such price or prices as it may deem advisable, but

Retirement and cancellation of warrants

not to exceed par plus the accrued interest thereon, all or any warrants or bonds of the Sacramento and San Joaquin drainage district heretofore or hereafter issued as provided in the reclamation board act or in chapter five hundred twenty, statutes of California 1919 and drawn on or based upon or secured by Sutter-Butte by-pass assessment number six, Feather river assessment number seven or Sacramento river outlet assessment number two.

Allocation
of funds

Such of said money as becomes available for the purchase of warrants prior to or during the fiscal year commencing July 1, 1929, shall be allocated to the projects hereinafter set forth in the following proportions, to wit:

Sutter-Butte by-pass project number six-----	78.97%
Feather river project number seven-----	3.36%
Sacramento river outlet project number two-----	17.67%

Such of said money as may become available during the fiscal year commencing July 1, 1930, shall be allocated to the said projects in the following proportions, to wit:

Sutter-Butte by-pass project number six-----	76.45%
Feather river project number seven-----	3.76%
Sacramento river outlet project number two-----	19.79%

The Legislature hereby declares that said percentages are based upon what it has determined to be a relatively fair division and allocation of said funds based upon the proportion which the costs of each of said projects incurred for public benefits bears to the total cost for all of said projects for public benefits as distinguished from private and reclamation benefits and also having in mind appropriations pursuant to the provisions of statutes of California 1919, chapter five hundred fifty-six thereof.

Repealed

All other acts or parts of acts in so far as they are in conflict with this act are hereby repealed.

CHAPTER 389.

An act to validate franchises to construct and operate toll roads.

[Approved by the Governor May 21, 1929 In effect August 14, 1929]

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

Validation
of franchises
to construct
and operate
toll roads

SECTION 1. In all cases where the board of supervisors of any county have heretofore passed and adopted an ordinance granting a franchise for the construction and operation of a toll road over lands in such county lying within the boundaries of an incorporated city or town and thereafter the council or

other legislative body of such city or town has passed and adopted an ordinance ratifying such franchise, such ordinances and such franchise are hereby legalized, ratified, confirmed and declared valid.

CHAPTER 390.

An act to validate licenses and franchises for the construction, keeping and taking toll on roads.

[Approved by the Governor May 21, 1929. In effect August 14, 1929.]

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

SECTION 1. All licenses or franchises for the construction, keeping and taking tolls on roads in any county that have heretofore been granted by the board of supervisors of any county in compliance with the provisions of part three title six chapter three article one of the Political Code are hereby legalized, ratified, confirmed and declared valid.

Validation
of toll road
licenses and
franchises

CHAPTER 391.

An act to provide for instruction in public safety and accident prevention primarily devoted to avoidance of accident hazards on streets and highways in the elementary and secondary schools of the state and in the normal schools and teachers colleges in the state.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

SECTION 1. Instruction must be given in every elementary and secondary school in the state in the subjects of public safety and accident prevention primarily devoted to avoidance of the hazards upon streets and highways.

Instruction
in public
safety and
accident
prevention

SEC. 2. It shall be the duty of the state board of education:

Duty of
state
board of
education

(a) To adopt such rules and regulations as it may deem necessary and proper to secure instruction in public safety and accident prevention in the elementary and secondary schools of this state in accordance with the provisions of this act.

(b) To compile or cause to be compiled and printed a manual in public safety and accident prevention, primarily devoted to avoidance of hazards incident to the use of streets and highways for distribution to teachers in the public elementary and secondary schools of the state.

SEC. 3. The state board of education in standardizing the courses of instruction offered in the state normal schools and

state teachers colleges shall prescribe a course in public safety and shall make the completion of such course a requirement for graduation.

Duty of
superintend-
ents, boards,
etc.

SEC. 4. It shall be the duty of the superintendent of public instruction to make arrangements for carrying out the provisions of this act and it shall be the duty of the superintendent of schools of every county, city and county, or city and of every board of education, board of trustees or high school board to require that instruction in public safety be given in the schools under their jurisdiction or control, as provided in this act

CHAPTER 392.

An act to amend the title and section 1 of an act entitled "An act empowering county boards of supervisors to appropriate and use county funds for the support and maintenance of extension work in agriculture in cooperation with the United States department of agriculture and the University of California," approved May 18, 1915.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

Stats. 1915,
p. 572,
amended.

SECTION 1. The title of an act entitled "An act empowering county boards of supervisors to appropriate and use county funds for the support and maintenance of extension work in agriculture in cooperation with the United States department of agriculture and the University of California," approved May 18, 1915, is hereby amended to read as follows:

Title
amended.

"An act empowering county boards of supervisors to appropriate and use county funds for the support and maintenance of extension work in agriculture and home economics in cooperation with the United States department of agriculture and the University of California."

Stats. 1915,
p. 572,
amended

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Supervisors
may support
university
extension
work.

Section 1. The boards of supervisors of the respective counties within the state are hereby empowered to appropriate and use county funds in not to exceed the sum of thirty thousand dollars in any one year for the support and maintenance of extension work in agriculture and home economics, said extension work being designed for the benefit of their respective counties and being conducted under the approval of the United States department of agriculture and in cooperation with the University of California.

CHAPTER 393.

An act to add a new section to the Code of Civil Procedure, to be numbered 1161a, relating to persons holding over in case of the sale of real property by virtue of execution, foreclosure of mortgage or under a power of sale contained in a deed of trust.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered 1161a, to read as follows:

1161a. In either of the following cases, a person who holds over and continues in possession of real property, after a three day written notice to quit the same, shall have been served upon him, or if there is a subtenant in actual occupation of the premises, also upon such subtenant, as prescribed in section 1162 of the Code of Civil Procedure, may be removed therefrom as prescribed in this chapter.

New section
When
person
holding over
must vacate
property

1. Where the property has been duly sold by virtue of an execution against him, or a person under whom he claims, and the title under the sale has been duly perfected.

2. Where the property has been duly sold, upon the foreclosure, by proceedings taken as prescribed in this code, of a mortgage, or under an express power of sale contained therein, executed by him, or a person under whom he claims, and the title under the foreclosure has been duly perfected.

3. Where the property has been duly sold in accordance with section 2924 of the Civil Code, under a power of sale contained in a deed of trust executed by him, or a person under whom he claims, and the title under the sale has been duly perfected.

CHAPTER 394.

An act to amend section 412 of the Political Code, relating to appointees of the secretary of state.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 412 of the Political Code is hereby amended to read as follows:

412. The secretary of state, to assist him in the discharge of the duties of his office, may appoint one assistant secretary of state, at an annual salary of four thousand eight hundred dollars, whose powers, duties and liabilities shall be those of a deputy, one deputy at an annual salary of four thousand five hundred dollars, and one deputy at an annual salary of four

Stats 1927,
p 677,
amended

Appointees
of secretary
of state

thousand dollars, all of whom shall be civil executive officers; said salaries to be paid at the same time and in the same manner as the salaries of other state officers; and may also appoint and fix the salaries, subject to the approval of the director of finance and state civil service commission, of all such clerical, expert and technical assistants as may be necessary for the proper conduct of his office.

CHAPTER 395.

An act relating to courses of study in elementary schools.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto

CHAPTER 396.

An act to amend section 1763 of the Code of Civil Procedure, relating to guardians of insane and other incompetent persons.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1763 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1909,
p 329,
amended
Guardians
of insane or
incompetent
persons.

1763. Upon the filing with the clerk of the superior court of a verified petition of any relative or friend, that any person is insane, or from any cause mentally incompetent to manage his property, the clerk of the said court must cause a notice to be given to the supposed insane or incompetent person of the time and place of hearing the case, not less than five days before the time so appointed, and such person, if able to attend, must be produced on the hearing; *provided*, that when such person is a patient at a state hospital in this state, the certificate of the medical superintendent or acting medical superintendent of such state hospital, to the effect that such patient is unable to attend on the hearing shall be prima facie evidence of such fact.

CHAPTER 397.

An act relating to maximum rates of tax for school district purposes.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 398.

An act to amend section 1 of an act entitled "An act to provide for the establishment within municipalities of districts or zones within which the use of property, height of improvements and requisite open spaces for light and ventilation of such buildings, may be regulated by ordinance," approved May 31, 1917, as amended, relating to zones.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1 of an act entitled "An act to provide for the establishment within municipalities of districts or zones within which the use of property, height of improvements and requisite open spaces for light and ventilation of such buildings, may be regulated by ordinance," approved May 31, 1917, as amended, is hereby amended to read as follows:

Stats 1917, p. 1419, amended.

Section 1. For the public interest, health, comfort, convenience, preservation of the public peace, safety, morals, order and the public welfare, the city council, board of trustees or other legislative body of any incorporated city or town of California, hereinafter referred to as the council, may by ordinance create or divide the city into districts within some, all or none of which it shall be lawful and within some, all or none of which it shall be unlawful to erect, construct, alter or maintain certain buildings, or to carry on certain trades or callings or within which the height and bulk of future buildings shall be limited.

Cities may create districts within which building and trades regulated

CHAPTER 399.

An act to add a new section to the Penal Code, to be numbered 472b, relating to the use of reproductions or facsimiles of the great seal of the State of California.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered 472b, and to read as follows:

New section

472b. Every person who shall maliciously or for commercial purposes use or allow to be used any reproduction or facsimile of the great seal of the State of California in any manner whatsoever, is guilty of a misdemeanor.

Use of reproduction of great seal of state

CHAPTER 400.

An act to add a new section to the Political Code, to be numbered 2524b, relating to the property over which the board of state harbor commissioners have possession and control and relating to the powers of said board.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

New section

SECTION 1. A new section is hereby added to the Political Code of the State of California to be numbered 2524b and to read as follows:

Additional powers granted board of state harbor commissioners

2524b. The board of state harbor commissioners shall have the powers, controls and possessions hereinafter granted relating to properties of the State of California hereinafter mentioned, in addition to all powers, controls and possessions heretofore granted the said board by the laws of the State of California now in force and effect.

The board of state harbor commissioners shall have the possession, management and control of all property belonging to the State of California located within the city and county of San Francisco, but outside of the boundaries of the pueblo of San Francisco and which property is appurtenant to, or adjacent to, or constitutes a portion of the navigable waters of the bay of San Francisco, or any arm, channel, basin, inlet or waterway constituting a part of or adjacent to, said bay of San Francisco, within said city and county of San Francisco.

CHAPTER 401.

An act to amend section 537 of the Code of Civil Procedure relating to attachment.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

Stats 1927, p 875, amended.

When attachment may be issued

SECTION 1. Section 537 of the Code of Civil Procedure is hereby amended to read as follows:

537. The plaintiff, at the time of issuing the summons, or at any time afterward, may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless the defendant give security to pay such judgment, as in this chapter provided, in the following cases:

1. In an action upon a contract, express or implied, for the direct payment of money, where the contract is made or is payable in this state, and is not secured by any mortgage or lien upon real or personal property, or any pledge of personal

property, or, if originally so secured, such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless; *provided*, that an action upon any liability, existing under the laws of this state, of a spouse, relative or kindred, for the support, maintenance, care or necessities furnished to the other spouse, or other relatives or kindred, shall be deemed to be an action upon an implied contract within the term as used throughout all subdivisions of this section.

2. In an action upon a contract, express or implied, against a defendant not residing in this state, or who has departed from the state, or who can not after due diligence be found within the state, or who conceals himself to avoid service of summons.

3. In an action against a defendant, not residing in this state, or who has departed from the state, or who can not after due diligence be found within the state, or who conceals himself to avoid service of summons, to recover a sum of money as damages, arising from an injury to property in this state, in consequence of negligence, fraud, or other wrongful act.

CHAPTER 402.

An act to amend an act entitled "An act concerning the construction and repair of levees in the city of Marysville and the mode of raising revenue therefor," approved March 6, 1876, by amending section 5 of said act and adding section 5a, relating to powers of levee commissioners.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 5 of an act entitled "An act concerning the construction and repair of levees in the city of Marysville, and the mode of raising revenue therefor," approved March 6, 1876, is hereby amended to read as follows:

Stats
1875-6,
p 132,
amended

Sec. 5. The board of levee commissioners created by this act shall have full power as soon as they are elected and qualified, to take immediate charge, care, and control of the levee or levees now built and constructed by said city and to strengthen, repair, alter, or extend the same wherever necessary, and to employ one or more overseers of said levees who shall continue to act as such overseers for such period of time as said board may direct, and to be paid such per diem as said board shall fix by warrant drawn on said city levee fund.

Powers of
board of
levee com-
missioners

The board of levee commissioners shall have full power to incur obligations and indebtedness in order to perform their duties in connection with said levee or levees, required by this act, and in the event that there are insufficient funds in said city levee fund wherewith to pay the same, or the warrants

issued by said board of levee commisisoners evidencing said obligations and indebtednesses, the said board of levee commisisoners shall have full power to borrow money at legal interest to be deposited in said city levee fund and by said city treasurer paid to the holders of said warrants; and the common council of said city of Marysville shall levy upon all taxable property, within said city levee, a tax sufficient to produce the whole amount of money so borrowed with such interest, in addition to other taxes required to be levied under the provisions of this act. Said powers of said commission shall be plenary and shall be liberally construed.

SEC. 2. A new section is hereby added to said act to be numbered section 5a and to read as follows:

Tax levy.

Construction

Stats
1875-6,
p. 132,
amended
General
manager.

Sec. 5a. The board shall have full power to employ a general manager who shall serve for such a period and be paid such monthly compensation and perform such duties, as the board may direct.

CHAPTER 403.

An act making an appropriation to pay the claim of Fred F. Freitas against the State of California.

[Approved by the Governor May 22, 1929 In effect August 14, 1929]

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

Appropriation claim of Fred F. Freitas

SECTION 1. The sum of ten dollars (\$10.00) is hereby appropriated out of any money in the fish and game preservation fund in the state treasury to pay the claim of Fred F. Freitas against the State of California.

CHAPTER 404.

An act to amend section 4½ of an act entitled "An act authorizing the creation, government, maintenance and dissolution of county sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923, as amended.

[Approved by the Governor May 22, 1929 In effect August 14, 1929.]

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

Stats 1927,
p 417,
amended

SECTION 1. Section 4½ of an act entitled "An act authorizing the creation, government, maintenance and dissolution of county sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts

and the powers thereof," approved May 29, 1923, as amended, is hereby amended to read as follows:

Sec. 4½. At any time after the formation of a county sanitation district in the manner hereinabove provided, any territory, contiguous to said district, whether incorporated or unincorporated, not included in any other county sanitation district or other district formed for similar purposes, may be annexed thereto; *provided*, that the board of supervisors shall first find and determine that said territory contiguous to such district will be benefited by such annexation. For the purpose of annexing contiguous territory to any sanitation district the board of supervisors shall proceed in the same manner hereinabove provided for the formation of a sanitation district in the first instance; *provided*, that wherever it is required to set forth the boundaries of the proposed district there shall instead be set forth the boundaries of the territory annexed or proposed to be annexed and wherever protests are called for or authorized or an election is to be held, the provisions relating thereto shall refer only to the territory annexed or proposed to be annexed; *and provided, further*, that the board of directors of said district shall first, by resolution duly adopted, find and declare that such sanitation district will be benefited by the annexation thereto of such contiguous territory and consent to the annexation of said contiguous territory. Whenever any such contiguous territory shall be so annexed to any county sanitation district it shall thereupon become a part of said district and shall be subject to all the liabilities and entitled to all the benefits of the sanitation district.

Annexation
of contiguous
territory

CHAPTER 405.

An act to add a new section to be numbered 10½ to the county water works district act approved June 13, 1913, as amended, relating to the levy of taxes on land only in county water works districts at the option of the petitioners for the formation of such districts.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section to be numbered 10½ is hereby added to the county water works district act approved June 13, 1913, as amended, to read as follows:

Stats 1913,
p 789,
amended

Sec. 10½. If the petitioners so desire, said petition for the formation of such county water works district may contain, in addition to the matters specified in section 2 of this act, a statement that the taxes provided for in this act shall be levied upon the lands within said district and upon no other property. If such statement be made in the petition the board of super-

Levy of
taxes on
lands only

visors must recite such statement in any resolution or ordinance adopted pursuant to section 5 of this act, and in any order entered pursuant to section 6 of this act, and all taxes levied under the provisions of this act in such district must be levied upon the land within such district, and in any extension or additions thereto, and upon no other property.

CHAPTER 406.

An act to amend sections 4 and 11 of an act entitled "An act to provide an institution for the confinement, cure, care, and rehabilitation of drug addicts to be known as the state narcotic hospital; to provide for the government and maintenance thereof; to provide for admission and commitment of such addicts, and to prescribe penalties for unlawfully or improperly contriving to have persons adjudged drug addicts under this act; to provide penalties for procuring the escape, or aiding or advising in the escape of inmates, or concealing inmates thereof," approved April 9, 1927, relating to payment of expenses of persons committed to state narcotic hospital.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

Stats. 1927,
p 151,
amended

SECTION 1. Section 4 of an act entitled "An act to provide an institution for the confinement, cure, care and rehabilitation of drug addicts to be known as the state narcotic hospital; to provide for the government and maintenance thereof; to provide for admission and commitment of such addicts, and to prescribe penalties for unlawfully or improperly contriving to have persons adjudged drug addicts under this act; to provide penalties for procuring the escape, or aiding or advising in the escape of inmates, or concealing inmates thereof," approved April 9, 1927, is hereby amended to read as follows:

Order for
payment
of expense

Sec. 4. The court at the hearing must inquire into the financial condition of the person committed or the parent, guardian, or other person charged with the support of such person, if a minor, and if the court finds such person or persons able to do so in whole or in part, a further order must be made requiring him or them to pay, to the extent the judge may consider just, the expenses of the proceedings in connection with the commitment of such person, the expenses of the delivery thereof to the state narcotic hospital, and to pay to the county, or city and county, of which such person is a bona fide resident, such sums as in the opinion of the court are proper, during such time as the person committed may remain in the said hospital.

It shall be the duty of the county auditor to keep a record of such payments ordered to be made, to receive, to receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the person or persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such person or persons to make such payments.

SEC. 2. Section 11 of said act is hereby amended to read as follows:

Sec. 11. For each person committed under this act there shall be paid by the county or city and county of which he is a bona fide resident, to the state treasurer, to the credit of the general fund of the state the sum of twenty-five dollars (\$25) monthly for and during each month or part of month such person so committed remains an inmate of the institution.

CHAPTER 407.

An act to amend sections 20 and 31 of an act entitled "An act to be known as the 'Pacific colony act' to establish an institution for the care, confinement and instruction of feeble-minded and epileptic persons, to provide for government and maintenance thereof, and for the study of mental deficiency and related problems, to provide for admission and commitment to such institution and to prescribe penalty for unlawfully or improperly contriving to have persons adjudged feeble-minded under this act, to provide for the sterilization of inmates of such institution, to prescribe penalties for procuring the escape or aiding or advising in the escape of inmates, or concealing inmates thereof, to provide a contingent fund for the use of such institution and to make an appropriation therefor," approved June 1, 1917, as amended.

[Approved by the Governor May 22, 1929 In effect August 14, 1929]

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

SECTION 1. Section 20 of an act entitled "An act to be known as the 'Pacific colony act' to establish an institution for the care, confinement and instruction of feeble-minded and epileptic persons, to provide for government and maintenance thereof, and for the study of mental deficiency and related problems, to provide for admission and commitment to such institution and to prescribe penalty for unlawfully or improperly contriving to have persons adjudged feeble-minded under this act, to provide for the sterilization of inmates of such institution, to prescribe penalties for procuring the escape or aiding or advising in the escape of inmates, or concealing inmates thereof, to provide a contingent fund for the use of

Records and enforcement

Stats 1927, p. 153, amended.

Payments by counties to state.

Stats 1917, p. 1627, amended.

such institution and to make an appropriation therefor," approved June 1, 1917, is hereby amended to read as follows:

Order to pay expenses
 Sec. 20. The judge shall attach to the order of commitment his findings and conclusions, together with all the social and other data he may have bearing upon the case, and the same shall be delivered to the said institution with such order. The judge must inquire into the financial condition of the parent, guardian or other person charged with the support of any such person, and if he find him able to do so, in whole or in part, he must make a further order, requiring him or her to pay, to the extent the judge may consider him or her able to pay, the expenses of the proceedings in connection with the investigation, detention and commitment of such person, and the expenses of the delivery thereof to the institution, and to pay to the county, at stated periods, such sums as, in the opinion of the judge, are proper, during such time as the person may remain in the institution. This order may be enforced by such further orders as the judge deems necessary, and may be varied, altered or revoked in his discretion.

Records and enforcement

It shall be the duty of the county auditor to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the person or persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such person or persons to make such payments.

Stats 1917, p 1629, amended

SEC. 2. Section 31 of said act is hereby amended to read as follows:

Payments by counties to state

Sec. 31. For each person committed to the Pacific colony there shall be paid by the county from which he is committed, to the state treasurer, the sum of twenty dollars monthly, for and during each month or part of month such person so committed remains an inmate of the institution.

CHAPTER 408.

An act making an appropriation to pay the claim of H. C. Miller against the State of California.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

Appropriation. claim of H C Miller

SECTION 1. The sum of seventy-two dollars and five cents is hereby appropriated out of any moneys in the state compensation insurance fund in the state treasury, not otherwise appropriated, to pay the claim of H. C. Miller against the State of California.

CHAPTER 409.

An act to amend the California fruit, nut and vegetable standardization act of 1927, approved June 2, 1927, as amended, by amending section 35 thereof, relating to standards for sweet potatoes.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 35 of the California fruit, nut and vegetable standardization act of 1927, approved June 2, 1927, as amended, is hereby amended to read as follows: Stats 1927,
p 1879,
amended

Sec. 35. Sweet potatoes, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or in bulk, shall conform to one of the following standards: Sweet
potatoes

Grade fancy. Grade fancy shall consist of sweet potatoes of similar varietal characteristics which are firm, bright, smooth and well shaped; which are free from black rot, decay, and freezing injury; and free from damage caused by dirt, discoloration, secondary rootlets, bruises, cuts, scars, growth cracks, grass roots, scald, scurf or other disease, nematode, wire worm, or other insects, and mechanical or other means, and shall be in new, clean standard lidded containers. Grade fancy

The diameter of each sweet potato shall be not less than one and three-fourths inches nor more than two and three-fourths inches, and the length shall be not more than nine inches.

In order to allow for variations other than size incident to proper grading and handling, not more than ten per cent, by weight, of the sweet potatoes in any container may be below the requirements of this grade, but not to exceed a total of three per cent shall be allowed for defects causing serious damage, and not more than one-third of this amount or one per cent, shall be allowed for sweet potatoes affected with soft rot.

In addition, not more than ten per cent, by weight, of the sweet potatoes in any container may fail to meet the size requirements, but not more than one-half of this tolerance, or five per cent, shall be allowed for sweet potatoes which are below the minimum size requirements.

Grade number 1. Grade number 1 shall consist of sweet potatoes of similar varietal characteristics which are firm, fairly smooth, not badly misshapen; which are free from black rot, decay, and freezing injury; and free from damage caused by dirt, discoloration, secondary rootlets, bruises, cuts, scars, growth cracks, grass roots, scald, scurf or other disease, nematode, wire worm, or other insects, and mechanical or other means, and shall be in new clean standard lidded containers. Grade
number 1

The diameter of each sweet potato shall be not less than one and three-fourths inches nor more than three and one-half

inches, and the length shall be not more than ten inches; *provided*, that in "Grade number 1 jumbo" sweet potatoes, when each container is so marked, the diameter of each sweet potato shall not be less than three and one-half inches, and the length shall not be less than seven inches.

In order to allow for variations other than size, incident to proper grading and handling, not more than ten per cent, by weight, of the sweet potatoes in any container may be below the requirements of this grade, but not to exceed a total of five per cent shall be allowed for defects causing serious damage, and not more than one-fifth of this amount, or one per cent, shall be allowed for sweet potatoes affected with soft rot.

In addition, not more than ten per cent, by weight, of the sweet potatoes in any container may fail to meet the size requirements, but not more than one-half of this tolerance, or five per cent, shall be allowed for sweet potatoes, which are below the minimum size requirements.

Grade
number 2.

Grade number 2. Grade number 2 shall consist of sweet potatoes which are free from black rot, decay, and freezing injury; and from serious damage caused by dirt, bruises, cuts, scars, growth cracks, grass roots, scald, disease, nematode, wire worm, or other insects and mechanical or other means.

The diameter of each sweet potato shall be not less than one and one-half inches nor more than three and one-half inches, and the length shall be not more than ten inches.

In order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of the sweet potatoes in any container may be below the requirements of this grade, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

In addition, not more than ten per cent, by weight, of the sweet potatoes in any container may fail to meet the size requirements, but not more than one-half of this tolerance, or five per cent, shall be allowed for sweet potatoes which are below the minimum size requirements.

Lot
tolerance.

Lot tolerance. For the purpose of this section, although the tolerances specified for the various standards necessarily are placed on a package basis, not more than one-fourth of the packages in any lot may be permitted to exceed the tolerance established by not more than one-half of the amount allowed; *provided*, that the entire lot shall average within the tolerance established; *provided, further*, that no container shall have more freezing injury or decay than the amount specified in the tolerance established.

Definitions.

Definitions. When used in this section the words herein mentioned shall be defined as follows:

"Similar varietal characteristics" means that the sweet potatoes in the same container shall have skins of similar color, such as white, yellow or red. Moist and dry types shall not be mixed.

“Firm” means that the sweet potatoes shall not be flabby or shriveled.

“Damage” means any injury which materially affects the appearance of the lot or causes appreciable waste in the ordinary preparation for use. Sweet potatoes are considered damaged by discoloration if ten per cent of the surface is stained.

“Serious damage” means any injury which seriously affects the appearance of the lot, or causes a waste of more than ten per cent, by weight, in the ordinary preparation for use.

“Diameter” means the greatest dimension at right angle to the longitudinal axes.

“Smooth” means that in addition to other defects which cause roughness, sweet potatoes shall be free from prominent veining.

“Fairly smooth” means that sweet potatoes shall be free from excessive prominent veining, corrugations or other roughness.

Markings. In addition to the markings required by section 9 of this act, all containers of sweet potatoes shall bear upon them in plain sight and in plain letters on the outside thereof the net weight. Markings.

Each container of sweet potatoes which meets the requirements for grade fancy sweet potatoes, as established above, may be marked “fancy,” or with any other proper designation of quality or grade. Each container of sweet potatoes which meets the requirements for grade number 1 or grade number 1 jumbo sweet potatoes, as established above, may be marked “grade No. 1,” or “grade No. 1 jumbo,” as the case may be, or with any other proper designation of quality or grade; *provided*, that each container of sweet potatoes which fail to meet the requirements of one of the foregoing grades, but which meet the requirements for grade number 2 sweet potatoes, as established above, shall be plainly and conspicuously marked, in letters not less than one-half inch in height, with the words “grade No. 2,” and shall bear no other term designating quality or grade.

Standard containers. Sweet potatoes shall be in standard containers numbers 23, 37A or 37B, established in section 11 of this act, or in containers standardized by federal legislation; *provided*, that grade number 2 sweet potatoes may be in other sized containers if these are conspicuously marked in letters not less than one-half inch in height “irregular container.” Standard containers

CHAPTER 410.

An act to add a new section to the Penal Code to be numbered 1618, relating to county and city jails and medical care of persons therein.

[Approved by the Governor May 22, 1929 In effect August 14, 1929]

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

New section SECTION 1. A new section to be numbered 1618 is hereby added to the Penal Code, to read as follows:

Attendance
of physician
at jails

1618. Whenever the annual average of more than two hundred fifty persons are confined in any county or city jail at any time there shall be available at such jail at all times a duly licensed and practicing physician for the care and treatment of all persons confined therein. Such physician shall be designated by the sheriff of the county or city and county and in cases of county or city and county jails shall be paid out of the same fund of the county or city and county as other claims against the county or city and county for salaries are paid and in cases of city jails, said physician shall be paid out of the general fund of such city; *provided, however*, that any prisoner may decline such care or treatment and provide other care or treatment for himself at his own expense

Punishment
for failure
to designate
physician

The failure or refusal of the sheriff to designate such duly licensed and practicing physician is hereby declared to be a misdemeanor and upon conviction thereof said sheriff shall be subject to punishment of a fine not to exceed five hundred dollars or imprisonment for not more than six months, or both such fine and imprisonment.

CHAPTER 411.

An act to amend section 612 of the Political Code, relating to statements required to be made by insurance companies other than life insurance companies.

[Approved by the Governor May 22, 1929 In effect August 14, 1929]

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

Stats. 1907,
p. 155,
amended

What state-
ments must
show.

Capital
stock.
Assets.

SECTION 1. Section 612 of the Political Code is hereby amended to read as follows:

612. What statements must show. Such statement, if made by other than life insurance companies, must show.

First—The amount of the capital stock of the company.

Second—The property or assets held by the company, specifying:

1. The value of real estate held by said company;

2. The amount of cash on hand and deposited in banks to the credit of the company, specifying the same;

3. The amount of cash in the hands of agents, and in course of transmission;

4. The amount of loans secured by bonds and mortgages, constituting the first lien on real estate, on which there is less than one year's interest due or owing;

5. The amount of loans on which interest has not been paid within one year previous to such statement;

6. The amount due the company upon which judgments have been obtained;

7. The amount of stocks of this state, of the United States, or any incorporated city of this state, and of any other stocks owned by the company, specifying the amount, number of shares, and par and market value of each kind of stocks.

8. The amount of stocks held as collateral security for loans, with the amount loaned on each kind of stock, its par value and its market value;

9. The amount of interest due and unpaid;

10. The amount of all other loans made by the company, specifying the same;

11. The amount of premium notes on hand on which policies are issued;

12. All other property belonging to the company, specifying the same.

Third—The liabilities of such company, specifying:

Liabilities.

1. The amount of losses due and unpaid;

2. The amount of claims for losses resisted by the company;

3. The amount of losses in process of adjustment or in suspense, including all reported or supposed losses;

4. The amount of dividends declared, due, and remaining unpaid;

5. The amount of dividends declared, but not due;

6. The amount of money borrowed and security given for the payment thereof;

7. Gross premium (without any deductions) received and receivable upon all unexpired fire risks running one year or less from date of policy, reinsurance thereon at fifty per cent;

8. Gross premiums (without any deductions) received and receivable upon all unexpired fire risks running more than one year from the date of policy, reinsurance thereon pro rata;

9. Gross premiums (without any deductions) received and receivable upon all unexpired marine and inland navigation risks, except time risks, reinsurance thereon at one hundred per cent;

10. Gross premiums (without any deductions) received and receivable on marine time risks, reinsurance thereon at fifty per cent;

11. Amount reclaimable by the insured on perpetual fire-insurance policies, being ninety-five per cent of the premiums or deposit received;

12. Reinsurance fund and all other liabilities, except capital;

13. Unused balances of bills and notes taken in advance for premiums on open marine and inland policies, or otherwise, returnable on settlement;

14. Principal unpaid on script or certificates of profits, which have been authorized or ordered to be redeemed;

15. Amount of all other liabilities of the company, specifying the same.

Income. Fourth—The income of the company during the preceding year, specifying:

1. The amount of cash premiums received;
2. The amount of notes received from premiums;
3. The amount of interest money received, specifying the same;
4. The amount of income received from all other sources, specifying the same.

Expenditures Fifth—The expenditures of the preceding year, specifying:

1. The amount of losses paid;
2. The amount of dividends paid;
3. The amount of expenses paid, including commissions and fees to agents and officers of the company;
4. The amount paid for taxes;
5. The amount of all other payments and expenditures.

Risks. Sixth—1. The amount of risks written during the year;

2. The amount of risks expired during the year;

3. The amount of risks written during the year in the State of California;

4. The amount of premiums thereon;

5. The amount of insurance on risks in California reinsured during the year, supported by separate schedules of insurers admitted to do business and of insurers not admitted to do business in the State of California, showing the amounts reinsured and the premiums therefor;

6. The amount of reinsurance accepted on risks in California during the year and the premiums therefor, supported by separate schedules of insurers admitted to do business and of insurers not admitted to do business in the State of California.

Foreign companies. *Provided*, that any foreign fire, marine, or inland insurance company, incorporated or not incorporated, doing business within this state, shall return only the business done in the United States and the assets of the company situated in the United States and held for the protection of the policyholders of the company who are residents of the United States, except that any further returns requested from time to time by the insurance commissioner must be made.

CHAPTER 412.

An act to add a new section to chapter four b of part three, title five of the Political Code to be numbered 2321, relating to the office of county agricultural commissioner.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to chapter four b New section. of part three, title five of the Political Code to be numbered 2321 and to read as follows:

2321. On and after the effective date of this act, the office County agricultural commissioner. of county horticultural commissioner, heretofore created, shall be known as the office of county agricultural commissioner, and whenever in this chapter the term "commissioner" is used, the same shall be taken to mean and refer to county agricultural commissioner; and whenever by the terms of any statute or law now in force, or that may hereafter be enacted, the term "county horticultural commissioner" or similar designation is used, the same shall be deemed to refer to the county agricultural commissioner, the same as though the term "county agricultural commissioner" or similar designation had been specifically set forth and named therein. Nothing in this section shall be construed as divesting any incumbent of title to the office of the county horticultural commissioner. This section is intended only to change the designation of said office as aforesaid, and such change in designation shall include similar change in designation for all deputies and inspectors appointed or employed under the direction of said office.

CHAPTER 413.

An act to amend sections 17 and 18 of an act entitled "The California fruit, nut and vegetable standardization act of 1927," approved June 2, 1927; relating to the packing and sale of avocados and berries.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 17 of an act entitled "The California Stats 1927, p 1853, amended fruit, nut and vegetable standardization act of 1927," approved June 2, 1927, is hereby amended to read as follows:

Sec. 17. Avocados, when being packed, or after packing, Avocados or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold, in any container or sub-container or in bulk, shall conform to the following standard:

Avocados shall be mature but not overripe or rancid, free from worm injury, mold, decay, and from serious damage caused by cuts, bruises, growth cracks, freezing, sunburn, insects, disease or other means; and in the case of packed avocados shall be virtually uniform in size; *provided*, that not more than ten per cent, by count, of the avocados in any one container or loose lot may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause; *provided, further*, that no part of this tolerance shall be allowed for immature avocados.

Damage to any avocado shall not be considered as serious unless it causes a waste of twenty per cent by weight of the fruit.

The percentage of serious defects in any bulk lot of avocados may be established by inspection of a representative sample, which shall consist of not less than one hundred fruits selected at random.

When packed in layers there shall be approximately the same numerical count in each layer throughout a container or subcontainer having straight sides.

Avocados shall not be considered mature when the edible portion shows an oil content of less than eight per cent, by weight, by chemical analysis.

In addition to the markings required by section 9 of this act, all containers of avocados, when packed, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of variety, if known, and when not known the words "unknown variety," or "unnamed variety," the net weight or average weight of fruits, and the number of fruits in the container or subcontainer. When two or more varieties are packed or placed in a container they shall be labeled "mixed varieties."

Containers of avocados which are not packed shall be required to show only the markings required by section 9 of this act.

No standard containers are established by this act for avocados.

Stats 1927,
p. 1843,
amended
Strawberries

SEC. 2. Section 18 of said act is hereby amended to read as follows:

Sec. 18. Strawberries, when being packed, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer, shall conform to the following standard:

Strawberries shall be mature but not overripe, shall not be noticeably undeveloped or deformed; and shall have the cap (calyx) attached, and be free from cuts, mold, decay, and from serious damage caused by rain, irrigation, sun, frost, bruising, disease, insects or other means; *provided*, that not more than ten per cent, by weight, of the strawberries in any one container or subcontainer, may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Any strawberry which has not less than two-thirds of the surface showing pink or red color shall be considered mature.

The markings required by section 9 of this act, in lieu of being plainly and conspicuously stamped, stenciled, printed, labeled or branded on one end of each crate or chest containing berries, may be shown on tags or labels placed on top of the fruit in each crate, slide or drawer.

All strawberries shall be in standard subcontainer number 2A established in section 11 of this act.

Red and blackcap raspberries, blackberries, dewberries and loganberries, when being packed, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer, shall conform to the following standard :

Red and blackcap raspberries, blackberries, dewberries and loganberries shall be mature but not overripe; shall not be noticeably undeveloped or deformed; and shall be free from cuts, mold, decay and from serious damage caused by rain, sun, frost, bruising, disease, insects or other means; *provided*, that not more than ten per cent, by weight of the berries in any one container or subcontainer may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Raspberries,
blackberries,
dewberries
and logan-
berries

The markings required by section 9 of this act in lieu of being plainly and conspicuously stamped, stenciled, printed, labeled or branded on one end of each crate or chest containing berries, may be shown on tags or labels placed on top of the fruit in each crate, slide or drawer.

All red and blackcap raspberries, blackberries, dewberries and loganberries shall be in standard subcontainers number 2A or 2B, established in section 11 of this act.

CHAPTER 414.

An act making an appropriation for minor construction, improvements and repairs at San Quentin prison, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor May 22, 1929. In effect immediately.]

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

SECTION 1. Twenty-five thousand dollars (\$25,000) of the unexpended balance in the appropriation for construction and equipment of east prison wing heretofore appropriated under and by the provisions of chapter one hundred forty-two, statutes of 1927, is hereby reappropriated and made available for minor construction, improvements, and equipment at San Quentin prison.

Appropriation:
San Quentin
prison.

Urgency
measure

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, and inasmuch as it is also necessary for the immediate preservation of the public peace, health and safety, it is hereby declared an urgency measure and shall, under the provisions of section 1, article four of the constitution, take effect immediately. The following is a statement of facts constituting such necessity: Certain items of minor construction, improvements and equipment must be immediately provided at San Quentin prison to properly house inmates in said prison. Without such proper housing the health and safety of the inmates of said institution will be seriously imperiled.

CHAPTER 415.

An act to amend section 84, and to repeal section 85, of the Civil Code, relating to children of annulled marriages.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

Stats 1905,
p 555,
amended
Children of
annulled
marriages

SECTION 1. Section 84 of the Civil Code is hereby amended to read as follows:

84. A judgment of nullity of marriage does not affect the legitimacy of children conceived or born before the judgment, and the court may during the pendency of the action, or at the time judgment is rendered or at any time thereafter make such order for the custody, care, education, maintenance and support of such children during their minority as may seem necessary or proper; except that the court must award the custody of the children of a marriage annulled on the ground of fraud or force to the innocent parent.

Repealed

SEC. 2. Section 85 of the Civil Code is hereby repealed.

CHAPTER 416.

An act to provide for the transferring of moneys in the contingent fund of the state fire marshal to the clothes cleaning establishment fund; abolishing the contingent fund of the state fire marshal; and providing for support of the division of industrial fire safety, in the department of industrial relations.

[Approved by the Governor May 22, 1929. In effect August 14, 1929.]

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

Transfer of
funds of
state fire
marshal

SECTION 1. Any balance in the contingent fund of the state fire marshal upon the date when chapter one hundred fifty-five, statutes of 1929, takes effect, shall be transferred to the clothes

cleaning establishment fund, and said contingent fund of the state fire marshal shall be, and is hereby, abolished, and any appropriation heretofore or hereafter made payable from the said contingent fund of the state fire marshal shall be payable from the clothes cleaning establishment fund for the support of the division of industrial fire safety, department of industrial relations.

CHAPTER 417.

An act requiring the reporting of personal injuries and prescribing penalties for the violation of the provisions thereof.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

SECTION 1. It shall be the duty of every person, firm or corporation conducting any hospital or pharmacy in the state of California, or the managing agent thereof, or the person managing or in charge of such hospital or pharmacy, or in charge of any ward or part of such hospital to which any person or persons suffering from any wound or other injury inflicted by his own act or by the act of another by means of a knife, gun, pistol or other deadly weapon, or in cases where injuries have been inflicted upon any person in violation of any penal law of this state shall come or be brought, to report the same immediately, both by telephone and in writing, to the chief of police, city marshal, town marshal or other head of the police department of any city, city and county, town or municipal corporation of this state, or to the sheriff of the county, if such hospital or pharmacy is located outside the incorporated limits of a city, town or other municipal corporation. Such report shall state the name of such person, if known, his whereabouts and the character and extent of such injuries. It shall also be the duty of every physician, or surgeon, who has under his charge or care any person suffering from any wound or injury inflicted in the manner above mentioned, to make a like report to the appropriate officers hereinabove named.

SEC. 2. Any person, firm or corporation violating any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail not exceeding six months or by a fine not exceeding five hundred dollars, or by both. Punishment.

Reporting
of injuries
inflicted by
violence

CHAPTER 418.

An act to add a new section to the Civil Code, to be numbered 322a, relating to the liability of stockholders in limited corporations.

[Approved by the Governor May 23, 1929 In effect August 14, 1929.]

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

New section	SECTION 1. A new section is hereby added to the Civil Code, to be number 322a, to read as follows:
Liability of stockholders in limited corporations	322a. Nothing in the preceding section shall be held to apply to any corporation, domestic or foreign, which adopts and uses as the last word of its corporation name the word "Limited" or its abbreviation "Ltd.," nor to the stockholders or members thereof, but any stockholder's liability for debts or liabilities incurred prior to the adoption of this section or prior to the adoption and use of such name shall not be affected.
Exceptions	The provisions of this section shall not apply to any corporation subject to the bank act or to any insurance company or to any building and loan association, but the stockholders of such corporations shall be subject to the liability provided by section 322 of this code, unless otherwise provided by law.

CHAPTER 419.

An act to amend section 9 of an act entitled "An act to regulate and license the maintenance and operation of commercial hunting clubs and to provide revenue therefrom for fish and game protection and restoration," approved June 3, 1927.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

Stats 1927, p 1937, amended	SECTION 1. Section 9 of an act entitled "An act to regulate and license the maintenance and operation of commercial hunting clubs and to provide revenue therefrom for fish and game protection and restoration," approved June 3, 1927, is hereby amended to read as follows:
Revocation of license	Sec. 9. Any license issued as herein provided may be revoked by the court having jurisdiction, or by the fish and game commission, when and if the owner or proprietor of said commercial club knowingly aids and abets or acquiesces in violation of the law relating to fish and game by his employees or guests and when and if the holder thereof shall have been convicted in any court in this state for a violation of the fish and game laws, and no new license shall be issued to such person during the same license year.

CHAPTER 420.

An act creating a commission to investigate and report upon the need for a revision of the constitution of the State of California, defining the powers and duties of such commission in respect thereto and making an appropriation therefor.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

SECTION 1. There is hereby created a commission to be known as the California constitutional commission, to be composed of fifteen members appointed by the governor and to include, in his discretion, officers of the state or political subdivisions thereof, or other citizens of the state. The governor shall designate the chairman of the commission. The members of the commission shall serve without compensation but shall be allowed their actual and necessary expenses incurred in the performance of their duties. The legislative council of the state may be designated by the governor to act as secretary of the commission.

California
constitu-
tional
commission
created

SEC. 2. The commission shall investigate and examine the constitution of this state and the constitutions of the other states of the union, and shall make a careful study of the need for a revision of the constitution of the State of California.

Duties of
commission

SEC. 3. The commission shall submit to the governor for transmission to the Legislature at its forty-ninth session in January, 1931, a full and complete report of its investigations, examinations, and findings, and shall submit recommendations relating to the need of a constitutional convention to revise the constitution of the State of California.

Report

SEC. 4. The commission shall include in its report a draft of a model constitution for the consideration of the Legislature or of any constitutional convention hereafter held.

Draft of
model con-
stitution

SEC. 5. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of five thousand dollars, or, as much thereof as may be necessary, to be expended in accordance with law upon order of the chairman, for the employment of expert and other assistance, clerical help and the payment of actual and necessary expenses incurred to accomplish the purposes of this act.

Appropriation

CHAPTER 421.

An act to amend section 626a of the Penal Code, relating to the retention of fish and game after the open season.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 626a of the Penal Code is hereby amended to read as follows:

Stats 1919,
p. 501,
amended

Retaining
fish and
game after
open season.

626a. Whenever or wherever in any section of the code an open season for the pursuing, hunting, taking, catching, killing or possession of wild birds, wild animals or fish is prescribed, it shall be lawful for any person to retain in possession for an additional five days next succeeding the last day of such open season any wild birds, wild animals or fish legally taken, caught, killed or possessed during the open season therefor; *provided*, that not more than the bag limit of wild birds, wild animals or fish allowed to be taken, caught, killed or possessed during one calendar day in such open season may be held in possession during said additional period of five days; *provided, further*, that deer meat legally taken may be retained for an additional fifteen days next succeeding the last day of the season for the taking of deer.

CHAPTER 422.

An act to amend sections 3747, 3764 and 3817 of the Political Code, relating to the payment of taxes on real estate separately valued, the publication of the delinquent list, and the redemption of property sold for taxes; declaring the existing law with reference to the entries on the assessment roll and delinquent list; validating certain tax sales, tax certificates, tax deeds and tax conveyances; and declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor May 23, 1929. In effect immediately.]

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

Stats. 1901,
p. 648,
amended.
Taxation of
parcels
separately.

SECTION 1. Section 3747 of the Political Code is hereby amended to read as follows:

3747. The taxes on any particular lot, piece, or parcel of land contained in any assessment may be paid separately from the whole assessment, if such lot, piece, or parcel has a separate valuation on the assessment roll, by paying the amount of state and county taxes due on such lot, piece, or parcel of land, with a proper proportion of the amounts due as tax on personal property, penalties, if any, and a proper proportion of the tax due to any school, road, or other lesser taxation district. The tax collector shall make an entry on the margin of the assessment book, with deductions from the total assessment as extended on the assessment roll, showing what certain property has been released by the payment of the taxes as herein provided, together with the amounts of such taxes separately and specifically set forth.

Entry on
assessment
book

Stats. 1921,
p. 107,
amended.
Annual pub-
lication of
delinquent
tax list.

SEC. 2. Section 3764 of the Political Code is hereby amended to read as follows:

3764. (1) On or before the eighth day in June of each year, the tax collector shall publish the delinquent list, which must contain the names of persons and a description of the

property delinquent, and an amount equal to the total amount of all taxes, assessments, penalties, and costs due, and which are a lien thereon. Whenever any property appears in this list, which was sold to the state five years previous to the date fixed herein for the sale to be had under the provisions of section 3771a of this code there shall appear immediately following the description of such property a notice, which notice shall be in substance, and may be in form as follows:

“To be sold at public auction-----19----
See sale No.-----in addenda to this list.”

(2) In addition to the publication prescribed in subdivision one of this section, there shall be appended thereto a notice of sale, and a list of all property which was sold to the state five years previous to the date fixed herein for the sale to be had under the provisions of section 3771a of this code, on which the taxes remain unpaid, or which has not been redeemed or the sale thereon canceled, and to which property the state would otherwise be entitled to a deed thereof after the lapse of five years from the date of said previous sale. Such notice shall state the day and hour and the place of sale, which sale must be had not less than twenty-one or more than twenty-eight days from the time of the first publication, and the place shall be in the tax collector's office, and shall contain a description of the property to be sold and the least amount which will be accepted as a bid thereon, which amount shall be the amount of all taxes, penalties and costs for which the property was sold to the state at said sale. The properties enumerated shall each be preceded by a sale number, such sale numbers running in regular sequence. Said notice herein provided for shall be in substance, and may be in form as follows:

Notice of sale.

“Addenda to delinquent tax list.

Notice of sale of property for delinquent taxes of 19-----
at public auction.

In pursuance of law, public notice is hereby given that, commencing on the -----day of -----19-----at the hour of ----- o'clock -----m., of that day, and continuing from day to day thereafter, if additional time is required to complete the sale, in the office of the tax collector of the county of -----, State of California, the undersigned tax collector, will, unless the delinquent taxes thereon are sooner redeemed, sell or offer for sale at public auction to the highest bidder, for cash, in lawful money of the United States, the several parcels and lots of property hereinafter described upon which date five years will have elapsed from the date of the sale of said property to the state. No bid for said property will be accepted for less than the amount of all taxes, penalties and costs due on said property for the year the same was sold to the state (in the year 19--- for the taxes of the year 19---) which minimum amounts are set forth opposite the description of each of said properties.

In order to entitle the successful bidder to a deed of the property purchased he must, in addition to the price paid

pursuant to his bid at such sale, within thirty days pay by redemption any and all further delinquent taxes and assessments against said property, together with all penalties, costs, interest and charges accrued thereon.

After a bid has been made and accepted at such sale, the right of redemption (except by the purchaser) shall cease.

Dated this _____ day of _____ 19____.

Tax collector of _____ county,
State of California.

The properties to be sold and the subject of this notice are situated in the county of _____ State of California, and particularly described as follows, to wit:

No. _____ (description of property _____

_____) assessed to _____

Least acceptable bid _____ \$ _____."

Stats 1925,
p. 709,
amended.

SEC. 3. Section 3817 of the Political Code is hereby amended to read as follows:

Redemption
of property
sold for
taxes

3817. In all cases where real estate has been sold, or may hereafter be sold to the state for delinquent taxes and the state has not disposed of the same, the person whose estate has been or may hereafter be sold, his heirs, executors, administrators or other successors in interest shall, at any time after the same has been sold to the state and before the state shall have disposed of the same, have the right to redeem such real estate by paying to the county treasurer of the county wherein the real estate may be situated, the amount of taxes, penalties for delinquency and costs due thereon at the time of such sale, with interest on the aggregate amount of said taxes, at the rate of seven per cent per annum; and also all taxes that were a lien upon said real property at the time said taxes became delinquent; and also all unpaid taxes of every description assessed against the property for each year since the sale, as shown on the delinquent assessment rolls in the then permanent custody of the county auditor; or, if not so assessed, then upon the value of the property as assessed in the year nearest the time of such redemption, with interest from the first day of July of each of said years, respectively, at the same rate, to the time of redemption; and also all costs and expenses of such redemption, and penalties as follows, to wit: Ten per cent if redeemed within one year from July first of the year of sale; twenty per cent if redeemed within two years therefrom; thirty per cent if redeemed within three years therefrom; forty per cent if redeemed within four years therefrom and fifty per cent if redeemed within five or any greater number of years therefrom. The penalty shall be computed upon the amount of each year's taxes in like manner, reckoning from July first of the year when the lands would have been sold for the taxes of that year, if there had been no previous sales thereof.

Penalties
payable.

The county auditor shall, on the application of the person desiring to redeem, make an estimate of the amount to be paid, and shall give him triplicate certificates of the amount, specifying the several amounts thereof, which certificates the redemptioner shall deliver to the county treasurer, together with the money, and the county treasurer shall give triplicate receipts, written or indorsed upon said certificates, one to the redemptioner, and two to the county auditor, who shall deliver one of the said receipts to the state controller.

Method of
payment

Upon consummation of the redemption and the delivery of the receipts aforesaid by the treasurer, the auditor shall report the same to the assessor, tax collector and recorder, and the recorder shall, without payment of fee, note on the margin of the record of the certificate of sale, or deed, if issued, the fact of such redemption, the date thereof, and by whom redeemed, which certificate of sale, or deed, shall become null and void, and all right, title and interest acquired by virtue of the tax sale, shall cease and determine.

Report and
recording

The county treasurer shall settle for the moneys received as for other state and county moneys.

Settlement

The state controller shall, upon request of the auditor, issue a receipt which may be recorded in the recorder's office of the county in which said real estate is situated, in the book of deeds, and the record thereof shall have the same effect as that of a deed of reconveyance of the interest conveyed by such deed or certificate of sale.

State
receipt

This act shall also apply to state lands sold by the state when the full amount of the purchase price has not been paid to the state therefor, after the deed to the state, provided for in section 3785 has been filed with the surveyor general; *provided, however*, that one of the receipts showing the redemption of such land shall be delivered to the surveyor general who shall issue his receipt to the redemptioner; *and provided, further*, that no certificates of redemption shall be issued by the county auditor until he has first ascertained from the surveyor general that the land has not been disposed of by the state.

Application

SEC. 4. The Legislature hereby declares that the amendments to sections 3747 and 3764 of the Political Code contained in this act are not a change in, but a statement and declaratory of the law as the Legislature intended it to be by the terms of those sections prior to this amendment. All publications of delinquent lists or notices of sale under sections 3771 and 3771a of the Political Code failing to enter taxes, penalties and costs as separate entries but entering the foregoing amounts in one total sum and all sales, certificates of sale, tax deeds or other tax conveyances based upon such entries on any assessment roll or delinquent list are hereby confirmed, validated and legalized, and the same shall be construed and operate at all times and upon all occasions in law in the same manner as if such entries were separately

Construction
of amend-
ments

Proceedings
validated

set forth on the delinquent list and notices of sale under sections 3771 and 3771a

Urgency
measure

SEC. 5. The Legislature hereby declares that it deems it necessary for the immediate preservation of the public peace, health, and safety that this act shall, under the provisions of section 1, article four, of the constitution of the State of California, take effect immediately.

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

Due to the recent decision of the supreme court of the State of California in the case of Gottstien vs. Kelly, 77 Cal. Dec. 435, the possible construction to be placed upon the provisions of sections 3747 and 3764 of the Political Code would require that taxes, penalties and costs should be separately shown on the publication of delinquent lists and notices of sale under sections 3771 and 3771a; inasmuch as the tax collectors of the state have completed preparatory work on the publication of the delinquent list which must be published on or before June 8, 1929, and great expense would be involved in the publication of the delinquent list to state as separate items the amount of taxes, penalties and costs due on property subject to tax sales and the possibility of error would be greatly increased, many tax titles acquired at tax sales would be jeopardized.

This act shall take effect immediately.

CHAPTER 423.

An act making an appropriation for painting portraits of governors of California, and directing the state department of finance to carry out the provisions thereof.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

Portraits of
governors

SECTION 1. The state department of finance is hereby directed to engage one or more competent artists to paint oil portraits of all governors of California whose portraits have not heretofore been painted, and portrait of each governor upon his retirement from office, said portraits to be properly framed and hung in appropriate places in the state capitol.

Appropriation.

SEC. 2. The sum of two thousand two hundred fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to carry out the provisions of this act.

CHAPTER 424.

An act to amend section 366 of the Political Code, relating to the department of institutions.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 366 of the Political Code is hereby amended to read as follows: Stats. 1927, p 1629, amended.

366. A department of the government of the State of California to be known as a department of the institutions is hereby created. The department shall be conducted under the control of an executive officer to be known as director of institutions, which office is hereby created. The director shall be appointed by and hold office at the pleasure of the governor and shall receive a salary of six thousand dollars per annum. Before entering upon the duties of his office the director shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars, conditioned upon the faithful performance of his duties. Except as in this article otherwise prescribed, the provisions of article two of this chapter, title and part of the Political Code as adopted at the forty-fourth session of the Legislature, and as the same may be amended from time to time, shall govern and apply to the conduct of the department of institutions in every respect the same as if such provisions were hereinafter set forth at length. Department of Institutions created

The director of institutions may prescribe the conditions of and authorize the transfer of the inmates of one institution within the department to another institution within the department and may also prescribe the conditions and authorize the transfer of persons from any institution within the department to any institution authorized by the federal government to receive such person. Transfer of inmates.

CHAPTER 425.

An act making appropriation to pay the claim of W. J. Brown against the State of California.

[Approved by the Governor May 23, 1929 In effect August 14, 1929.]

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

SECTION 1. The sum of four hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of W. J. Brown against the State of California. Appropriation claim of W. J. Brown.

CHAPTER 426.

An act to amend section 737dd of the Political Code, relating to the annual salary of judges of the superior court in and for the county of Orange.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

Stats 1927,
p 561,
amended
Orange
county

SECTION 1. Section 737dd of the Political Code is hereby amended to read as follows:

737dd. The annual salary of each of the judges of the superior court in and for the county of Orange is seven thousand dollars.

CHAPTER 427.

An act making an appropriation to pay the claim of Arthur B. Eddy against the State of California.

[Approved by the Governor May 23, 1929 In effect August 14, 1929]

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

Appropriation claim of Arthur B Eddy

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Arthur B. Eddy against the State of California.

CHAPTER 428.

An act relating to the election of teachers in the public schools.

[Approved by the Governor May 23, 1929. In effect August 14, 1929]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 429.

An act to amend section 1 of an act entitled "An act empowering the board of trustees of the Whittier State School to sell all or any portion of the property heretofore acquired for the use of the Whittier State School, and to appropriate

the proceeds for the purpose of reestablishing the said school elsewhere," approved May 27, 1919, as amended, relating to the disposition of the proceeds of sale.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1 of an act entitled "An act empowering the board of trustees of the Whittier State School to sell all or any portion of the property heretofore acquired for the use of the Whittier State School, and to appropriate the proceeds for the purpose of reestablishing the said school elsewhere," approved May 27, 1919, as amended, is hereby amended to read as follows:

Stats 1925,
p 991,
amended

Section 1. The board of trustees of the Whittier State School, subject to the approval of the state board of control, is hereby authorized and empowered to sell all or any portion of the property heretofore acquired for the use of the Whittier State School, being part of the Rancho Paso de Bartolo Viejo, and part also of the southeast quarter of section twenty and the northwest quarter of section twenty-eight, township two south, range eleven west, San Bernardino base and meridian, containing in all two hundred four and three hundred eighty-nine thousandths acres more or less, and now used and occupied by the said school, and also that certain tract in the city of Whittier known as "the old reservoir site" which is more particularly described as follows: Commencing at the southwest corner of lot five in block "C" of Pickering Land and Water Company subdivision and running north parallel with Greenleaf avenue two hundred feet to a point; thence running east at right angles and parallel with Hadley street two hundred feet to a point; thence running south at right angles and parallel with Greenleaf avenue two hundred feet to a point; thence running west at right angles two hundred feet to the place of beginning. Such sale shall be made only after said property shall have been appraised by three disinterested persons appointed by the board of trustees, and after publication for not less than thirty days in three newspapers of general circulation, published in the county of Los Angeles, which notice shall describe the property to be sold, and shall set forth the terms of sale, and the date on or before which bids therefor will be received, and where such bids will be received; and said board of trustees shall have the right to reject any and all bids, and call for new bids by like publication of notice.

Authoriza-
tion for sale
of property
of Whittier
State School

Conduct
of sale

The proceeds from such sale or sales shall be paid into the state treasury to the credit of the "Whittier State School building fund," which fund is hereby created. All or any part of such fund may be expended with the approval of the state board of control in the purchase of a new site for said school or for the purpose of enlarging or adding to the present site of said school and for the making of improvements and

Proceeds

Purchase of
new site

the erection of buildings thereon; *provided, however*, that the Whittier State School shall not be discontinued at its present location unless another location is secured for it elsewhere in the state. The said site shall be selected by a site selecting committee composed of the superintendent and trustees of the Whittier State School, the state engineer, a member named by the board of trustees of the Preston School of Industry and a member named by the state board of charities and corrections. The said committee, if they consider it advisable, and subject to the approval of the state board of control, may also purchase water rights, or make provision for the development of water for the use of said lands. The state department of engineering shall, at the request of the said committee, examine into the matter of water, light, power and sanitation and the engineering problems involved in connection with any site or sites the board may investigate with a view to purchasing and shall report thereon to the said committee with special regard to the suitability of such site or sites for the purposes of the institution.

Assistance
from
university

The University of California shall render the said committee such reasonable assistance as the committee may desire in determining the quality and character of the soil of such site or sites for agricultural, horticultural and other purposes and its suitability for the purposes of the institution.

Expenses of
Investigation

The said committee, the said department of engineering, and the said university shall be entitled to receive their necessary expenses in connection with such investigations and the selection and purchase of said site.

Development
plans

The said committee may also prepare plans for the development for state school purposes of such property as may be purchased and for buildings to be erected thereon.

CHAPTER 430.

An act to amend section 23 and to repeal sections 21 and 22 of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purpose, and to create a board of police commissioners," approved April 26, 1927, relating to the power of boards of police commissioners to adopt ordinances and to the jurisdiction of justices of the peace within the townships within which such police districts are situate.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

Stats 1927,
p 471,
amended.

SECTION 1. Section 23 of an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation,

government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purpose, and to create a board of police commissioners," is hereby amended to read as follows:

Sec. 23. Any justice of the peace within the townships within which said police district is situated shall have jurisdiction of all prosecutions under this act, and sections 1426 to 1459, both inclusive, title nine, chapter one of the Penal Code, are hereby made applicable to proceedings under this act.

Jurisdiction
of justices

Sec. 2. Sections 21 and 22 of said act are hereby repealed.

Stats 1927,
p. 471,
repealed

CHAPTER 431.

An act authorizing the state department of finance to select and acquire additional land for the state hospital at Patton, California, and to that end to sell or exchange certain property belonging to the state and situated in the county of San Bernardino, and making an appropriation therefor.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

SECTION 1. The state department of finance is hereby authorized and empowered:

Authoriza-
tion to sell
or exchange
lands and
to acquire
other lands
for Patton
state
hospital

(1) To select and acquire additional lands for the state hospital at Patton, California; and

(2) To sell the hereinafter described real property at such price as the department may determine, and to apply such portion of the proceeds of such sale and of the moneys hereby appropriated as may be necessary for the payment of the purchase price of said additional land referred to in subdivision (1) hereof; or

(3) To exchange the real property hereinafter described for the additional land mentioned in subdivision (1) hereof and to pay in addition for the acquisition of such land such portion of the moneys hereby appropriated as may be necessary therefor.

Sec. 2. The real property hereinabove mentioned as the real property hereinafter described consists of that certain real property situated, lying and being in the county of San Bernardino and particularly described as follows:

Description

The north one-half of the east one-half of lot three, block sixty-three, of the eighty (80) acre survey of the Rancho of San Bernardino, according to the recorded plat thereof on file in the recorder's office at San Bernardino county.

Sec. 3. The state director of finance is hereby authorized and empowered for and on behalf of and in the name of the State of California to execute, acknowledge and deliver and to receive and accept any and all deeds of conveyance and

Execution
of deeds

other instruments and to do any and all other acts and things necessary to effectuate the purposes hereof.

Appropriation

SEC. 4. Out of any moneys in the state treasury not otherwise appropriated and in addition to the moneys realized upon the sale of the property described in section 2 hereof in case such sale is effected, the sum of ten thousand dollars is hereby appropriated to be expended by the department of finance in carrying out the purposes of this act.

CHAPTER 432.

An act to provide for the establishment and maintenance of preventoria for the treatment of persons susceptible to tuberculosis; providing for the granting of state aid to cities, counties, cities and counties, and groups of counties, for the care and treatment of such persons; defining the powers and duties of the department of public health and bureau of tuberculosis in relation thereto, and making an appropriation therefor.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

State aid for tubercular patients

SECTION 1. Every city, county, city and county, or group of counties which maintains a tuberculosis ward or hospital for the treatment of persons in the active stages of tuberculosis and maintains a preventorium in conjunction therewith, shall receive from the state the sum of three dollars per week for each person susceptible to tuberculosis cared for in said preventorium at public expense, who is unable to pay for his support and who has no relative legally liable and financially able to pay for his support, and who has been a bona fide resident of the city, county, city and county or of one of the counties of said group of counties for one year; *provided*, that no city, county, city and county or group of counties shall be entitled to receive such state aid unless the tuberculosis preventorium conforms with the regulations of, and is approved by, the bureau of tuberculosis of the state department of public health. The medical superintendent of each preventorium receiving state aid under this section shall render semiannually to said bureau of tuberculosis a report under oath showing for the period covered by the report:

Reports

1. The number of persons susceptible to tuberculosis cared for therein at public expense unable to pay therefor and
2. The number of weeks of treatment of each such patient.

Allens excluded

SEC. 2. Beginning July 1, 1930, the subsidy herein provided, for the care of patients suffering from tuberculosis shall only be expended for the care and treatment of citizens of the United States of America.

CHAPTER 433.

An act relating to the formation, suspension and support of junior college districts and the powers of governing boards thereof.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto

CHAPTER 434.

An act to amend sections 1 and 6 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation and authorizing the sale or other disposition of such lands," approved May 12, 1927, relating to the conveyance, exchange, sale or other disposition of lands.

[Approved by the Governor May 23, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 1 of an act entitled "An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation, and authorizing the sale or other disposition of such lands," approved May 12, 1927, is hereby amended to read as follows:

Section 1. The use for public park purposes of any land the fee of which is or shall be vested in any municipal corporation, and which has been or shall be dedicated to park use or placed in use as a public park, may be discontinued and abandoned and thereafter such land disposed of, in the manner hereinafter provided. Nothing herein shall be construed to authorize the discontinuance and abandonment of the use of such park lands, or any change in the use thereof which will cause the reversion of such park lands to private ownership, or cause the forfeiture of the ownership thereof in fee by any municipal corporation, or as authorizing the discontinuance of the use of park lands acquired in any proceeding wherein a local assessment based on benefits was or shall be levied to provide funds for such acquisition; *provided, however*, that when, after notice given and a public hearing as required by this act, the legislative body of any municipal corporation adopts a resolution of discontinuance of a minor portion of any such park for the purpose of exchanging the same for an equal or greater area, or of equal or greater value, of privately owned land contiguous to such park, and determines that such exchange is in the public interest, then such exchange of lands may be effected without submission of

Stats 1927,
p 718,
amended

Discontinu-
ance of
parks

such question to an election, and said municipality shall have power to convey into private ownership the fee of such discontinued park lands for the purpose of effecting such exchange of lands.

Stats 1927,
p 721,
amended
Subsequent
use of lands

SEC. 2. Section 6 of said act is hereby amended to read as follows:

Bond
moneys

Sec. 6. After such ordinance becomes effective, the land therein described shall be deemed to be held by such municipal corporation in fee and may be sold or otherwise disposed of by such municipal corporation as it may deem proper, the sole limitation upon the use of such lands shall be that said lands shall be used only for municipal, charitable or educational purposes, including such use by any district of which said municipal corporation may be a part; *provided, however,* that in the event that such land shall have been acquired for park purposes by the expenditure of moneys derived from the sale of bonds authorized for park purposes, and in the event the land so acquired for park purposes shall be placed in any other municipal use, they shall be transferred to such bond fund from such other municipal fund, as shall be determined upon the legislative body of the city, the reasonable market value of such land at the date of the ordinance discontinuing the use thereof for park purposes and the money so transferred shall be devoted only to the purposes for which such bonds were authorized. Moneys placed in any bond fund hereunder shall be subject to diversion to other use under the terms and limitations of any act of the Legislature providing for the diversion of money derived from the sale of bonds voted for a particular purpose to some other or different purpose.

CHAPTER 435.

An act authorizing and directing the governor of the State of California to grant to the United States of America easements, the nature of which are described hereinafter, in and over certain parcels of real property, heretofore acquired by the State of California in connection with the rectification of the San Joaquin river, which said parcels of real property are more particularly described hereinafter, said easements to be used by the United States in connection with the deepening, widening and rectification of the channel of the San Joaquin river, in accordance with an act of congress entitled "An act authorizing the construc-

tion, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President on January 21, 1927.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

SECTION 1. The following parcels of real property having been heretofore acquired by the State of California in connection with the rectification of the San Joaquin river, the State of California hereby declares its willingness to cooperate with the government of the United States in its proposed project for the deepening, widening and rectification of the channel of said river as more particularly provided and described in house of representatives document 554, sixty-eighth congress, second session and in the act of congress entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President of the United States on January 21, 1927, the governor of the State of California is hereby authorized and directed, on behalf of the State of California, to furnish, grant, convey, release, and relinquish unto the United States of America easements in, over and through the following parcels of real property, as follows, to wit:

Grant of easements over state lands

For channel purposes as provided by the house of representatives document and the act of congress, above referred to:

PARCEL No. 7C.

Parcel No 7C.

All that portion of that certain real property situate, lying and being in the county of San Joaquin, State of California, in section one (1), township one (1) north, range five (5) east, Mount Diablo base and meridian, and/or section six (6), township one (1) north, range six (6) east, Mount Diablo base and meridian, being a portion of what was formerly the old channel of the San Joaquin river, known as parcel "H" as recorded in book of official records, volume 32, page 262, San Joaquin county records, lying channelward from the southerly Stockton deep water channel line, and more particularly described as follows, to wit:

Beginning at a point at the intersection of the southerly Stockton deep water channel line with the low water line of the left, or southerly, bank of what was formerly the old channel of the San Joaquin river, said point of beginning bearing south 70 degrees 49 minutes west, 2483 04 feet from U. S. E. D. bench mark number 202½; thence from said point of beginning north 42 degrees 57 minutes west, 91.00 feet, more or less, along said southerly channel line crossing said old channel to its intersection with the low water line along the right, or northerly, bank of said old channel of the San Joaquin river; thence

leaving said southerly channel line and following said low water line upstream to its intersection with the southerly channel line of cut-off "C," said intersection bearing south 81 degrees 36 minutes east, 100.11 feet, more or less, from the last mentioned intersection, said southerly channel line of cut-off "C" also being the common line between "parcel B" of cut-off "C" and "parcel 4" of cut-off "C," as said "parcel B" of cut-off "C" and "parcel 4" of cut-off "C" are more specifically referred to in a deed conveying said parcels to the United States of America by Etta M. White, et al., dated April 25, 1912, recorded in book "A" of deeds, volume 219, page 298, San Joaquin county records, said "parcel 4" of cut-off "C" also having the status of a permanent easement as conveyed to the United States of America by Hans Wybrandt, October 23, 1912, recorded in book "A" of deeds, volume 223, page 23, San Joaquin county records; thence leaving said low water line and following said line common to said "parcel B" of cut-off "C" and said "parcel 4" of cut-off "C," south 50 degrees 53 minutes east, 275.00 feet, more or less, to its most easterly intersection with the said low water line of the right, or northerly, bank of said old channel of the San Joaquin river; thence leaving said common line and following said low water line upstream through points connected by the following courses and distances: south 29 degrees 37 minutes east, 215.20 feet, more or less; thence south 23 degrees 08 minutes east, 149.93 feet, more or less, to its intersection with the above mentioned southerly Stockton deep water channel line; thence leaving said low water line and following said southerly channel line north 42 degrees 57 minutes west, 195.00 feet, crossing said old channel to its intersection with the low water line along the left, or southerly, bank of the said old channel of the San Joaquin river; thence leaving said southerly channel line and following said low water line downstream to the point of beginning through points connected by the following courses and distances: north 33 degrees 27 minutes west, 236.86 feet, more or less; thence north 55 degrees 07 minutes west, 185.55 feet, more or less, to said point of beginning and containing 0.78 acres, more or less.

All bearings are referred to true north.

Parcel
No 8F

PARCEL No. 8F.

All that certain portion of real property situate, lying and being in the State of California, county of San Joaquin, on Rough and Ready island, in section seven (7), township one (1) north, range six (6) east, Mount Diablo base and meridian; lying between the southerly Stockton deep water channel line and the northerly Stockton deep water channel line and westerly from the westerly line of E. A. Arthur property and being a portion of swamp and overflowed land survey number 1380, patented to W. R. Haney and subsequently conveyed to Albert Lindley by the State of California, March 10, 1924, by deed

recorded in book of official records, volume 32, page 262, San Joaquin county records, reference to said deed being hereby made for greater certainty, said deed containing a reservation made by and in behalf of the State of California, for itself and for the United States of America, for a perpetual right to use all or any part of the land referred to in said deed for the purpose of maintaining, deepening, or excavating the channel of the San Joaquin river or to dispose material so dredged or excavated upon the residue of said parcels, if any there be, all without cost or charge to the State of California, or to the United States of America, and more particularly described as follows, to wit:

Beginning at a point at the intersection of the southerly Stockton deep water channel line with the property line common to the property of the Lindley-Patrick farm and E. A. Arthur, said point of beginning bearing north 45 degrees 47 minutes 51 seconds west, 2351.28 feet from an iron pin at the center of section eight (8), township one (1) north, range six (6) east, Mount Diablo base and meridian, said iron pin also being on the north line of Jacob's road; thence from said point of beginning, north 68 degrees 33 minutes west, 232.42 feet along the above mentioned southerly Stockton deep water channel line to its intersection with the southerly boundary line of swamp and overflowed land survey number 1380 as above referred to; thence along said southerly property line of swamp and overflowed land survey number 1380 the following courses and distances: north 21 degrees 34 minutes west, 160.69 feet; thence north 10 degrees 04 minutes west, 139.60 feet, more or less, to its intersection with the most southerly line "B" of Lindley cut-off, as said line "B" is described in deed recorded in book "A" of deeds, volume 394, page 117, San Joaquin county records; thence south 55 degrees 49 minutes east, 360.88 feet along the line last above mentioned to its intersection with the above mentioned line common to the property of Lindley-Patrick farms and E. A. Arthur, thence south 0 degrees 25 minutes east, 169.16 feet along the line last above mentioned to the point of beginning, containing 1.26 acres, more or less.

All bearings are referred to true north.

PARCEL NO. 38.

Parcel
No 38

All that portion of that certain real property on Vulcan and Chicken Ranch island situate, lying and being in sections twenty-six (26) and twenty-seven (27), township two (2) north, range five (5) east, Mount Diablo base and meridian, in the county of San Joaquin, State of California, as described in deed dated January 31, 1917, and recorded in book "A" of deeds, volume 383, pages 365 to 373, and deed dated July 16, 1919, and recorded in book "A" of deeds, volume 383, pages 248-257, San Joaquin county records, and also portions of abandoned river channel and berms adjacent to aforesaid

parcels, and lying between the southerly low water line of the San Joaquin river and the southerly Stockton deep water channel line and more particularly described as follows, to wit:

Beginning at the intersection of the southerly Stockton deep water channel line, and what was formerly the low water line, on a berm, of the left, or southerly, bank of the old channel of the San Joaquin river, said point bearing south 8 degrees 36 minutes 00 seconds west, 1024.03 feet, from U. S. E. D. monument number 150 D. W.; thence north 64 degrees 56 minutes west, 2764.32 feet, more or less, along said southerly Stockton deep water channel line across Vulcan and Chicken Ranch islands and intervening dredger cuts and abandoned river channels to the southerly low water line of a dredger cut and the northerly line of the E. Campodonico property; thence along the last mentioned low water line and aforesaid property line the following courses and distances: north 50 degrees 42 minutes west, 554.69 feet; thence north 47 degrees 28 minutes west, 147.00 feet; thence north 42 degrees 30 minutes east, 110.00 feet, more or less, across aforesaid dredger cut to the low water line of the westerly point of Chicken Ranch island and the low water line of the southerly, or left, bank of the San Joaquin river; thence meandering aforesaid low water line upstream along Chicken Ranch and Vulcan islands, the following courses and distances: south 61 degrees 25 minutes east, 244.94 feet; thence south 60 degrees 02 minutes east, 1091.00 feet; thence south 66 degrees 11 minutes east, 1664.76 feet; thence south 62 degrees 29 minutes east, 573.30 feet, more or less, to the former low water line of the left, or southerly, bank of the old channel of the San Joaquin river; thence south 65 degrees 11 minutes west, 247.44 feet along aforesaid low water line to the place of beginning, and containing 15.75 acres, more or less.

All bearings are referred to true north at U. S. E. D. bench mark 206½.

Parcel
No 40B.

PARCEL No. 40B.

All of that certain real property situate, lying and being in the county of San Joaquin, State of California, and being a portion of a dredger cut southerly of Miller island in section twenty-seven (27), township two (2) north, range five (5) east, Mount Diablo base and meridian, lying between the northerly Stockton deep water channel line and the southerly Stockton deep water channel line, and more particularly described as follows, to wit:

Beginning at the point of intersection of the southerly Stockton deep water channel line and the low water line of the southerly bank of a dredger cut known as dredger cut number 8, near the mouth of Black slough, said point bearing south 89 degrees 37 minutes 52 seconds east, 1209.45 feet from U. S. E. D. bench mark number 206½; thence westerly, cross-

ing said dredger cut, in the arc of a circle curving to the left, whose radius is 4765 feet and whose center bears south 9 degrees 38 minutes 43 seconds west from said last mentioned point, a distance of 216.69 feet to the low water line on the southerly bank of Miller island; thence meandering said low water line of Miller island, upstream, north 76 degrees 33 minutes east, 266.03 feet to the easterly point of said Miller island; thence south 6 degrees 14 minutes east, 87.97 feet across the entrance to said dredger cut to the low water line of the southerly bank of said dredger cut; thence south 83 degrees 46 minutes west, 54 23 feet along said low water line to the point of beginning; containing 0.26 acres, more or less.

All bearings are referred to true north at U. S. E. D. bench mark number 206½.

PARCEL No. 54A.

Parcel
No 54A

All that portion of the old channel of the San Joaquin river lying easterly of a tract of land known as Hog island, situate, lying and being in the county of San Joaquin, State of California, in sections twenty (20) and/or twenty-nine (29), township two (2) north, range five (5) east, Mount Diablo base and meridian, between the northerly Stockton deep water channel line and the southerly Stockton deep water channel line, and more particularly described as follows, to wit:

Beginning at the point of intersection of the northerly Stockton deep water channel line and what was formerly the low water line of the right, or easterly, bank of the old channel of the San Joaquin river, said point bearing north 61 degrees 12 minutes 35 seconds west, 2849.20 feet from U. S. E. D. monument number 152 D. W.; thence from the point of beginning and following upstream what was formerly the low water line of the right, or easterly, bank of the old channel of the San Joaquin river, to its intersection with the southerly Stockton deep water channel line, said last mentioned intersection bearing south 45 degrees 33 minutes west, 471.30 feet from the point of beginning; thence leaving said low water line, crossing said old channel northwesterly, in the arc of a circle curving to the right, of radius 5235.00 feet, whose center bears north 49 degrees 36 minutes 27 seconds east, from the last mentioned intersection, a distance of 342.27 feet, more or less, to the intersection of said southerly Stockton deep water channel line with the low water line of the left, or westerly, bank of the old channel of the San Joaquin river along the easterly side of Hog island; thence leaving said southerly channel line and following said last mentioned low water line downstream to its intersection with the northerly Stockton deep water channel line, said low water line passing through points connected by the following courses and distances: north 47 degrees 43 minutes east, 244.68 feet, more or less, and north 38 degrees 28 minutes east, 235.15 feet, more

or less, to said intersection; thence leaving said low water line and following said northerly channel line, crossing said old channel, southeasterly, in the arc of a circle curving to the left, of radius 4765.00 feet, and whose center bears north 54 degrees 22 minutes 10 seconds east, from the last mentioned intersection, a distance of 362.69 feet, more or less, to the point of beginning; containing 3.73 acres, more or less.

All bearings are referred to true north.

Parcel
No 80

PARCEL No. 80.

All that portion of that certain tract of land situate, lying and being in the county of San Joaquin, State of California, on Tinsley island, said island being a portion of Roberts island cut-off at the time of the construction of cut-off B, in sections eleven (11) and twelve (12), township two (2) north, range four (4) east, Mount Diablo base and meridian, lying between the southerly Stockton deep water channel line and the northerly Stockton deep water channel line, and more particularly described as follows, to wit:

Beginning at a point at the intersection of the low water line of the left bank of the old channel of the San Joaquin river and the northerly Stockton deep water channel line, said point bearing south 30 degrees 39 minutes 58 seconds west, 756.16 feet from U. S. E. D. monument number 158 D. W.; thence from point of beginning and following said northerly Stockton deep water channel line, south 59 degrees 18 minutes east, 185 feet, more or less; thence south 53 degrees 35 minutes east, 995.52 feet, more or less, to the low water line of the left, or westerly, bank of the old channel of the San Joaquin river along the easterly side of Tinsley island; thence upstream along said low water line the following courses and distances: south 2 degrees 08 minutes west, 179.76 feet; thence south 10 degrees 04 minutes west, 459.14 feet to the intersection of said low water line with the southerly Stockton deep water channel line; thence following said southerly Stockton deep water channel line, north 53 degrees 35 minutes west, 1938 feet, more or less, to the low water line along the left bank of the old channel of the San Joaquin river, along the north-westerly side of Tinsley island; thence meandering said low water line upstream, north 57 degrees 59 minutes east, 301.40 feet; thence south 76 degrees 34 minutes east, 259.04 feet; thence north 69 degrees 26 minutes east, 191.04 feet to the point of beginning; containing 20.53 acres, more or less.

All bearings are referred to true north.

Parcel
No 100

PARCEL No. 100.

All those certain parcels of real property situate, lying and being in the county of San Joaquin, State of California, deeded to the State of California as

Parcel "1B," recorded July 19, 1918, in book "A" of deeds, volume 339, page 319, San Joaquin county records;

Parcel "4B," recorded August 25, 1917, in book "A" of deeds, volume 302, page 445, San Joaquin county records;

Parcel "5B," recorded September 20, 1917, in book "A" of deeds, volume 315, page 119, San Joaquin county records;

Parcel "6B," recorded September 13, 1917, in book "A" of deeds, volume 315, page 94, San Joaquin county records;

Parcel "7B," recorded September 20, 1917, in book "A" of deeds, volume 315, page 119, San Joaquin county records;

Parcel "8B," recorded August 25, 1917, in book "A" of deeds, volume 302, page 445, San Joaquin county records;
and

Parcel "10B." recorded July 19, 1918, in book "A" of deeds, volume 339, page 319, San Joaquin county records; all lying between the northerly Stockton deep water channel line and the southerly Stockton deep water channel line, and more particularly described of record in San Joaquin county records as cited above.

Note: The following are the descriptions of the several parcels as of record in San Joaquin county records:

Descriptions
of parcels

Parcel "1B": Beginning at a point that bears south 12 degrees 01 minute 15 seconds east, 118.8 feet from a concrete monument on the west line of Pacific avenue, more particularly described as bearing south 12 degrees 01 minute 15 seconds east, 1430 feet from a concrete monument at the intersection of the westerly line of Pacific avenue and the northerly line of Monte Diablo avenue as shown on the recorded plat of Stockton acres, subdivision number 1; running thence south 85 degrees 50 minutes west, 1238.0 feet; thence to the right along the arc of a circle of radius 1138.7 feet, which arc is tangent to the preceding course a distance of 315.6 feet; thence tangent to the preceding arc, north 78 degrees 17 minutes west, 993.8 feet; thence to the right along the arc of a circle, of radius 955.4 feet, which arc is tangent to the preceding course a distance of 475 feet to a point on the shore line of the San Joaquin river; thence along the irregular shore line of the San Joaquin river, south 36 degrees 26 minutes east, 161.7 feet (measured in a straight line) to a point on the shore line; thence to the left along the arc of a circle of radius 1005.4 feet, which arc is concentric with the second course preceding, a distance of 342.0 feet; thence tangent to the preceding arc, south 78 degrees 17 minutes east, 993.8 feet; thence to the left along the arc of a circle, of radius 1188.7 feet, which arc is tangent to the preceding course, a distance of 329.5 feet; thence tangent to the preceding arc, north 85 degrees 50 minutes east, 1462.6 feet to a point on the shore line of Stockton channel; thence along the irregular shore line of Stockton channel, north 76 degrees 39 minutes east, 200.6 feet (measured in a straight line) to a point on the shore line of Stockton channel; thence north 4 degrees 10 minutes west, 18.0 feet; thence south 85 degrees 50 minutes west, 151.0 feet; thence south 78

Descriptions
of parcels.

degrees 58 minutes 45 seconds west, 269.0 feet; thence north 12 degrees 01 minute 15 seconds west, 32.4 feet, to the point of beginning.

Parcel "4B": Beginning at a point which bears south 85 degrees 50 minutes west, 1684.6 feet from a point which bears south 87 degrees 55 minutes 30 seconds west, 2184.3 feet from a certain monument marking the westerly city limits of the city of Stockton, consisting of a two-inch gas pipe on the south levee of Stockton channel, and about six (6) feet easterly from the Atchison, Topeka and Santa Fe Railway Company's warehouse; running thence north 3 degrees 20 minutes west, 50.0 feet; thence south 85 degrees 50 minutes west, 2635.0 feet; thence south 3 degrees 20 minutes east, 50.0 feet; thence north 85 degrees 50 minutes east, 2635.0 feet to the point of beginning.

Parcel "5B": Beginning at a point which bears south 85 degrees fifty minutes west, 689.3 feet from a point which bears south 87 degrees 55 minutes 30 seconds west, 2184.3 feet from a certain monument marking the westerly city limits of the City of Stockton, consisting of a two-inch gas pipe on the south levee of Stockton channel, and about six (6) feet easterly from the Atchison, Topeka and Santa Fe Railway Company's warehouse; running thence north 3 degrees 20 minutes west, 50.0 feet; thence south 85 degrees 50 minutes west, 995.3 feet; thence south 3 degrees 20 minutes east, 50.0 feet; thence north 85 degrees 50 minutes east, 995.3 feet, to the point of beginning.

Parcel "6B": Beginning at a point which bears south 85 degrees 50 minutes west, 389.3 feet from a point which bears south 87 degrees 55 minutes 30 seconds west, 2184.3 feet from a certain monument marking the westerly city limits of the city of Stockton, consisting of a two-inch gas pipe on the south levee of Stockton channel, and about six (6) feet easterly from the Atchison, Topeka and Santa Fe Railway Company's warehouse; running thence north 3 degrees 20 minutes west, 50.0 feet; thence south 85 degrees 50 minutes west, 300.0 feet; thence south 3 degrees 20 minutes east, 50.0 feet; thence north 85 degrees 50 minutes east, 300.0 feet, to the point of beginning.

Parcel "7B": Beginning at a point which bears south 87 degrees 55 minutes 30 seconds west, 2184.3 feet from a certain monument marking the westerly city limits of the City of Stockton, consisting of a two-inch gas pipe on the south levee of Stockton channel, and about six (6) feet easterly from the Atchison, Topeka and Santa Fe Railway Company's warehouse; running thence north 10 degrees 45 minutes west, 50.2 feet; thence south 85 degrees 50 minutes west, 382.8 feet; thence south 3 degrees 20 minutes east, 50.0 feet; thence north 85 degrees 50 minutes east, 389.3 feet to the point of beginning.

Parcel "8 B": Beginning at a point that bears south 87 degrees 55 minutes 30 seconds west, 2184.3 feet from a certain

monument marking the westerly city limits of the City of Stockton, consisting of a two-inch gas pipe on the south levee of Stockton channel, and about six (6) feet easterly from the Atchison, Topeka and Santa Fe Railway Company's warehouse; running thence north 85 degrees 50 minutes east, 908.0 feet to the westerly shore line of Mormon channel; thence along the irregular shore line of Mormon channel, north 60 degrees 02 minutes west, 89.1 feet (measured in a straight line); thence south 85 degrees 50 minutes west, 840.0 feet; thence south 10 degrees 45 minutes east, 50.2 feet, to the point of beginning.

Parcel "10B": Beginning at a point which bears south 12 degrees 01 minute 15 seconds east, 118.8 feet from a concrete monument on the west line of Pacific avenue, which monument bears south 12 degrees 01 minute 15 seconds east, 1430.0 feet from a concrete monument situated on the intersection of the west line of Pacific avenue and the north line of Monte Diablo avenue, as shown on the recorded plat of Stockton acres, subdivision number 1; running thence north 85 degrees 50 minutes east, 271.6 feet; thence south 78 degrees 58 minutes 45 seconds west, 269.0 feet; thence north 12 degrees 01 minute 15 seconds west, 32.4 feet, to the point of beginning.

All bearings are referred to true north.

For levee purposes as provided by the house of representatives document and the act of congress, above referred to:

PARCEL No. 8C.

Parcel
No. 8C.

All that certain portion of real property situate, lying and being in the county of San Joaquin, State of California, in sections six (6), seven (7) and eight (8), township one (1) north, range six (6) east, Mount Diablo base and meridian, lying in the present channel of the San Joaquin river between the northerly boundary line of the 750 foot Stockton deep water channel right of way strip and the northerly Stockton deep water channel line or the southerly channel line of Lindley cut-off, and more particularly described as follows, to wit:

Beginning at a point at the intersection of the northerly boundary line of the 750 foot Stockton deep water channel right of way strip with the low water line of the right, or northerly, bank of the San Joaquin river, said point of beginning bearing north 21 degrees 30 minutes 26 seconds west, 581.83 feet distant from U. S. E. D. bench mark number 202 $\frac{1}{2}$; thence from said point of beginning along the said northerly boundary line of the 750 foot Stockton deep water channel right of way strip the following courses and distances: from said point of beginning, southeasterly along the arc of a circle curving to the left, whose center bears north 27 degrees 51 minutes 38 seconds east, 4625.00 feet from said point of beginning, a distance of 517.47 feet, more or less, to a point of a tangency from which the center of the curve

Parcel
No. 8C.

bears north 21 degrees 27 minutes 00 seconds east, 4625.00 feet; thence south 68 degrees 33 minutes east, 2695.22 feet, more or less, to the intersection of said northerly boundary line with the low water line of the right, or northerly, bank of the San Joaquin river; thence, leaving said northerly boundary line of the 750 foot Stockton deep water channel right of way strip, along the said low water line of the right, or northerly, bank of the San Joaquin river, upstream the following courses and distances: south 51 degrees 44 minutes east, 223 feet, more or less; thence south 57 degrees 22 minutes east, 240 feet, more or less; thence south 53 degrees 22 minutes east, 130 feet, more or less, to its intersection with the northerly Stockton deep water channel line; thence, leaving said low water line, north 68 degrees 33 minutes west, 1599.37 feet, more or less, along the above mentioned northerly Stockton deep water channel line to its intersection with the southerly channel line of Lindley cut-off, said southerly channel line of Lindley cut-off being designated as the most southerly line "B" upon a map prepared by the United States engineer office, 3rd district, San Francisco, California, and recorded in book "A" of deeds, volume 394, page 117, San Joaquin county records; thence along said southerly channel line last above mentioned, the following courses and distances: North 55 degrees 49 minutes west, 185.28 feet to a point of curvature; thence northwesterly along the arc of a circle, curving to the left, and whose center bears south 34 degrees 11 minutes west, 1710.00 feet from said point of curvature, a distance of 626.75 feet to a point of tangency; thence north 76 degrees 49 minutes west, 451.50 feet to the intersection of said southerly channel line of Lindley cut-off with the northerly Stockton deep water channel line; thence along said northerly channel line last above mentioned, the following courses and distances: North 68 degrees 33 minutes west, 419.54 feet to a point on the radius line of a curve; thence north 21 degrees 27 minutes east, 5.00 feet along said radius line to a point of curvature; thence northwesterly along the arc of a circle, curving to the right, whose center bears north 21 degrees 27 minutes 00 seconds east, 4765.00 feet from said point of curvature, a distance of 964.99 feet, more or less, to the intersection of said northerly Stockton deep water channel line with the low water line of the right, or northerly, bank of the San Joaquin river, from said point of intersection the center of the curve bears north 33 degrees 03 minutes 12 seconds east, 4765.00 feet distant; thence along said low water line of the right, or northerly, bank of the San Joaquin river the following courses and distances: South 85 degrees 20 minutes east, 127.14 feet, more or less; thence south 74 degrees 47 minutes east, 321.60 feet, more or less, to the point of beginning and containing 10.97 acres.

All bearings are referred to true north.

PARCEL No. 8E.

Parcel
No. 8E.

All that portion of that tract of land situate, lying and being in the County of San Joaquin, State of California, in section eight (8), township one (1) north, range six (6) east, Mount Diablo base and meridian, lying between the southerly Stockton deep water channel line and the southerly boundary line of the 750 foot Stockton deep water channel right of way strip and westerly of the westerly line of the E. A. Arthur property and being a portion of swamp and overflowed land survey number 1380, patented to W. R. Haney and subsequently conveyed to Albert Lindley by the State of California, March 10, 1924, by deed recorded in book of official records, volume 32, page 262, and more particularly described as follows, to wit:

Beginning at the intersection of the southerly Stockton deep water channel line and the westerly boundary line of the E. A. Arthur property, as said E. A. Arthur property is described by deed recorded in book of official records, volume 65, page 353, San Joaquin county records, said point of beginning bearing north 45 degrees 47 minutes 51 seconds west, 2351.28 feet from an iron pin marking the center of section eight (8), township one (1) north, range six (6) east, Mount Diablo base and meridian, said iron pin also being on the north line of Jacob's road; thence from the point of beginning and following said southerly Stockton deep water channel line, north 68 degrees 33 minutes west, 232.42 feet to the intersection of said southerly channel line with the westerly boundary line of the above mentioned swamp and overflowed land survey number 1380; thence leaving said southerly channel line and following the boundary line of said swamp and overflowed land survey number 1380 the following courses and distances: south 21 degrees 34 minutes east, 14.31 feet; thence south 51 degrees 04 minutes east, 272.25 feet to the intersection of said boundary with the westerly line of the said E. A. Arthur property; thence leaving said boundary line of swamp and overflowed land survey number 1380 and following said westerly boundary line of the E. A. Arthur property, north 0 degrees 25 minutes east, 99.36 feet to the point of beginning, containing 0.27 acres, more or less.

All bearings are referred to true north.

PARCEL No. 9A.

Parcel
No. 9A.

All that portion of that certain real property situate, lying and being in the county of San Joaquin, State of California, between the northerly boundary line of the 750 foot Stockton deep water channel right of way strip and the northerly Stockton deep water channel line, and being a portion of the abandoned San Joaquin river channel known as Devil's Elbow, and a portion of that tract of land on Brown's island conveyed by the Stockton Golf and Country Club to the State

of California by deed dated September 12, 1922, and recorded in book A of deeds, volume 443, page 345, San Joaquin county records, and being in section six (6), township one (1) north, range six (6) east, Mount Diablo base and meridian, and more particularly described as follows:

Beginning at the intersection of the northerly boundary line of the 750 foot Stockton deep water channel right of way strip, and what was formerly the right or westerly low water line of the San Joaquin river in Devil's Elbow; said point bearing south 20 degrees 47 minutes 54 seconds west, 364.58 feet from U. S. E. D. monument number 202 $\frac{1}{4}$, said monument bearing south 9 degrees 36 minutes 53 seconds west, 3002.38 feet from an iron pin marking the northeast corner of the Stockton Golf and Country Club property; thence from point of beginning along what was formerly the right or westerly low water line of the San Joaquin river in Devil's Elbow south 41 degrees 42 minutes west, 141.67 feet to the present low water line of the right or northerly bank of the San Joaquin river; thence meandering the last mentioned low water line upstream south 85 degrees 20 minutes east, 127.14 feet; thence south 74 degrees 47 minutes east, 321.60 feet, more or less, to the northerly boundary line of the 750 foot Stockton deep water channel right of way strip; thence northwesterly along said northerly boundary line in the arc of a circle curving to the right, whose radius is 4625.00 feet and whose center bears north 27 degrees 51 minutes 20 seconds east from said last mentioned point, 397.31 feet to the place of beginning, and containing 0.54 acres.

All bearings are referred to true north.

Parcel
No. 9B

PARCEL No. 9B.

All that portion of that certain real property situate, lying and being in the county of San Joaquin, State of California in section six (6), township one (1) north, range six (6) east, Mount Diablo base and meridian, lying between the northerly boundary line of the 750 foot Stockton deep water channel right of way strip and the low water line of the right, or northerly, bank of the San Joaquin river and being a portion of the San Joaquin river channel abandoned at the time of making "cut-off C," and more particularly described as follows, to wit:

Beginning at a point at the intersection of the northerly boundary line of the 750 foot Stockton deep water channel right of way strip with the approximate former low water line along a berm of the right, or easterly, bank of the old channel of the San Joaquin river, said point of beginning bearing, north 74 degrees 38 minutes 19 seconds west, 883.59 feet from U. S. E. D. bench mark number 202 $\frac{1}{4}$, said bench mark bearing, south 9 degrees 36 minutes 53 seconds west, 3002.38 feet from an iron pin on Calaveras levee marking the northeast corner

of the Stockton Golf and Country Club property, said point of beginning also being on the arc of a circle from which the center bears, north 44 degrees 14 minutes 07 seconds east, 4625.00 feet; thence from said point of beginning along said former low water line upstream to its intersection with the low water line along the right, or northerly, bank of the San Joaquin river, said point of intersection bearing, south 13 degrees 02 minutes west, 37.41 feet, more or less, from said point of beginning; thence following the low water line of the right, or northerly, bank of the present channel of the San Joaquin river downstream to its intersection with the aforementioned northerly boundary line of the 750 foot Stockton deep water channel right of way strip, said intersection bearing, north 27 degrees 57 minutes west, 107.00 feet, more or less, from said last mentioned intersection; thence leaving said low water line and following said northerly boundary line southeasterly, in the arc of a circle, curving to the left of radius 4625.00 feet, and whose center bears, north 45 degrees 15 minutes 27 seconds east, from said last abovementioned intersection, a distance of 82.52 feet, more or less, to the point of beginning and containing 0.03 acre, more or less.

All bearings are referred to true north.

PARCEL No. 38A.

Parcel
No. 38A

All that portion of that certain real property on Vulcan and Chicken Ranch islands situate, lying and being in sections twenty-six (26) and twenty-seven (27), township two (2) north, range five (5) east, Mount Diablo base and meridian, in the county of San Joaquin, State of California, as described in deed dated January 31, 1917, and recorded in book "A" of deeds, volume 383, pages 365 to 373, and deed dated July 16, 1919, and recorded in book "A" of deeds, volume 383, pages 248-257, San Joaquin county records, and also portions of abandoned river channel and berms adjacent to aforesaid parcels, and lying between the southerly Stockton deep water channel line and the southerly boundary line of the 750 foot Stockton deep water channel right of way strip, and more particularly described as follows, to wit:

Beginning at the intersection of the southerly Stockton deep water channel line, and what was formerly the low water line on a berm of the left, or southerly, bank of the old channel of the San Joaquin river, said point bearing south 8 degrees 36 minutes 00 seconds west, 1024.03 feet from U. S. E. D. monument number 150 D. W.; thence south 76 degrees 59 minutes west, 235.01 feet along said low water line to the southerly boundary line of the 750 foot Stockton deep water channel right of way strip; thence north 64 degrees 56 minutes west, 336.00 feet along aforesaid southerly boundary line across the abandoned channel of the San Joaquin river to the meander line of the northerly low water line of the said abandoned channel of the San Joaquin river as shown on map of Vulcan and

Chicken Ranch islands as recorded on October 6, 1919, in book "A" of deeds, volume 383, page 365, et seq.; thence along the aforesaid meander line, north 67 degrees 08 minutes east, 92.10 feet to the southerly line of parcel "F" as shown on aforesaid map of Vulcan and Chicken Ranch islands; thence north 65 degrees 52 minutes west, 1493.00 feet along said southerly line of parcel "F" and the northerly property line of the Wright Corporation on Vulcan island, to the meander line of the abandoned channel above referred to; thence south 43 degrees 04 minutes west, 46.15 feet along aforesaid meander line to the southerly boundary line of the 750 foot Stockton deep water channel right of way strip; thence north 64 degrees 56 minutes west, 507.18 feet, more or less, along said southerly boundary line and across said abandoned river channel, Chicken Ranch island and a dredger cut, to the southerly low water line of aforesaid dredger cut and the northerly property line of E. Campodonico; thence along the last mentioned low water line and property line, the following courses and distances: north 17 degrees 04 minutes west, 78.46 feet; thence north 44 degrees 54 minutes west, 253.52 feet to the southerly Stockton deep water channel line; thence south 64 degrees 56 minutes east, 2764.32 feet, more or less, along aforesaid southerly channel line across Chicken Ranch and Vulcan islands and intervening dredger cuts and abandoned river channels and berms to the place of beginning, and containing 6.42 acres, more or less.

All bearings are referred to true north at U. S. E. D. bench mark 206½.

Parcel
No. 42.

PARCEL No. 42.

All that portion of that certain real property situate, lying and being in the county of San Joaquin, State of California, in section twenty-seven (27), township two (2) north, range five (5) east, Mount Diablo base and meridian, in swamp and overflowed lands survey number 1276, known as Morrison's island, at the mouth of Fourteen Mile slough, lying between the northerly boundary line of the 750 foot Stockton deep water channel right of way strip and the northerly Stockton deep water channel line, and being a portion of that tract of land conveyed to the State of California by deed dated July 18, 1919, and recorded in book "A" of deeds, volume 383, page 248, San Joaquin county records, and more particularly described as follows, to wit:

Beginning at the intersection of the northerly boundary line of the 750 foot Stockton deep water channel right of way strip and the low water line bordering the westerly side of said Morrison's island, said point bearing north 41 degrees 59 minutes 08 seconds east, 896.01 feet from U. S. E. D. bench mark number 206½; thence from said point of beginning along said northerly boundary line, easterly in the arc of a circle curving to the right, of radius 5375.00 feet, and whose center bears south 2 degrees 00 minutes 28 seconds west from

said point of beginning, a distance of 1571.47 feet, more or less, to the intersection of said northerly boundary line with the low water line of the right, or northerly, bank of the San Joaquin river; thence leaving said northerly boundary line and following said low water line to the intersection of said low water line with the northerly Stockton deep water channel line, said last mentioned intersection bearing north 85 degrees 38 minutes west, 787.71 feet, more or less, from the last mentioned intersection; thence along said northerly Stockton deep water channel line (said northerly channel line coinciding approximately with the said low water line), westerly, in the arc of a circle curving to the left, of radius 5235.00 feet and whose center bears south 10 degrees 22 minutes 44 seconds west from said last mentioned intersection a distance of 1005.17 feet, more or less, to the most westerly point of Morrison's island; thence leaving said northerly channel line and the last mentioned low water line, and following the low water line along the westerly side of Morrison's island to the point of beginning, said low water line passing through points connected by the following courses and distances: north 66 degrees 51 minutes east, 136.07 feet, more or less, and north 55 degrees 11 minutes east, 146.26 feet, more or less, to said point of beginning; containing 4.29 acres, more or less.

All bearings are referred to true north at U. S. E. D. bench mark number 206½.

PARCEL No. 43.

Parcel
No 43

All that portion of that certain real property situate, lying and being in section twenty-eight (28), township two (2) north, range five (5) east, Mount Diablo base and meridian, in swamp and overflowed lands survey number 1276, lying between the northerly boundary line of the 750 foot Stockton deep water channel right of way strip and the northerly Stockton deep water channel line, and being a portion of a berm bordering the Rindge tract, between Morrison's island and Walter's island, and being a portion of that tract of land to which title was acquired by the State of California by deed recorded in book "A" of deeds, volume 394, page 118, San Joaquin county records, and more particularly described as follows, to wit:

Beginning at the point of intersection of the northerly boundary line of the 750 foot Stockton deep water channel right of way strip and the low water line on a berm of the right, or northerly, bank of the San Joaquin river, said point bearing north 26 degrees 56 minutes 27 seconds west, 695.52 feet from U. S. E. D. bench mark number 206½; thence from the point of beginning and following said northerly boundary line, crossing said berm, easterly in the arc of a circle curving to the right, of radius 5375.00 feet, and whose center bears south 7 degrees 45 minutes 53 seconds east from the point of beginning, a distance of 166.10 feet, more or less, to the intersection of said northerly boundary line with the low

water line bordering the easterly side of said berm; thence leaving said northerly boundary line and following said low water line around the southerly point of said berm, to the point of beginning, said low water line passing through points connected by the following courses and distances: south 58 degrees 33 minutes east, 204.51 feet, more or less; thence north 81 degrees 47 minutes west, 176.78 feet, more or less; thence north 69 degrees 28 minutes west, 175.54 feet, more or less, to said point of beginning; containing 0.37 acres, more or less.

All bearings are referred to true north at U. S. E. D. bench mark number 206½.

Parcel
No 41B

PARCEL No. 41B.

All of that certain real property situate, lying and being in the county of San Joaquin, State of California, and being a portion of a dredger cut and levee at the mouth of Black slough, in section twenty-seven (27), township two (2) north, range five (5) east, Mount Diablo base and meridian, and lying between the southerly Stockton deep water channel line and the southerly boundary line of the 750 foot Stockton deep water channel right of way strip, and being more particularly described as follows, to wit:

Beginning at the point of intersection of the southerly Stockton deep water channel line with the low water line of the left, or southerly, bank of the San Joaquin river at the mouth of Black slough, said point bearing north 83 degrees 11 minutes 36 seconds east, 494.82 feet from U. S. E. D. bench mark number 206½; thence easterly, across the entrance to a dredger cut and along said southerly channel line, in the arc of a circle curving to the right, whose radius is 4765 feet and whose center bears south 0 degrees 57 minutes 53 seconds west from said last mentioned point a distance of 226.34 feet to the low water line of the southerly bank of Miller island; thence meandering said low water line and passing through the points connected by the following courses and distances: south 58 degrees 30 minutes east, 65.80 feet; south 87 degrees 50 minutes east, 138.09 feet; north 80 degrees 47 minutes east, 84.78 feet to the southerly Stockton deep water channel line; thence easterly, crossing aforesaid dredger cut and along said southerly channel line in the arc of a circle curving to the right, whose radius is 4765 feet and whose center bears south 7 degrees 02 minutes 23 seconds west from said last mentioned point a distance of 216.69 feet to the low water line of the southerly bank of aforesaid dredger cut; thence meandering said low water line downstream, south 82 degrees 27 minutes west, 552.94 feet to the westerly property line of E. Campodonico; thence south 41 degrees 26 minutes west, 8.52 feet along said westerly property line of E. Campodonico to the southerly boundary line of the 750 foot Stockton deep water channel right of way strip; thence westerly across what was

formerly the mouth of Black slough and is now the levee of the south bank of aforesaid dredger cut and along said southerly boundary line in the arc of a circle curving to the left whose radius is 4625.00 feet and whose center bears south 3 degrees 01 minute 53 seconds west from said last mentioned point, a distance of 137.68 feet to the former left bank of said Black slough and the easterly property line of the West Coast Life Insurance Company, thence north 19 degrees 38 minutes east, 79.87 feet along the easterly property line of the West Coast Life Insurance Company to the southerly low water line of aforesaid dredger cut; thence meandering said low water line, north 39 degrees 22 minutes west, 85.54 feet to the place of beginning; containing 1.22 acres, more or less.

All bearings are referred to true north at U. S. E. D. bench mark number 206½.

PARCEL No. 53A.

Parcel
No 53A

All that portion of the old channel of the San Joaquin river lying easterly of a tract of land known as Hog island, situate, lying and being in the county of San Joaquin, State of California, in sections twenty (20) and/or twenty-nine (29), township two (2) north, range five (5) east, Mount Diablo base and meridian, between the southerly Stockton deep water channel line and the southerly boundary line of the 750 foot Stockton deep water channel right of way strip, and more particularly described as follows, to wit:

Beginning at a point on the southerly Stockton deep water channel line, said point bearing north 69 degrees 48 minutes 23 seconds west, 3019.03 feet from U. S. E. D. monument number 152 D. W., said point of beginning being approximately on what was formerly the easterly low water line of the old channel of the San Joaquin river; thence from the point of beginning following said old low water line, upstream, south 46 degrees 19 minutes west, 129.66 feet, more or less, to the low water line of the right, or northerly, bank of the San Joaquin river; thence downstream along said last mentioned low water line, north 50 degrees 08 minutes west, 60.93 feet, more or less, to the intersection of said low water line with the southerly boundary line of the 750 foot Stockton deep water channel right of way strip; thence following said southerly boundary line (which coincides approximately with the present low water line of the right, or northerly, bank of the San Joaquin river) and crossing said old channel, northwesterly, along the arc of a circle curving to the right, of radius 5375.00 feet, whose center bears north 50 degrees 10 minutes 06 seconds east from said last mentioned point, a distance of 263.95 feet to the low water line of the left, or westerly bank of the old channel of the San Joaquin river along the easterly side of Hog island; thence leaving said southerly boundary line and following said last mentioned low water line down-

stream, north 39 degrees 21 minutes east, 144.16 feet, more or less, to the intersection of said low water line with the southerly Stockton deep water channel line; thence leaving said last mentioned low water line, following said southerly channel line, crossing said old channel, southeasterly, in the arc of a circle curving to the left, of radius 5235.00 feet, and whose center bears north 53 degrees 21 minutes 13 seconds east, from the last mentioned intersection a distance of 342.27 feet, more or less, to the point of beginning; containing 1.08 acres, more or less.

All bearings are referred to true north.

Parcel
No 55A.

PARCEL NO. 55A.

All that portion of the old channel of the San Joaquin river lying easterly of a tract of land known as Hog island, situate, lying and being in the county of San Joaquin, State of California, in sections twenty (20) and/or twenty-nine (29), township two (2) north, range five (5) east, Mount Diablo base and meridian, between the northerly boundary line of the 750 foot Stockton deep water channel right of way strip and the northerly Stockton deep water channel line, and more particularly described as follows, to wit:

Beginning at the point of intersection of the northerly Stockton deep water channel line and what was formerly the low water line of the right, or easterly, bank of the old channel of the San Joaquin river, said point bearing north 61 degrees 12 minutes 35 seconds west, 2849.20 feet from U. S. E. D. monument number 152 D. W.; thence from the point of beginning and following said northerly channel line, crossing said old channel, northwesterly, in the arc of a circle curving to the right, of radius 4765.00 feet, and whose center bears north 50 degrees 00 minutes 30 seconds east from said point of beginning, a distance of 362.69 feet, more or less, to the intersection of said northerly channel line with the low water line of the left, or westerly, bank of the old channel of the San Joaquin river along the easterly side of Hog island; thence leaving said northerly channel line and following said low water line, to its intersection with the northerly boundary line of the 750 foot Stockton deep water channel right of way strip, said intersection bearing north 42 degrees 59 minutes east, 142.90 feet, more or less, from the last mentioned intersection; thence leaving said low water line and following said northerly boundary line, crossing said old channel, southeasterly, in the arc of a circle curving to the left, of radius 4625.00 feet, and whose center bears north 54 degrees 43 minutes 08 seconds east from said last mentioned intersection, a distance of 371.92 feet, more or less, to the intersection of said northerly boundary line with what was formerly the right, or easterly, low water line of the old channel of the San Joaquin river; thence leaving said northerly boundary line and following said last mentioned low water line, south 46 degrees 36 minutes west, 140.26 feet,

more or less, to the point of beginning; containing 1.18 acres, more or less.

All bearings are referred to true north.

PARCEL No. 79.

Parcel
No. 79

All that portion of that certain tract of land situate, lying and being in the county of San Joaquin, State of California, on Tinsley island, said island being a portion of Roberts island cut off at the time of the construction of cut-off B, in sections eleven (11) and twelve (12), township two (2) north, range four (4) east, Mount Diablo base and meridian, lying between the southerly Stockton deep water channel line and the southerly boundary line of the 750 foot Stockton deep water channel right of way strip, and more particularly described as follows, to wit:

Beginning at a point at the intersection of the low water line of the left bank of the old channel of the San Joaquin river along the northwesterly side of Tinsley island, with the southerly boundary line of the 750 foot Stockton deep water channel right of way strip, said point bearing south 53 degrees 35 minutes 03 seconds west, 1506.12 feet from U. S. E. D. monument number 158; D. W.; thence from said point of beginning and following upstream said low water line, north 61 degrees 12 minutes east, 159.74 feet, more or less, to the intersection of said low water line with the southerly Stockton deep water channel line; thence following said southerly Stockton deep water channel line, south 53 degrees 35 minutes east, 1938 feet, more or less, to the low water line of the left bank of the old channel of the San Joaquin river along the easterly side of Tinsley island; thence following said low water line, south 13 degrees 56 minutes west, 156.93 feet, more or less, to the intersection of said low water line with the southerly boundary line of the 750 foot Stockton deep water channel right of way strip; thence following said southerly boundary line, north 53 degrees 35 minutes west, 2065 feet, more or less, to the point of beginning; containing 6.68 acres, more or less.

All bearings are referred to true north.

PARCEL No. 81.

Parcel
No 81

All that portion of that certain tract of land situate, lying and being in the county of San Joaquin, State of California, on Tinsley island, said island being a portion of Roberts island cut off at the time of the construction of cut-off B, in sections eleven (11) and twelve (12), township two (2) north, range four (4) east, Mount Diablo base and meridian, lying between the northerly Stockton deep water channel line and the northerly boundary line of the 750 foot Stockton deep water channel right of way strip (widened to 850 feet

at this place for passing basin purposes) and more particularly described as follows, to wit:

Beginning at a point at the intersection of the northerly Stockton deep water channel line and the low water line of the left bank of the old channel of the San Joaquin river along the northwesterly side of Tinsley island, said point bearing south 30 degrees 39 minutes 58 seconds west, 756.16 feet from U. S. E. D. monument number 158 D. W.; thence following said low water line upstream, north 58 degrees 03 minutes east, 67.44 feet; thence north 89 degrees 59 minutes east, 166.61 feet to the intersection of said low water line with the said northerly boundary line of the 750 foot Stockton deep water channel right of way strip; thence leaving said low water line and following said northerly boundary line, south 59 degrees 18 minutes east, 18 feet, more or less; thence south 53 degrees 35 minutes east, 890.76 feet, more or less, to the low water line of the left bank of the old channel of the San Joaquin river along the easterly side of Tinsley island; thence following said low water line upstream, south 1 degree 16 minutes east, 183.22 feet to the intersection of said low water line with the northerly Stockton deep water channel line; thence following said northerly Stockton deep water channel line, north 53 degrees 35 minutes west, 995.52 feet; thence north 59 degrees 18 minutes west, 185 feet, to the point of beginning; containing 3.55 acres, more or less.

All bearings are referred to true north.

For temporary spoil disposal purposes during the course of construction of the channel and appurtenances, as provided by the house of representatives document and the act of congress, above referred to:

Parcel
No 108

PARCEL No. 108.

All that portion of that tract of land situate, lying and being in the county of San Joaquin, State of California in section six (6), township one (1) north, range six (6) east, Mount Diablo base and meridian, and being a portion of that tract of land designated as parcel D, as said parcel D is described by deed recorded in book of official records, volume 32, page 262, San Joaquin county records, and lying northerly of the northerly boundary line of parcel 1 of cut-off C, as said parcel 1 is described in book "A" of deeds, volume 219, page 306, San Joaquin county records, and more particularly described as follows, to wit:

Beginning at the northeasterly corner of said parcel 1 of cut off C, said point bearing south 1 degree 49 minutes 56 seconds west, 1933.88 feet from U. S. E. D. bench mark number 202 $\frac{1}{2}$, said point also bearing north 50 degrees 20 minutes 42 seconds west, 1283.21 feet from U. S. E. D. bench mark number 202 $\frac{1}{4}$, said point of beginning being also the southeasterly corner of the herein described parcel; thence from the point of beginning and following the northerly boundary line of said

parcel 1 of cut-off C, north 50 degrees 53 minutes west, 1430.00 feet, more or less, to the intersection of said northerly boundary line with the low water line of the left, or southerly, bank of the old channel of the San Joaquin river, said old channel being a portion of parcel G, as said parcel G is described in book of official records, volume 32, page 262; thence leaving said northerly boundary line of parcel 1 and following said low water line bordering the westerly side, and the low water line of the old channel of the San Joaquin river on the northerly side, and the easterly side of the herein described parcel to the point of beginning, said low water line passing through points connected by the following courses and distances: north 6 degrees 59 minutes east, 470.88 feet; thence north 33 degrees 18 minutes east 458.76 feet; thence south 75 degrees 00 minutes east, 483.18 feet; thence south 57 degrees 54 minutes east, 583.53 feet; thence south 31 degrees 38 minutes east 237.55 feet; thence south 0 degrees 52 minutes west, 232.02 feet; thence south 17 degrees 41 minutes west, 927.38 feet, more or less, to the point of beginning, containing 35.01 acres, more or less.

All bearings are referred to true north.

PARCEL No. 10B-S.

Parcel
No. 10B-S

All that portion of the old channel of the San Joaquin river abandoned at the time of making "cut-off C" lying in section six (6), township one (1) north, range six (6) east, Mount Diablo base and meridian, lying northerly of the northerly boundary line of the 750 foot Stockton deep water channel right of way strip and easterly of that island known as "parcel D" formed at the time of construction of "cut-off C," being a portion of the old channel of the San Joaquin river designated as "parcel A" on that certain map entitled "Plan showing old and new channels of the San Joaquin river lying in sections five (5), six (6) and eight (8), township one (1) north, range six (6) east, Mount Diablo base and meridian, in section one (1), township one (1) north, range five (5) east, Mount Diablo base and meridian, January 1921, scale 1 inch equals 600 feet," said map having been referred to in a deed recorded in book of official records, volume 32, page 262, San Joaquin county records, and more particularly described as follows, to wit:

Beginning at the intersection of the former low water line of the right, or easterly bank of the old channel of the San Joaquin river along a berm with the northerly boundary line of the 750 foot Stockton deep water channel right of way strip, said point of beginning bearing, north 75 degrees 38 minutes 27 seconds west, 883.59 feet, from U. S. E. D. bench mark number 202 $\frac{1}{4}$, said bench mark bearing, south 9 degrees 36 minutes 53 seconds west, 3002.38 feet from an iron pin on Calaveras levee marking the northeast corner of the

Parcel
No. 10B-8.

Stockton Golf and Country Club property said point of beginning also bearing, south 1 degree 41 minutes 13 seconds east, 2518.81 feet from U. S. E. D. bench mark number 202 $\frac{1}{2}$, thence from said point of beginning and following said northerly boundary line of the 750 foot Stockton deep water channel right of way strip northwesterly, along the arc of a circle curving to the right, of radius 4625.00 feet and whose center bears north 44 degrees 13 minutes 59 seconds east, from the point of beginning, a distance of 82.52 feet, more or less, crossing a portion of said old channel to its intersection with the low water line of the right, or northerly, bank of the present channel of the San Joaquin river; thence leaving said northerly boundary line and following said low water line of the present channel of the San Joaquin river downstream and continuing across the said old channel, north 28 degrees 55 minutes west, 180.41 feet, more or less, to the intersection of said low water line with the easterly boundary line of "parcel A" of "cut-off C" as said "parcel A" is more particularly described by deed dated April 20, 1912, conveying said parcel to the United States of America from the Pierce Land and Stock Company; thence following said last mentioned easterly boundary line, north 1 degree 43 $\frac{1}{2}$ minutes west, 175.00 feet, more or less, to the southeasterly corner of "parcel 1" of "cut-off C" as said "parcel 1" is described by deed dated April 20, 1912, conveying a perpetual easement to the United States of America and shown on map in book "A" of deeds, volume 219, page 306, San Joaquin county records; thence following the easterly boundary line of said "parcel 1" of "cut-off C," north 4 degrees 29 minutes east, 194.50 feet to the northeasterly corner of said "parcel 1" of "cut-off C," the easterly boundary lines of said "parcel A" of "cut-off C" and "parcel 1" of "cut-off C" being also the low water line of the left, or westerly, bank of the old channel of the San Joaquin river; thence continuing along said last mentioned low water line, which passes through points connected by the following courses and distances: north 17 degrees 41 minutes east, 927.38 feet, more or less; thence north 0 degrees 52 minutes east, 232.02 feet, more or less; thence north 31 degrees 38 minutes west, 237.55 feet, more or less, to a point on the low water line of a levee constructed across said old channel, said levee now forming a portion of the left or easterly bank of the Calaveras river; thence following the last mentioned low water line to a point which bears, north 68 degrees 03 minutes east, 278.39 feet, more or less, from the last mentioned point; thence leaving said last mentioned low water line and crossing said levee and following the low water line, on a berm, of the right, or easterly, bank of the old channel of the San Joaquin river to the point of beginning, said last mentioned low water line being the easterly boundary line of the first abovementioned "parcel A" and passing through points connected by the following courses and distances: south 1 degree 00 minutes east, 104.64 feet, more or less; thence south 23 degrees 47 minutes east, 131.94 feet, more or less;

thence south 6 degrees 34 minutes west, 250.03 feet, more or less; thence south 13 degrees 36 minutes west, 701.20 feet, more or less; thence south 10 degrees 17 minutes west, 547.81 feet more or less; thence south 8 degrees 28 minutes west, 315.86 feet, more or less, to the point of beginning, and containing 8.28 acres, more or less.

All bearings are referred to true north.

PARCEL No. 10C-S.

Parcel
No. 10C-S

All that portion of the old channel of the San Joaquin river lying in section six (6), township one (1) north, range six (6) east, Mount Diablo base and meridian, and being a portion of the old abandoned channel of the San Joaquin river designated as parcel G in that certain deed recorded in book of official records, volume 32, page 262, San Joaquin county records, lying northerly of the northerly boundary line of parcel 1 of cut-off C, as said parcel 1 is described by deed dated April 20, 1912, recorded in book "A" of deeds, volume 219, page 306 San Joaquin county records and northerly of the northerly boundary line of parcel 2 of cut-off C, as said parcel is described by deed dated April 25, 1912, and recorded in book "A" of deeds, volume 219, page 298, San Joaquin county records, and more particularly described as follows, to wit:

Beginning at a point on the low water line of the left, or southerly, bank of the old channel of the San Joaquin river, said point bearing, south 66 degrees 10 minutes 24 seconds west, 1248.51 feet from U. S. E. D. bench mark number 202 $\frac{3}{4}$, said point also bearing, north 42 degrees 59 minutes 41 seconds west, 2991.88 feet from U. S. E. D. bench mark number 202 $\frac{1}{4}$; thence from the point of beginning and following said low water line to its intersection with the northerly boundary line of the above mentioned parcel 1 of cut-off C, said intersection bearing, south 6 degrees 59 minutes west, 470.88 feet, more or less, from the point of beginning; thence leaving said low water line and crossing said old channel on the northerly boundary lines of said parcel 1 of cut-off C and said parcel 2 of cut-off C, north 50 degrees 53 minutes west, 107.43 feet, more or less, to the intersection of said northerly boundary line of parcel 2 of cut-off C with the low water line of the right, or northerly, bank of the old channel of the San Joaquin river; thence following said last mentioned low water line to a point which bears north 13 degrees 39 minutes east, 700.34 feet, more or less, from the last mentioned intersection; thence crossing said old channel, following the present low water line of another old channel of the San Joaquin river to a point which bears north 65 degrees 43 minutes east, 249.28 feet, more or less, from the last mentioned point; thence following the low water line of the left, or southerly, bank of the first mentioned old channel of the San Joaquin river to the point of beginning, said

point of beginning bearing south 33 degrees 18 minutes west, 458.76 feet, more or less, from the last mentioned point; containing 1.75 acres, more or less.

All bearings are referred to true north.

Parcel
No. 10D-8

PARCEL No. 10D-S.

All that portion of that tract of land situate, lying and being in the county of San Joaquin, State of California in section six (6), township one (1) north, range six (6) east. Mount Diablo base and meridian, lying westerly of that portion of the old channel designated as parcel G, as said parcel G is described in deed recorded in book of official records, volume 32, page 262, San Joaquin county records, and lying northerly of the northerly line of parcel 2 of cut-off C, said parcel 2 is described by deed from Etta M. White, and Carrie J. Whitmore, recorded in book "A" of deeds, volume 219, page 298, San Joaquin county records, and lying easterly of the low water line of the old channel of the San Joaquin river, abandoned at the time of making cut-off C, and more particularly described as follows, to wit:

Beginning at the intersection of the low water line of the right, or northerly, bank of the old channel of the San Joaquin river, designated as parcel G, described above, and the northerly boundary line of said parcel 2 of cut-off C, said point of beginning bearing south 52 degrees 27 minutes 48 seconds west, 1582.36 feet from U. S. E. D. bench mark number 202 $\frac{1}{2}$, said point also bearing north 50 degrees 53 minutes west, 1537.43 feet from a point which bears north 50 degrees 20 minutes 42 seconds west, 1283.21 feet from U. S. E. D. bench mark number 202 $\frac{1}{4}$; thence from the point of beginning and following said northerly boundary line of the above mentioned parcel 2 of cut-off C north 50 degrees 53 minutes west, 672.00 feet to a point on the northerly boundary line of the 750 foot Stockton deep water channel right of way strip; thence leaving said northerly line of said parcel 2 of cut-off C and following the northerly boundary line of the 750 foot Stockton deep water channel right of way strip, north 42 degrees 57 minutes west, 95.00 feet, more or less, to the low water line of levee of the southerly bank of the old channel of the San Joaquin river, abandoned at the time of making cut-off C; thence leaving said last mentioned northerly boundary line and following said last mentioned low water line to a point which bears north 76 degrees 01 minutes east, 774.41 feet, more or less, from the last mentioned intersection; thence leaving said last mentioned low water line and following the low water line of the right, or northerly, bank of the old channel of the San Joaquin river, designated as parcel G as described above, to the point of beginning, said point of beginning bearing south 13 degrees 39 minutes west, 700.34

feet, more or less, from the last mentioned point; containing 4.77 acres, more or less.

All bearings are referred to true north.

PARCEL No. 17B-S.

Parcel
No. 17B-S

All that portion of the old channel of the San Joaquin river in the county of San Joaquin, State of California, section twenty (20), township two (2) north, range five (5) east, Mount Diablo base and meridian, lying between Spud island and Hog island and southerly of the southerly Stockton deep water channel line and northerly of the present San Joaquin river and more particularly described as follows, to wit:

Beginning at the intersection of the southerly Stockton deep water channel line with the low water line of the right, or northerly, bank of the old channel of the San Joaquin river bordering the easterly side of Spud island, said point bearing south 65 degrees 34 minutes 52 seconds west, 3738.28 feet from U. S. E. D. monument number 154 D. W.; thence from point of beginning leaving said low water line crossing said old channel following the said southerly Stockton deep water channel line south 30 degrees 50 minutes east, 394.95 feet to the intersection of said southerly Stockton deep water channel line with the low water line of the left, or southerly, bank of the old channel of the San Joaquin river bordering the westerly side of Hog island; thence leaving said southerly channel line and following said last mentioned low water line to its intersection with the southerly boundary line of the 750 foot Stockton deep water channel right of way strip, said intersection bearing south 50 degrees 55 minutes west, 146.51 feet from the last mentioned intersection; thence continuing along said low water line which passes through points connected by the following courses and distances: South 49 degrees 13 minutes west, 262.61 feet; thence south 55 degrees 12 minutes west, 446.08 feet; thence south 56 degrees 55 minutes west, 296.22 feet; thence south 60 degrees 36 minutes west, 229.72 feet, more or less, to the southwesterly corner of Hog island; thence leaving said low water line and crossing the mouth of said old channel north 47 degrees 28 minutes west, 543.59 feet, more or less, to the low water line of the right, or northerly, bank of the old channel of the San Joaquin river bordering the easterly side of Spud island; thence following said low water line upstream, which passes through points connected by the following courses and distances: North 70 degrees 57 minutes east, 369.38 feet; thence north 56 degrees 50 minutes east, 1024.08 feet, more or less, to the intersection of said low water line with the southerly boundary line of the 750 foot Stockton deep water channel right of way strip; thence continuing along said low water line north 54 degrees 51 minutes east, 145.36 feet, more or less, to the point of beginning and containing 14.80 acres.

All bearings are referred to true north.

Parcel
No 17C-8.

PARCEL NO. 17C-S.

All that portion of the old channel of the San Joaquin river in the county of San Joaquin, State of California in section twenty (20), township two (2) north, range five (5) east, Mount Diablo base and meridian, lying between Hog island and Spud island, and northerly of the northerly Stockton deep water channel line, and southerly of the most easterly point of Spud island, and more particularly described as follows, to wit:

Beginning at a point at the intersection of the northerly boundary line of the 750 foot Stockton deep water channel right of way strip, widening at this place to 850 feet for a passing basin, with the low water line of the right, or northerly, bank of the old channel of the San Joaquin river, said low water line being on the southeasterly side of Spud island, said point of beginning bearing, south 68 degrees 28 minutes 02 seconds west, 3050.34 feet from U. S. E. D. monument number 154 D. W.; thence from the point of beginning following said low water line upstream to the most easterly point of said Spud island through points connected by the following straight lines: North 48 degrees 15 minutes east, 715.70 feet, more or less; thence north 50 degrees 35 minutes east, 206.01 feet, more or less; thence north 74 degrees 59 minutes east, 199.88 feet, more or less, to said most easterly point; thence leaving said low water line and crossing the old channel of the San Joaquin river, south 40 degrees 08 minutes east, 271.06 feet more or less, to the low water line of the left, or southerly bank of the old channel of the San Joaquin river on the northerly side of Hog island; thence following said low water line downstream to its intersection with the northerly Stockton deep water channel line through points connected by the following straight lines: South 59 degrees 36 minutes west, 301.68 feet, more or less; thence south 54 degrees 25 minutes west 283.06 feet, more or less; thence south 47 degrees 12 minutes west, 571.25 feet, more or less; thence south 48 degrees 15 minutes west, 151.31 feet to said intersection; thence leaving said low water line and following said northerly Stockton deep water channel line crossing the old channel of the San Joaquin river, the following courses and distances: north 25 degrees 08 minutes west, 36 04 feet, more or less; thence north 30 degrees 50 minutes west, 265.00 feet, more or less, to its intersection with the low water line of the right, or northerly, bank of the old channel of the San Joaquin river along the southeasterly side of said Spud island; thence leaving said northerly channel line, north 50 degrees 03 minutes east, 146.85 feet, more or less, to the point of beginning, and containing 8.64 acres, more or less, of old channel.

All bearings are referred to true north.

PARCEL No. 24B-S.

Parcel
No. 24B-S

All that portion of the old channel of the San Joaquin river in the county of San Joaquin, State of California, in section twelve (12) and thirteen (13) of township two (2) north, range four (4) east, Mount Diablo base and meridian, lying between the southerly Stockton deep water channel line and the San Joaquin river and between Fern island and Head Reach island, and more particularly described as follows, to wit:

Beginning at the intersection of the southerly boundary line of the 750 foot Stockton deep water channel right of way strip and the low water line along the northwesterly side of Head Reach island of the left, or southerly, bank of the old channel of the San Joaquin river, said point bearing north 53 degrees 35 minutes west, 330.00 feet from a point which bears north 38 degrees 05 minutes 53 seconds west, 5388.86 feet from U. S. E. D. monument number 158 D. W.; thence from point of beginning and following said low water line downstream which passes through points connected by the following courses and distances: south 51 degrees 13 minutes west, 910.00 feet, more or less; thence south 46 degrees 53 minutes west, 917.00 feet, more or less; thence south 69 degrees 53 minutes west, 290.00 feet, more or less, to the intersection of said last mentioned low water line and the low water line of the right, or northerly, bank of the present San Joaquin river, said intersection being the most westerly point of Head Reach island; thence leaving said low water line, and crossing the mouth of said old channel north 27 degrees 45 minutes west, 357.62 feet, more or less, to the low water line, along the easterly side of Fern island, of the right, or northerly, bank of the old channel of the San Joaquin river; thence following said last mentioned low water line upstream which passes through points connected by the following courses and distances: north 60 degrees 12 minutes east, 219.05 feet, more or less; thence north 46 degrees 46 minutes east, 1016.57 feet, more or less; thence north 54 degrees 12 minutes east, 700.71 feet, more or less, to the intersection of said low water line with the southerly boundary line of the 750 foot Stockton deep water channel right of way strip; thence continuing along said low water line north 60 degrees 14 minutes east, 158.49 feet, more or less, to the intersection of said low water line with the southerly Stockton deep water channel line; thence leaving said low water line and following said southerly channel line crossing said old channel south 53 degrees 35 minutes east, 381.83 feet, more or less, to the intersection of said southerly channel line with the low water line along the northwesterly side of Head Reach island of the left, or southerly, bank of the old channel of the San Joaquin river; thence leaving said southerly boundary line and following said last mentioned low water line to the point of beginning, said point of beginning

bearing south 55 degrees 26 minutes west, 153.38 feet, more or less, from the last mentioned intersection, and containing 19.88 acres, more or less.

All bearings are referred to true north.

Parcel
No. 24C-8.

PARCEL No. 24C-S.

All that portion of the old channel of the San Joaquin river in the county of San Joaquin, State of California in sections twelve (12) and thirteen (13) of township two (2) north, range four (4) east, and sections seven (7) and eighteen (18), township two (2) north, range five (5) east, Mount Diablo base and meridian, lying between the southerly Stockton deep water channel line and the main San Joaquin river and between Head Reach island and Tule island, and more particularly described as follows, to wit:

Beginning at the intersection of the southerly boundary line of the 750 foot Stockton deep water channel right of way strip and the low water line along the easterly side of Head Reach island of the left, or southerly bank of the old channel of the San Joaquin river, said point of beginning bearing south 53 degrees 35 minutes east, 762.00 feet from a point which bears south 38 degrees 05 minutes 53 seconds east, 5388.86 feet from U. S. E. D. monument number 158 D. W.; thence from point of beginning and following said low water line to its intersection with the southerly Stockton deep water channel line, said intersection bears north 25 degrees 52 minutes east, 147.49 feet from point of beginning; thence leaving said low water line and following said southerly channel line, crossing said old channel south 53 degrees 35 minutes east, 425.01 feet, more or less, to the intersection of said southerly channel line with the low water line along the westerly side of Tule island of the right, or northerly, bank of the old channel of the San Joaquin river; thence leaving said southerly channel line and following said last mentioned low water line upstream to its intersection with the said southerly boundary line, said intersection bearing south 21 degrees 22 minutes west, 150.16 feet, more or less, from the last mentioned intersection; thence continuing along said low water line along the westerly side of Tule island and the westerly side of a berm bordering the northerly side of Tule island, said low water line passing through points connected by the following courses and distances: south 19 degrees 31 minutes west, 636.31 feet, more or less; thence south 25 degrees 26 minutes west, 387.37 feet, more or less; thence south 75 degrees 16 minutes west, 129.28 feet, more or less; thence south 75 degrees 47 minutes west, 60.88 feet, more or less; thence south 26 degrees 51 minutes west, 434.70 feet, more or less; thence south 6 degrees 04 minutes west, 114.63 feet, more or less, to the southerly point of said berm; thence leaving said last mentioned low water line and crossing the mouth of said old channel south 80 degrees 42 minutes west, 149.28 feet, more or less, to the low water line of the left, or southerly,

bank of the old channel of the San Joaquin river along the easterly side of Head Reach island; thence following said last mentioned low water line to the point of beginning, said low water line passing through points connected by the following courses and distances: North 5 degrees 36 minutes west, 148.98 feet, more or less; thence north 23 degrees 01 minute east, 982.86 feet, more or less; thence north 15 degrees, 07 minutes east, 756.15 feet, more or less, to the point of beginning and containing 13.60 acres, more or less.

All bearings are referred to true north.

PARCEL NO. 24D-S.

Parcel
No. 24D-S

All that portion of the old channel of the San Joaquin river in the county of San Joaquin, State of California in section twelve (12) of township two (2) north, range four (4) east, and section seven (7) of township two (2) north, range five (5) east, Mount Diablo base and meridian, bordering the northerly end of Head Reach island and northerly of the northerly Stockton deep water channel line on the westerly side of Head Reach island and northerly of parcel 24 A-S on the easterly side of Head Reach island, and more particularly described as follows, to wit:

Beginning at the intersection of the northerly boundary line of the 750 foot Stockton deep water channel right of way strip and the low water line of the left, or southerly, bank of the old channel of the San Joaquin river, said channel having been abandoned at the time of making the cut known as "Head Reach cut-off," said point bears north 53 degrees 35 minutes west, 44.00 feet from a point which bears south 46 degrees 01 minute 40 seconds east, 5238.69 feet from the U. S. E. D. monument number 158 D. W.; thence from the point of beginning and following said low water line downstream, along the westerly side of Head Reach island, south 61 degrees 33 minutes west, 160.16 feet, more or less to the intersection of said low water line with the northerly Stockton deep water channel line; thence leaving said low water line and crossing said old channel, following the northerly Stockton deep water channel line, north 53 degrees 35 minutes west 347.85 feet, more or less, to the intersection of said northerly channel line with the low water line along the easterly side of Fern island of the right, or northerly, bank of the old channel of the San Joaquin river; thence following said low water line upstream to its intersection with the northerly boundary line of the 750 foot Stockton deep water channel right of way strip, said intersection bearing north 58 degrees 34 minutes east, 156.54 feet, more or less, from the last mentioned intersection; thence continuing upstream along said low water line which passes through points connected by the following courses and distances: North 62 degrees 44 minutes east, 521.77 feet; thence north 68 degrees 22 minutes east, 378.82 feet; thence north 88 degrees 56 minutes

east, 102.02 feet; thence north 44 degrees 16 minutes east, 51.62 feet, more or less; thence leaving said low water line and crossing a dredge cut north 53 degrees 51 minutes east, 69.40 feet, more or less, to the low water line on a berm of the right, or northerly, bank of the old channel of the San Joaquin river; thence following said last mentioned low water line which passes through points connected by the following courses and distances: North 71 degrees 37 minutes east, 610.32 feet; thence north 83 degrees 57 minutes east, 498.82 feet; thence south 79 degrees 57 minutes east, 547.48 feet; thence south 62 degrees 02 minutes east, 491.66 feet; thence south 41 degrees 17 minutes east, 441.48 feet; thence south 19 degrees 35 minutes east, 346.97 feet; thence south 9 degrees 29 minutes west, 292.96 feet; thence south 38 degrees 22 minutes west, 558.18 feet; thence continuing along said low water line and crossing a dredge cut, south 80 degrees 09 minutes west, 366.46 feet, more or less, to a point on the low water line of the right, or northerly, bank of the old channel of the San Joaquin river along the northerly side of Tule island; thence leaving said low water line, north 7 degrees 00 minutes east, 357.90 feet, more or less, crossing said old channel to a point on the low water line of the left, or southerly, bank of said old channel along the easterly side of Head Reach island; thence following said low water line downstream to the point of beginning, through points connected by the following courses and distances: North 66 degrees 33 minutes east, 313.00 feet, more or less; thence north 35 degrees 43 minutes east, 192.00 feet, more or less; thence north 9 degrees 13 minutes east, 210.00 feet, more or less; thence north 25 degrees 17 minutes west, 337.00 feet, more or less; thence north 58 degrees 33 minutes west, 543.17 feet, more or less; thence north 82 degrees 17 minutes west, 530.00 feet, more or less; thence south 83 degrees 33 minutes west, 511.00 feet, more or less; thence south 67 degrees 33 minutes west, 932.00 feet, more or less; thence south 60 degrees 06 minutes west, 457.24 feet, more or less, to the point of beginning and containing 30.99 acres, more or less.

All bearings are referred to true north.

Parcel
No. 39A-S.

PARCEL No. 29A-S.

All that portion of that certain tract of land situate, lying and being in the county of San Joaquin, State of California, on Tinsley island, said island being a portion of Roberts island cut off at the time of the construction of cut-off B, in sections eleven (11) and twelve (12); township two (2) north, range four (4) east, Mount Diablo base and meridian, lying between the northerly boundary line of the 750 foot Stockton deep water channel right of way strip (widened to 850 feet at this place for passing basin purposes) and the low water line of the left, or southerly, bank of the old channel of the

San Joaquin river along the northeasterly side of Tinsley island, and more particularly described as follows, to wit:

Beginning at a point on the northerly boundary line of the 750 foot Stockton deep water channel right of way strip (widened to 850 feet at this place for passing basin purposes) which point bears south 13 degrees 12 minutes 10 seconds west, 640.82 feet from U. S. E. D. monument number 158 D. W. ; thence from the point of beginning and following said northerly boundary line, north 59 degrees 18 minutes west, 18 feet, more or less, to the low water line of the left bank of the old channel of the San Joaquin river along the northeasterly side of Tinsley island; thence following said low water line upstream, south 89 degrees 01 minute east, 193.42 feet; thence south 79 degrees 39 minutes east, 234.79 feet; thence south 54 degrees 58 minutes east, 97.65 feet; thence south 32 degrees 14 minutes east, 413.93 feet; thence south 4 degrees 50 minutes east, 86.5 feet, more or less, to the intersection of said low water line with the last mentioned northerly boundary line; thence following said northerly boundary line north 53 degrees 35 minutes west, 890.76 feet, more or less, to the point of beginning; containing 2.75 acres, more or less.

All bearings are referred to true north.

PARCEL No. 30A-S.

Parcel
No. 30A-S

All that portion of the channel of Little Connection slough lying southerly of the southerly Stockton deep water channel line, in sections two (2) and eleven (11), township two (2) north, range four (4) east, Mount Diablo base and meridian, and more particularly described as follows, to wit:

Beginning at the point of intersection of the southerly boundary line of the 750 foot Stockton deep water channel right of way strip and the low water line of the left, or easterly bank of Little Connection slough, said point bearing south 84 degrees 13 minutes 30 seconds east, 2058.62 feet from U. S. E. D. monument number 158 D. W. ; said point also bearing north 8 degrees 10 minutes 50 seconds east, 1988.15 feet from U. S. E. D. monument number 157 D. W. ; thence from the point of beginning and following said low water line, which passes through points connected by the following courses and distances: south 76 degrees 16 minutes west, 341.78 feet; thence north 0 degrees 11 minutes west, 443.08 feet; thence north 18 degrees 49 minutes west, 338.08 feet, more or less, to the mouth of Little Connection slough; thence leaving said low water line and crossing the mouth of Little Connection slough, north 28 degrees 28 minutes east, 27.47 feet, more or less, to a point on the southerly Stockton deep water channel line; thence along said southerly channel line, crossing Little Connection slough, southeasterly in the arc of a circle curving to the left, of radius 5235 feet. and whose center bears north 53 degrees 19 minutes 39 seconds east from the last mentioned point, a distance of 316.79 feet, more or less, to the intersection

of said southerly channel line with the low water line of the right, or westerly, bank of Little Connection slough along an abandoned portion of Venice island; thence leaving the last mentioned low water line, and crossing a dredge cut, south 11 degrees 53 minutes west, 176.30 feet; thence south 9 degrees 31 minutes west, 101.70 feet to the low water line on a berm, of the right, or westerly, bank of Little Connection slough; thence along said last mentioned low water line, which passes through points connected by the following courses and distances: south 22 degrees 21 minutes west, 126.46 feet; thence south 76 degrees 48 minutes east, 109.88 feet, more or less; thence leaving said low water line and crossing a dredge cut, as follows: north 58 degrees 59 minutes east, 135.44 feet; thence north 57 degrees 35 minutes east, 142.85 feet, more or less, to a point on the southerly Stockton deep water channel line, said point also being on the low water line of the right, or westerly, bank of Little Connection slough along an abandoned portion of Venice island; thence following said southerly channel line and crossing Little Connection slough, southeasterly in the arc of a circle curving to the left, of radius 5235 feet, and whose center bears north 45 degrees 54 minutes 00 seconds east from the last mentioned point, a distance of 110.43 feet, more or less, to a point on the low water line of the left, or easterly, bank of Little Connection slough; thence leaving said southerly boundary line and following said low water line to the point of beginning, said point of beginning bearing south 56 degrees 43 minutes west, 143.21 feet, more or less, from the last mentioned point; containing 2.60 acres, more or less.

All bearings are referred to true north.

For permanent spoil disposal purposes as provided by the house of representatives document and the act of congress, above referred to:

Parcel
No. 8A-S.

PARCEL NO. 8A-S.

All that portion of the present channel of the San Joaquin river situate, lying and being in the county of San Joaquin, State of California, in section six (6), township one (1) north, range six (6) east, Mount Diablo base and meridian, lying between the northerly boundary line of the 750 foot Stockton deep water channel right of way strip, and the most northerly line "B" of Lindley cut-off, the most northerly line "C" of Lindley cut-off, the low water lines of the right and left banks of Smith's canal, and the low water line of the right, or northerly, bank of the San Joaquin river, and easterly from the approximate former low water line of the San Joaquin river, as said lines "B" and "C" are so designated and delineated upon a map prepared by the United States engineer office, third district, San Francisco, California, and recorded in book "A" of deeds, volume 394, page 117, San Joaquin

county records, and more particularly described as follows, to wit:

Beginning at the most westerly point of the most northerly line "B" of Lindley cut-off, said point bearing south 64 degrees 17 minutes 47 seconds east, 1778.90 feet from U. S. E. D. bench mark number 202 $\frac{1}{2}$; thence from said point of beginning following said most northerly line "B" of Lindley cut-off, the following courses and distances: Easterly, along the arc of a circle, curving to the right, of radius 2110.00 feet, and whose center bears south 14 degrees 38 minutes west, from said point of beginning, a distance of 719.96 feet to a point of tangency; thence south 55 degrees 49 minutes east, 255.00 feet, more or less, to the intersection of said most northerly line "B" with the low water line of the right, or westerly, bank of Smith's canal, also known as North canal; thence leaving said most northerly line "B" of Lindley cut-off and following said low water line of the right, or westerly, bank of Smith's canal upstream to its intersection with the most northerly line "C" of Lindley cut-off, said intersection bearing north 77 degrees 42 minutes east, 137.90 feet, more or less, from the last above mentioned intersection; thence leaving said low water line and following said most northerly line "C" of Lindley cut-off, south 55 degrees 49 minutes east, 127.14 feet, more or less, crossing said Smith's canal, to its intersection with the left, or easterly, low water line of said Smith's canal; thence leaving said most northerly line "C" and following the low water line of the left, or easterly, bank of Smith's canal, and the right, or northerly, bank of the San Joaquin river, passing through points connected by the following courses and distances: South 44 degrees 18 minutes west, 116.39 feet, more or less; thence south 26 degrees 49 minutes east, 64 feet, more or less; thence south 56 degrees 59 minutes east, 641 feet, more or less, to its intersection with the northerly boundary line of the 750 foot Stockton deep water channel right of way strip; thence leaving said low water line and following said northerly boundary line, north 68 degrees 33 minutes west, 2080.90 feet, more or less, to its intersection with the approximate former low water line of the left, or southerly, bank of the San Joaquin river; thence leaving said northerly boundary line and following said former low water line upstream, north 58 degrees 53 minutes east, 406.36 feet, more or less, to the point of beginning, and containing 10.12 acres, more or less.

All bearings are referred to true north.

PARCEL No. 15C-S.

Parcel
No. 15C-8

All that portion of that certain tract of land situate, lying and being in the county of San Joaquin, State of California, being all that portion of the old channel of the San Joaquin river lying between the present San Joaquin river and Turner's cut and between Roberts island and Acker island in section twenty-nine (29), township two (2) north, range five

(5) east, Mount Diablo base and meridian, and more particularly described as follows:

Beginning at a point at the intersection approximately of what was formerly left, or easterly, low water line of the old channel of the San Joaquin river and the low water line of the right, or westerly, bank of Turner's cut, said point bearing north 80 degrees 55 minutes 50 seconds west, 2441.38 feet from U. S. E. D. monument number 153 D. W., thence from point of beginning and following the present westerly bank of Turner's cut and crossing said old channel as follows: South 51 degrees 14 minutes west, 256.75 feet, more or less, thence north 74 degrees 34 minutes west, 230.23 feet, more or less, to a point on the low water line on Acker island of the right, or westerly, bank of the old channel of the San Joaquin river bordering the easterly side of said Acker island; thence following said low water line and passing through points connected by the following courses and distances: North 33 degrees 50 minutes east, 399.38 feet, more or less, thence north 14 degrees 26 minutes east, 725.68 feet, more or less, thence north 37 degrees 57 minutes east, 148.22 feet, more or less, thence north 51 degrees 17 minutes east, 263.15 feet, more or less, thence leaving said low water line and crossing said old channel south 58 degrees 11 minutes east, 337.86 feet, more or less, to a point at the intersection of the southerly boundary line of the 750 foot Stockton deep water channel right of way strip and the low water line of the left, or easterly, bank of said old channel, thence leaving said southerly boundary line and following said last mentioned low water line or what was formerly the low water line of said old channel to the point of beginning, passing through points connected by the following courses and distances: South 74 degrees 34 minutes west, 412.34 feet, more or less, thence south 10 degrees 24 minutes west, 947.38 feet, more or less, to said point of beginning and containing 7.68 acres, more or less.

All bearings are referred to true north.

Parcel
No. 13A-8

PARCEL NO. 13A-S.

All that portion of that certain real property situate, lying and being in sections twenty-six (26) and twenty-seven (27), township two (2) north, range five (5) east, Mount Diablo base and meridian, in the county of San Joaquin, State of California, and being a portion of the abandoned channel of the San Joaquin river lying between Vulcan island and Roberts island and also a portion of Chicken Ranch island as conveyed to the State of California by deed recorded in book "A" of deeds, volume 383, page 248, San Joaquin county records, which lies southerly from and adjacent to the southerly boundary line of the 750 foot Stockton deep water channel right of way strip and more particularly described as follows, to wit:

Beginning at the intersection of the approximate original low water line of the northerly, or right, bank of the aban-

doned channel of the San Joaquin river on the southerly side of Vulcan island, and the southerly boundary line of the 750 foot Stockton deep water channel right of way strip, said point bearing south 36 degrees 38 minutes 23 seconds west, 1150.24 feet from U. S. E. D. monument number 150 D. W.; thence south 64 degrees 56 minutes east, 336.00 feet along aforesaid southerly boundary line and crossing the said abandoned channel of the San Joaquin river to the approximate original low water line of the southerly, or left, bank of said abandoned channel of the San Joaquin river on a berm; thence meandering aforesaid last mentioned low water line of said abandoned channel of the San Joaquin river downstream and passing through points connected by the following courses and distances: South 71 degrees 38 minutes west, 449.62 feet; south 79 degrees 03 minutes west, 407.54 feet; south 87 degrees 29 minutes west, 439.45 feet; south 87 degrees 51 minutes west, 434.33 feet; north 86 degrees 54 minutes west, 228.32 feet; north 70 degrees 08 minutes west, 147.72 feet; thence following the former left bank of said old channel along a meander line downstream which is approximately 100.00 feet from and parallel to the low water line of the westerly bank of a dredger cut adjacent to the aforesaid abandoned channel of the San Joaquin river north 31 degrees 16 minutes west, 213.11 feet; thence north 23 degrees 20 minutes west, 103.54 feet; thence north 4 degrees 34 minutes west, 133.44 feet; thence north 25 degrees 36 minutes east, 211.65 feet; north 32 degrees 22 minutes east, 204.61 feet; thence north 17 degrees 58 minutes east, 260.59 feet; thence north 9 degrees 52 minutes west, 90.04 feet, more or less, to the southerly boundary line of the 750 foot Stockton deep water channel right of way strip; thence south 64 degrees 56 minutes east, 385.91 feet along aforesaid southerly boundary line and across Chicken Ranch island and aforesaid abandoned channel of the San Joaquin river to the approximate original low water line of the easterly bank of aforesaid abandoned channel of the San Joaquin river on Vulcan island; thence meandering said last mentioned low water line upstream and passing through the points connected by the following courses and distances: South 43 degrees 04 minutes west, 710.00 feet; thence south 23 degrees 47 minutes east, 142.78 feet; thence south 70 degrees 04 minutes east, 330.90 feet; thence north 82 degrees 42 minutes east, 760.10 feet; thence south 89 degrees 11 minutes east, 410.00 feet; thence north 77 degrees 08 minutes east, 268.15 feet to the place of beginning and containing 16.70 acres, more or less.

All bearings are referred to true north at U. S. E. D. bench mark number 206½.

PARCEL No. 15D-S.

Parcel
No. 15D-S

All that portion of the certain real property situate, lying and being in the county of San Joaquin, State of California in section twenty-seven (27), township two (2) north, range

Parcel
No 15D-8

five (5) east, M. D. B. and M., lying in swamp and overflowed land, survey No. 1266, and being a portion of the old channel of the San Joaquin river and a portion of that tract of land known as parcel "F" lying on that certain island known as Morrison's island, as conveyed to the State of California by Mads Mortensen by deed dated July 18, 1919, recorded in book "A" of deeds, volume 383, page 248 and more particularly described as follows, to wit:

Beginning at a point at the intersection of the approximate old low water line of the left, or southerly, bank of the old channel of the San Joaquin river with the line common to parcels "F" and "G" as said parcels are more specifically referred to in a deed conveying said parcels to the State of California by Mads Mortensen, July 18, 1919, recorded in book "A" of deeds, volume 383, page 248, San Joaquin county records, said point of beginning bearing north 58 degrees 22 minutes 00 seconds east, 1420.10 feet from U. S. E. D. bench mark No. 206½; thence from said point of beginning and following said line common to said parcels "F" and "G" to its intersection with the low water line of the left, or westerly, bank of the old channel of the San Joaquin river, the following courses and distances: south 86 degrees 14 minutes east, 899.00 feet, more or less, to a point of curvature; thence southeasterly along the arc of a circle curving to the right of radius 1910.00 feet, and whose center bears south 3 degrees 46 minutes west, from said point of curvature, a distance of 859.51 feet to a point of tangency; thence south 60 degrees 27 minutes east, 314.00 feet, more or less, to said last mentioned intersection; thence leaving said common line of parcels "F" and "G", and following said low water line upstream to a point on the low water line of the right, or northerly, bank of the San Joaquin river, said point bearing south 10 degrees 54 minutes west, 302.48 feet, more or less, from the last above mentioned intersection, said point being the most southerly point of Morrison's island; thence leaving said low water line of the old channel of the San Joaquin river and following the low water line of the right, or northerly, bank of the San Joaquin river downstream to its intersection with the northerly boundary line of the 750 foot Stockton deep water channel right of way strip through points connected by the following straight lines; north 61 degrees 02 minutes west, 532.16 feet, more or less; thence north 75 degrees 32 minutes west, 550.64 feet, more or less, to said last mentioned intersection; thence leaving said low water line and following said northerly boundary line westerly crossing a point of Morrison's island, the old channel of the San Joaquin river, and a berm, along the arc of a circle curving to the left of radius 5375.00 feet, and whose center bears south 18 degrees 45 minutes 33 seconds west from said last mentioned intersection, a distance of 1571.47 feet, more or less, to its intersection with the southeasterly low water line at a dredge cut on a berm, said berm lying between the old channel of the San Joaquin river and the Rindge tract;

thence leaving said northerly boundary line and following said low water line north 50 degrees 50 minutes east, 175.15 feet, more or less, along the westerly side of said berm to a point on the northerly line of parcel "F-2", as said parcel "F-2" is more specifically referred to in a deed conveying said parcel to the State of California by the Rindge Land and Navigation Company, recorded in book "A" of deeds, volume 394, page 118; thence leaving said low water line and following said northerly line of parcel "F-2" south 86 degrees 14 minutes east, 150.00 feet, more or less, to its intersection with the low water line of the right, or northerly, bank of the old channel of the San Joaquin river along the easterly side of said berm; thence leaving said northerly line of parcel "F-2" and following said last mentioned low water line which passes through points connected by the following straight lines: north 50 degrees 04 minutes east, 706.13 feet, more or less; thence north 76 degrees 09 minutes east, 709.90 feet, more or less; thence south 86 degrees 03 minutes east, 713.63 feet, more or less; thence south 71 degrees 02 minutes east, 441.78 feet, more or less; thence south 31 degrees 28 minutes east, 298.08 feet, more or less, to a point at the intersection of the last mentioned low water line and the low water line of the right, or westerly, bank of Fourteen Mile slough on the easterly side of said berm, thence leaving said low water line and crossing the old channel of the San Joaquin river to a point on the low water line of the left, or westerly, bank of the old channel of the San Joaquin river, said point bearing south 43 degrees 40 minutes west, 284.34 feet, more or less, from said last mentioned point; thence following the old low water line of the left, or southerly bank of the old channel of the San Joaquin river downstream to the point of beginning, said last mentioned low water line passing through points connected by the following straight lines: north 46 degrees 57 minutes west, 535.63 feet, more or less; thence south 87 degrees 18 minutes west, 575.68 feet, more or less; thence south 83 degrees 59 minutes west, 432.45 feet, more or less; thence south 72 degrees 03 minutes west, 348.63 feet, more or less; thence south 56 degrees 18 minutes west, 321.20 feet, more or less, to said point of beginning and containing 29.44 acres, more or less, of which 5.03 acres, more or less, lie between the old low water line of the left, or southerly, bank of the old channel of the San Joaquin river and the present low water line of the left, or southerly, bank of the old channel of the San Joaquin river.

All bearings are referred to true north through U. S. E. D. bench mark No. 206½.

PARCEL No. 16C-S.

Parcel
No. 16C-S

All that portion of that certain real property situate, lying and being in the county of San Joaquin, State of California, in section twenty-eight (28), township two (2) north, range five (5) east, Mount Diablo base and meridian, being a portion

Parcel
No 16C-8

of that island just below Black slough known as Walter's island, said Walter's island being cut off from Roberts island by a government cut, and also being a portion of the old channel of the San Joaquin river around said Walter's island, and also being a portion of a berm bordering the Rindge tract in said section twenty-eight (28) on the south, and more particularly described as follows, to wit:

Beginning at a point at the intersection of the northerly boundary line of the 750 foot Stockton deep water channel right of way strip with the low water line along the easterly side of a berm bordering the Rindge tract in section twenty-eight (28), township two (2) north, range five (5) east, Mount Diablo base and meridian, on the south, said point of beginning bearing north 13 degrees 12 minutes 41 seconds west, 657.33 feet from U. S. E. D. bench mark No. 206½; thence from said point of beginning and following said northerly boundary line westerly along the arc of a circle, curving to the left, of radius 5375.00 feet, and whose center bears south 5 degrees 59 minutes 39 seconds east from said point of beginning, a distance of 166.10 feet, more or less, to the westerly low water line of said berm, said low water line also being the right, or northerly, low water line of the old channel of the San Joaquin river, from said point, the center of the circle bears south 7 degrees 45 minutes 53 seconds east; thence continuing along said northerly boundary line and along said arc of a circle curving to the left, crossing the old channel of the San Joaquin river to the most easterly point of Walter's island, a distance of 228.46 feet, more or less, from said point, the center of the circle bears south 10 degrees 12 minutes 00 seconds east; thence leaving said northerly boundary line and following the low water line of the right, or northerly, bank of the present San Joaquin river downstream to the most westerly point on said Walter's island through points connected by the following straight lines: north 88 degrees 42 minutes west, 455.03 feet, more or less; thence south 88 degrees 46 minutes west, 431.12 feet, more or less; thence south 83 degrees 31 minutes west, 367.41 feet, more or less, to said most westerly point; thence leaving said low water line, and crossing the old channel of the San Joaquin river, south 82 degrees 39 minutes west, 354.89 feet, more or less, to a point on the low water line of the easterly side of a berm bordering the Rindge tract on the south, said point also being on the right, or northerly, low water line of the old channel of the San Joaquin river; thence following said low water line along said berm upstream through points connected by the following straight lines: north 37 degrees 34 minutes east, 399.42 feet, more or less; thence north 26 degrees 20 minutes east, 400.26 feet, more or less; thence north 46 degrees 37 minutes east, 398.24 feet, more or less; thence north 80 degrees 33 minutes east, 404.59 feet, more or less, to the most easterly point of said berm; thence south 72 degrees 29 minutes east, 180.28 feet, more or less, crossing a dredge cut to the most westerly point

of the berm first above mentioned; thence following the low water line along the westerly side of said berm, said low water line also being along the right, or northerly bank of the old channel of the San Joaquin river through points connected by the following straight lines: south 26 degrees 03 minutes east, 356.44 feet, more or less; thence south 36 degrees 48 minutes east, 353 60 feet, more or less, to its intersection with the northerly line of parcel "F-1," as said parcel "F-1" is more specifically referred to in a deed conveying said parcel to the State of California by the Rindge Land and Navigation Company recorded in book "A" of deeds, volume 394, page 118, San Joaquin county records; thence leaving said low water line and following said northerly line of said parcel "F-1" south 86 degrees 14 minutes east, 182.00 feet, more or less, crossing said berm to its intersection with the low water line of a dredge cut along the easterly side of said berm; thence leaving said northerly line of parcel "F-1" and following said low water line south 38 degrees 27 minutes east, 260 85 feet, more or less, to the point of beginning.

Parcel
No. 16C-3

Saving, excepting and excluding from the tract of land herein described, that certain tract of land known and described in connection with the Stockton deep water channel as parcel 16-S being more particularly described as follows, to wit:

Beginning at a point at the intersection of the line common to parcels "F" and "G" as said parcels "F" and "G" are more specifically referred to in a deed from Benjamin Walters to the State of California, August 29, 1918, recorded in book "A" of deeds, volume 394, page 92, with the low water line of the left, or southerly bank of the old channel of the San Joaquin river on the easterly side of Walter's island, said point of beginning bearing north 36 degrees 42 minutes 21 seconds west, 1080.36 feet from U. S. E. D. bench mark No. 206½, said point also bearing north 65 degrees 27 minutes 43 seconds west, 544.70 feet from the point of beginning of the herein described parcel 16 C-S; thence from said point of beginning, along the common line to parcels "F" and "G" to its intersection with the low water line of the left, or southerly, bank of the old channel of the San Joaquin river on the westerly side of said Walter's island the following courses and distances: north 86 degrees 14 minutes west, 248 00 feet, more or less, to a point of curvature; thence westerly in the arc of a circle curving to the left of radius 2150.00 feet and whose center bears south 3 degrees 46 minutes west from said point of curvature, a distance of 767.40 feet to a point of tangency; thence south 73 degrees 19 minutes west, 55.00 feet, more or less, to said intersection; thence leaving said common line to parcels "F" and "G" and following said low water line upstream to its intersection with said common line of parcels "F" and "G" on the easterly side of said Walter's island through points connected by the following straight lines: north 19 degrees 31 minutes east, 402.84 feet, more or less; thence

north 54 degrees 09 minutes east, 403.85 feet, more or less; thence south 50 degrees 16 minutes east, 371.43 feet, more or less; thence south 46 degrees 40 minutes east, 427.73 feet, more or less, to the point of beginning and containing 7.69 acres, more or less, of main island.

Said parcel 16 C-S containing 7.39 acres, more or less, of main island, 1.10 acres, more or less, of berm; 9.16 acres, more or less, of old channel.

All bearings are referred to true north through bench mark No. 206½.

Parcel
No. 17A-8

PARCEL NO. 17A-S.

All that portion of the old channel of the San Joaquin river in the county of San Joaquin, State of California, in section twenty (20), township two (2) north, range five (5) east, Mount Diablo base and meridian, bordering the northerly end of Hog island easterly of the most easterly point of Spud island, being northerly of the 750 foot Stockton deep water channel right of way strip on the easterly side of said Hog island, and more particularly described as follows, to wit:

Beginning at a point on the northerly side of Hog island, said point also being on the low water line of the left, or southerly, bank of the old channel of the San Joaquin river, said point bearing south 69 degrees 24 minutes 02 seconds west, 1897.83 feet from U. S. E. D. monument number 154 D. W.; thence from said point of beginning north 40 degrees 08 minutes west, 271.06 feet, more or less, crossing the old channel of the San Joaquin river to a point on the low water line of the right, or northerly, bank of said old channel, said point also being the most easterly point of Spud island; thence following said low water line upstream along a berm through points connected by the following straight lines: north 69 degrees 12 minutes east, 468.74 feet, more or less; thence south 81 degrees 13 minutes east, 442.10 feet, more or less; thence south 49 degrees 13 minutes east, 576.49 feet, more or less; thence south 3 degrees 27 minutes east, 179.34 feet, more or less; thence south 3 degrees 06 minutes east, 883.36 feet, more or less; thence south 14 degrees 44 minutes west, 561.26 feet, more or less; thence south 38 degrees 15 minutes west, 833.22 feet, more or less; thence south 48 degrees 16 minutes west, 458.15 feet, more or less, to the intersection of said low water line with the northerly boundary line of the 750 foot Stockton deep water channel right of way strip; thence leaving said low water line and following said northerly boundary line, northwesterly, in the arc of a circle curving to the right of radius 4625.00 feet, and whose center bears north 50 degrees 06 minutes 41 seconds east, from said last mentioned intersection, a distance of 371.92 feet, more or less, to the intersection of said northerly boundary line with the low water line of the left, or southerly, bank of the old channel of the San Joaquin river on the easterly side of said Hog

island; thence leaving said northerly boundary line and following said low water line downstream around the northerly side of said Hog island to the point of beginning through points connected by the following straight lines: north 41 degrees 13 minutes east, 519.27 feet, more or less, thence north 43 degrees 58 minutes east, 403.84 feet, more or less; thence north 26 degrees 03 minutes east, 433.82 feet, more or less; thence north 5 degrees 57 minutes east, 390.06 feet, more or less; thence north 4 degrees 47 minutes west, 472.70 feet, more or less; thence north 33 degrees 20 minutes west, 337.82 feet, more or less; thence north 67 degrees 19 minutes west, 338.00 feet, more or less; thence south 89 degrees 15 minutes west, 282.03 feet, more or less, to said point of beginning, and containing 37.98 acres, more or less, of old channel and berms.

All bearings are referred to true north.

PARCEL No. 24A-S.

Parcel
No 24A-S

All that portion of the old channel of the San Joaquin river situate, lying and being in the county of San Joaquin, State of California in section seven (7), township two (2) north, range five (5) east, Mount Diablo base and meridian, lying between Head Reach island and Tule island northerly from the northerly Stockton deep water channel line and westerly of the dredge cut between the Rindge tract and Tule island, and more particularly described as follows, to wit:

Beginning at the intersection of the northerly boundary line of the 750 foot Stockton deep water channel right of way strip with the low water line of the left, or southerly, bank of the old channel of the San Joaquin river along the easterly side of Head Reach island, said old channel having been abandoned at the time of making the cut known as "Head Reach cutoff," said point of beginning bearing south 53 degrees 35 minutes east, 782.00 feet from a point which bears south 46 degrees 01 minute 40 seconds east, 5238.69 feet from U. S. E. D. monument number 158 D. W.; thence from said point of beginning and following said low water line of the left, or southerly, bank of the old channel of the San Joaquin river downstream along the easterly side of Head Reach island through points connected by the following courses and distances: north 68 degrees 53 minutes east, 518.00 feet, more or less; thence south 84 degrees 57 minutes east, 343.00 feet, more or less; thence south 75 degrees 07 minutes east, 572.00 feet, more or less; thence south 83 degrees 37 minutes east, 456.00 feet, more or less, to a point; thence, leaving said low water line and crossing said old channel of the San Joaquin river, south 7 degrees 00 minutes west, 357.90 feet, more or less, to a point on the low water line of the right or northerly, bank of said old channel of the San Joaquin river along the westerly and northerly sides of Tule island; thence following said low

water line upstream to its intersection with the aforementioned northerly Stockton deep water channel line through points connected by the following courses and distances: north 86 degrees 10 minutes west, 136.30 feet, more or less; thence north 78 degrees 51 minutes west, 264.95 feet, more or less; thence north 67 degrees 43 minutes west, 378.09 feet, more or less; thence north 74 degrees 58 minutes west, 414.06 feet, more or less; thence south 68 degrees 26 minutes west, 176.41 feet, more or less; thence south 57 degrees 19 minutes west, 182.03 feet, more or less; thence south 46 degrees 35 minutes west, 147.32 feet, more or less, to the last abovementioned intersection; thence, leaving said low water line, and following said northerly Stockton deep water channel line, north 53 degrees 35 minutes west, 421.03 feet, more or less, crossing said old channel of the San Joaquin river to its intersection with the low water line of the left, or southerly, bank of said old channel along the easterly side of Head Reach island; thence leaving said northerly channel line and following said low water line downstream, north 54 degrees 01 minute east, 152.12 feet, more or less, to the point of beginning and containing 13.28 acres, more or less.

All bearings are referred to true north.

Parcel
No. 288

PARCEL No. 288.

All that portion of that certain tract of land situate, lying and being in the county of San Joaquin, State of California, in sections eleven (11), twelve (12), thirteen (13) and fourteen (14) of township two (2) north, range four (4) east Mount Diablo base and meridian, and being portions of swamp and overflowed land, survey numbers 438 and 654 and being an island bounded on the north by cut-off "B" of the San Joaquin river, on the west by Whiskey slough, and on the east by a cut, known as Columbia cut, said island having been a portion of Roberts island prior to the construction of said Columbia cut and more particularly described as follows, to wit:

Beginning at a point on the southerly boundary line of parcel "B" of cut-off "B" as said southerly boundary line is described by deed dated January 15, 1912, and recorded in book A of deeds, volume 219, page 304, San Joaquin county records, said point bearing south 6 degrees 36 minutes 27 seconds west, 3570.76 feet from U. S. E. D. monument number 158 D. W.; thence from point of beginning and following said southerly boundary line of cut-off "B" north 50 degrees 07 minutes 30 seconds west, 726.10 feet, more or less, to the low water line of the right, or easterly, bank of Whiskey slough bordering the westerly side of said island; thence following said low water line and the low water line of the westerly bank of Columbia cut and the low water line of the left, or southerly, bank of the San Joaquin river to its intersection with the easterly boundary line of said parcel "B" of cut-off "B", said low water line passing through points connected

by the following courses and distances: south 6 degrees 44 minutes west, 473.95 feet, more or less; thence south 2 degrees 10 minutes east, 701.52 feet, more or less, thence south 32 degrees 29 minutes west, 354.26 feet, more or less, thence south 52 degrees 48 minutes west, 518.81 feet, more or less, thence south 3 degrees 11 minutes west, 475.71 feet, more or less, thence south 21 degrees 55 minutes west, 279.10 feet, more or less, thence south 35 degrees 01 minute west, 394.21 feet, more or less, thence north 74 degrees 13 minutes east, 333.65 feet, more or less; thence north 66 degrees 07 minutes east, 1030.58 feet, more or less, thence north 70 degrees 21 minutes east, 1077.02 feet, more or less, thence north 74 degrees 39 minutes east, 226.11 feet, more or less, thence north 21 degrees 24 minutes west, 689.22 feet, more or less, to the last mentioned intersection; thence leaving said low water line following said easterly boundary line of cut-off "B," south 54 degrees 32 minutes 30 seconds west, 102.00 feet, more or less, to the southerly boundary line of said parcel "B" of cut-off "B"; thence following said last mentioned southerly boundary line north 35 degrees 27 minutes 30 seconds west, 1059.30 feet to the point of beginning and containing 69.94 acres, more or less.

All bearings are referred to true north.

PARCEL NO. 29S.

Parcel
No 29S.

All that portion of that certain tract of land situate, lying and being in the county of San Joaquin, State of California, known as Tinsley island, said island being a portion of Roberts island cut off at the time of the construction of cut-off "B," in sections eleven (11) and twelve (12), township two (2) north, range four (4) east, Mount Diablo base and meridian, lying southerly of the southerly boundary line of the 750 foot Stockton deep water channel right of way strip, and northerly of the northerly line of parcel "C," of cut-off "B," said parcel "C" having been acquired by the United States government as recorded in deed dated January 15, 1912, recorded in book "A" of Deeds, vol. 219, page 304, San Joaquin county records, and more particularly described as follows, to wit:

Beginning at a point at the intersection of the southerly boundary line of the 750 foot Stockton deep water channel right of way strip and the low water line of the left, or easterly, bank of the old channel of the San Joaquin river along the northwesterly side of Tinsley island, said point bearing south 53 degrees 35 minutes 03 seconds west, 1506.12 feet from U. S. E. D. monument No. 158 D. W.; thence from point of beginning and following said southerly boundary line across Tinsley island, south 53 degrees, 35 minutes east, 2065 feet, more or less, to the low water line of the left, or westerly, bank of the old channel of the San Joaquin river along the easterly side of Tinsley island; thence leaving said southerly boundary line and following said last mentioned

low water line, which passes through points connected by the following courses and distances: South 12 degrees 14 minutes west, 897.74 feet; thence south 9 degrees 16 minutes west, 95 feet, more or less; to the intersection of said low water line with the northerly line of the above mentioned parcel "C" of cut-of: "B"; thence leaving said low water line and following said northerly line of parcel "C" across Tinsley island, north 50 degrees 07½ minutes west, 2413 feet, more or less, to the intersection of said northerly line of parcel "C" with the low water line of the left, or easterly bank of the old channel of the San Joaquin river; thence leaving said northerly line of parcel "C" and following said low water line, which passes through points connected by the following courses and distances: North 22 degrees 33 minutes east, 301.13 feet; thence north 10 degrees 35 minutes west, 179.07 feet; thence north 57 degrees 58 minutes east, 368.98 feet, more or less, to the point of beginning, containing 43.31 acres, more or less.

All bearings are referred to true north.

Parcel
No 368

PARCEL No. 36S.

All that portion of the channel of the San Joaquin river situate, lying and being in the county of San Joaquin, State of California, in the southeast one-quarter (¼) of section eighteen (18), southwest one-quarter (¼) of section seventeen (17), and the northwest one-quarter (¼) of section twenty (20), all in township two (2) north, range five (5) east, Mount Diablo base and meridian, said channel lying northerly of the northerly boundary line of the 750 foot Stockton deep water channel right of way strip, and northeasterly of the McDonald tract, and more particularly described as follows, to wit:

Beginning at a point at the intersection of the northerly boundary line of the 750 foot Stockton deep water channel right of way strip with the low water line of the right, or northerly, bank of the San Joaquin river along a berm bordering the Rindge tract on the south, said point of beginning bearing south 80 degrees 00 minutes 10 seconds east, 1559.65 feet from U. S. E. D. monument No. 156 D. W.; thence from said point of beginning, and following said low water line of the right, or northerly, bank of the San Joaquin river upstream along the southerly side of said berm through points connected by the following courses and distances: South 71 degrees 49 minutes east, 250.31 feet, more or less; thence south 77 degrees 32 minutes east, 255.98 feet, more or less, to a point on the easterly end of said berm; thence south 67 degrees 45 minutes east, 304.55 feet, more or less, crossing a dredge cut to a point on the westerly end of another berm bordering the Rindge tract on the south; thence continuing along said low water line of the right, or northerly, bank of the San Joaquin river, upstream along the westerly side of said last above mentioned berm through points connected by the follow-

ing courses and distances: South 43 degrees 08 minutes east, 384.14 feet, more or less; thence south 15 degrees 28 minutes east, 298.91 feet, more or less; thence south 4 degrees 42 minutes east, 301.04 feet, more or less; thence south 21 degrees 14 minutes west, 299.17 feet, more or less, to a point on the southerly side of said berm; thence leaving said low water line of the right, or northerly, bank of the San Joaquin river and crossing a dredge cut separating the Rindge tract and Spud island, south 19 degrees 29 minutes west, 194.39 feet, more or less, to a point on the low water line of the left, or southerly, bank of said dredge cut, said point being the most northerly point of said Spud island and also the right, or northerly, bank of the San Joaquin river along the westerly side of said Spud island; thence following the said low water line of the right, or northerly, bank of the San Joaquin river upstream along the westerly side of Spud island to its intersection with the northerly boundary line of the 750 foot Stockton deep water channel right of way strip, said intersection bearing south 8 degrees 28 minutes west, 27.63 feet, more or less, from said most northerly point of Spud island; thence continuing along said low water line upstream to its intersection with the northerly Stockton deep water channel line, said intersection bearing south 37 degrees 37 minutes west, 155.88 feet, more or less, from the last above mentioned intersection; thence leaving said low water line and crossing the present channel of the San Joaquin river north 30 degrees 51 minutes west, 523.51 feet, more or less, along the said northerly channel line to its most easterly intersection with the low water line of the left, or southerly, bank of the San Joaquin river along the easterly side of a berm bordering the McDonald tract on the north; thence leaving said northerly channel line, and following said last mentioned low water line downstream around the easterly and northerly side of said berm to its most westerly intersection with the said northerly Stockton deep water channel line, through points connected by the following courses and distances: North 24 degrees 02 minutes east, 177.27 feet, more or less; thence north 8 degrees 52 minutes east, 265.22 feet, more or less; thence north 10 degrees 18 minutes west, 272.44 feet, more or less; thence north 44 degrees 47 minutes west, 268.00 feet, more or less; thence north 78 degrees 21 minutes west, 271.97 feet, more or less; thence north 74 degrees 30 minutes west, 210.08 feet, more or less, to said most westerly intersection; thence leaving said low water line and following said northerly channel line, crossing the present channel of the San Joaquin river, north 30 degrees 51 minutes west, 463.52 feet, more or less, to its intersection with the low water line of the right, or northerly, bank of the San Joaquin river along the southerly side of the berm first above mentioned; thence leaving said northerly channel line and following said low water line upstream to the point of beginning, said point of beginning bearing south 64 degrees 46 minutes east, 259.75 feet, more or less, from the last above

mentioned intersection and containing 16.70 acres, more or less, of the present channel of the San Joaquin river.

All bearings are referred to true north.

Governor
to execute
conveyances

SEC. 2. The governor of the State of California is hereby authorized and directed to execute conveyances granting to the United States of America easements, over and through the parcels above described and for the purposes hereinabove set forth, in such form as sha'l be acceptable to the chief of engineers of the United States army.

CHAPTER 436.

An act to amend an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory," which became a law without the governor's approval March 2, 1899, by amending section 1 thereof relating to annexation of uninhabited territory.

[Approved by the Governor May 23, 1929 In effect August 14, 1929]

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

Stats 1899,
p 37,
amended

SECTION 1. Section 1 of an act entitled "An act to provide for the alteration of the boundaries of incorporated towns and cities by the annexation of uninhabited territory thereto, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government, and municipal control of annexed territory," which became a law without the governor's approval March 2, 1899, is hereby amended to read as follows:

Annexation
of unin-
habited
territory

Section 1. The boundaries of any incorporated town or city may be altered and new uninhabited territory annexed thereto, incorporated, and included therein, upon proceedings being taken as in this act provided.

Petition

The legislative body of any such municipal corporation, upon receiving a written petition therefor, containing a description of the new uninhabited territory asked to be included in such corporation, and signed by not less than one-tenth in number of the qualified electors of such municipal corporation, computed upon the number of votes cast at the last general municipal election held therein, must, without delay, notify the board of supervisors of the county in which said town or city is located of the fact of the filing of such petition.

Notice

Upon the receipt of such notification, it shall be the duty of said board of supervisors to cause notice to be published

for a period of five days, setting forth by general description the land sought to be annexed to the said municipality, and announcing the time and place when and where objections to said annexation will be heard. Any person owning any land so sought to be annexed, may object to said annexation by filing a written remonstrance with the said board of supervisors. At the time specified in said notice, or at such other time as may be fixed by postponement, the said board of supervisors shall hear the said protestations, and unless the remonstrances are filed by the owners of more than one-half of the land sought to be annexed, the decision of said board of supervisors upon said protestations shall be final and conclusive. In the event that the owners of more than one-half of the land so sought to be annexed, file remonstrances against such annexation, said protestations shall be sustained by said board of supervisors, and shall be a bar to any further proceedings under the provisions of this act for the period of one year. In the event that there are no protestations filed, or, if filed, if the same are overruled by said board of supervisors, and the said board shall, by resolution, consent to the annexation of said new uninhabited territory by the municipality, it shall then be the duty of the legislative branch of said municipality to submit to the electors of such municipality the question whether or not said new territory shall be annexed to, and incorporated in, and made a part of, such municipal corporation.

Protest
and hearing

Such question shall be submitted at a special election to be held for that purpose, or at any municipal election. Notice of said election shall be published in a newspaper, printed in such city or town, at least once a week for a period of two weeks next preceding such election. Said notice shall state that it is proposed to incorporate the territory sought to be annexed as a part of such municipal corporation, and invite the electors of said city or town to vote upon such proposition, by marking their ballots "For annexation," or "Against annexation." In said notice, the territory sought to be annexed may be generally described in such manner as to apprise the voters of the particular land sought to be annexed. Said legislative body is hereby empowered, and it shall be its duty to establish, and in such notice of election designate the voting precinct or precincts, and the place or places at which the polls will be opened in said city or town, and said elective body is empowered to appoint the officers of such election, who shall be for each voting place at least two judges and one inspector, each of whom shall be a qualified elector of said city. The judges and inspectors of such election shall, immediately upon the closing of the polls, count the ballots, make up and certify the returns of the ballots cast at their respective polling places as quickly as practicable, in the manner provided in the laws of this state, and deposit all said returns with the clerk of said city or town. Said legislative body shall, at the time provided for its regular meeting next

Election

Report to
secretary
of state.

after the said returns are filed with the said clerk of said city or town, meet and proceed to open and canvass said returns, and immediately upon the completion of such canvass cause a report thereof to be made and entered upon its minutes, showing the whole number of votes cast, and the number cast in favor of annexation, and the number cast against annexation; and if it shall appear from such canvass that a majority of all the votes cast is in favor of annexation, the clerk or other officer performing the duties of the clerk of such legislative body shall make and certify, under the seal of said municipal corporation, and transmit to the secretary of state, and to the board of supervisors of the county in which said city or town is located, a copy of said report so entered upon its minutes, together with a statement showing the date of said election, and the time and result of said canvass, which document shall be filed by the secretary of state and the clerk of said board of supervisors.

Annexation,
when
complete

From and after the date of the filing of said document in the office of the secretary of state, the annexation of such territory so proposed to be annexed shall be deemed and shall be complete, and thenceforth such annexed territory shall be a part of such municipal corporation for all intents and purposes, except only that no part of such annexed territory shall ever be taxed to pay any portion of any indebtedness or liability of such municipal corporation contracted prior to or existing at the time of such annexation.

Liability
for indebted-
ness.

Territory
excluded

No territory which at the time the said petition for proposed annexation is presented to said legislative body forms any part of any incorporated city or town shall be included under the provisions of this act.

CHAPTER 437.

An act to amend section 737aa of the Political Code, relating to the salary of the superior judge in and for the county of Monterey.

[Approved by the Governor May 23, 1929 In effect August 14, 1929]

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

Stats 1927,
p 561,
amended.
Monterey
county

SECTION 1. Section 737aa of the Political Code is hereby amended to read as follows:

737aa. The annual salary of the judge of the superior court in and for the county of Monterey is six thousand five hundred dollars.

CHAPTER 438.

An act making an appropriation to pay the claim of Pietro Cadie against the State of California.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

SECTION 1. There is hereby appropriated out of any moneys in the state highway maintenance fund in the state treasury, not otherwise appropriated, the sum of thirty-two dollars (\$32) to pay the claim of Pietro Cadie against the State of California.

Appropriation: claim of Pietro Cadie

CHAPTER 439.

An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years.

[Approved by the Governor May 23, 1929. In effect immediately.]

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

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to meet the deficiency in the appropriation for contingent expenses of the Senate for the seventy-ninth and eightieth fiscal years.

Appropriation contingent expenses of senate.

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

Urgency measure

CHAPTER 440.

An act making an appropriation to pay the claim of Buron Fitts against the State of California.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

SECTION 1. Out of any money in the state treasury not otherwise appropriated the sum of one thousand five hundred ninety-nine dollars is hereby appropriated to pay the claim of Buron Fitts against the State of California.

Appropriation claim of Buron Fitts

CHAPTER 441.

An act to amend sections 2 and 15b of the "Building and loan commission act" and to add a new section thereto to be numbered section 1a, relating to securing permits from the building and loan commissioner before selling or offering for sale guarantee capital stock or permanent nonwithdrawable capital stock of building and loan associations; relating to the formation of building and loan associations, providing penalties for the violation of the provisions of the act; the term of office of the commissioner; and providing for the bonding of all officers and employees of licensees of the building and loan commissioner.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

Stats 1911,
p 609,
amended.

SECTION 1. A new section is hereby added to the "Building and loan commission act" to be numbered section 1a and to read as follows:

Permit to
sell guar-
antee or
nonwith-
drawable
capital
stock

Sec. 1a. No building and loan association formed with guarantee capital stock, or permanent nonwithdrawable capital stock, shall sell, except upon a sale for a delinquent assessment made in accordance with the provisions of article two of chapter two of title one of part four of division one of the Civil Code; or offer for sale, negotiate for the sale of, or take subscriptions for any of its guarantee capital stock, or permanent nonwithdrawable capital stock, until it shall have first applied for and secured from the building and loan commissioner a permit authorizing it so to do. Such application shall be in writing, shall be verified as provided in the Code of Civil Procedure for the verification of pleadings, and shall be filed in the office of the commissioner. In such application the applicant shall set forth the names and addresses of its officers, the location of its office, an itemized account of its financial condition, the amount and character of its assets and liabilities, a copy of any contract it proposes to make concerning the sale of its guarantee capital stock, or permanent nonwithdrawable capital stock, a copy of any prospectus or advertisement, or other description of said stock, then prepared by or for it for distribution or publication, and such additional information concerning the association, its condition and affairs as the commissioner may require. It shall also file with its application a copy of all minutes of any proceedings of its directors or stockholders or members relating to or affecting the issue of such stock, and also a copy of its articles of incorporation and of its by-laws and of any amendments thereto. Upon the filing of such application, it shall be the duty of the commissioner to examine it and the other papers and documents filed therewith, and he may, if he deems it advisable, make or have made a detailed examination, audit, and investigation of the applicant and its

Application

Investigation
of applicant

affairs. If he finds that the proposed plan for the issue and sale of such stock is not such as, in his opinion, will work a fraud upon the purchaser thereof, the commissioner shall issue to the applicant a permit authorizing it to issue and dispose of its said guarantee capital stock, or permanent nonwithdrawable capital stock, as therein provided, in this state, in such amounts and for such considerations and upon such terms and conditions as the commissioner may in said permit provide. Otherwise, he shall deny the application and refuse such permit and notify the applicant in writing of his decision. Every permit shall recite in bold type that the issuance thereof is permissive only and does not constitute a recommendation or endorsement of the stock permitted to be issued. The commissioner may impose conditions requiring the impoundment of the proceeds from the sale of such stock, limiting the expense in connection with the sale thereof, and such other conditions as he may deem reasonable and necessary or advisable to insure the disposition of the proceeds from the sale of such stock in the manner and for the purposes provided in such permit. The commissioner may from time to time amend, alter, or revoke any permit issued by him, or temporarily suspend the rights of the applicant under such permit. The commissioner shall have the power to establish such rules and regulations as may be reasonable or necessary to carry out the purposes and provisions of this section.

Permit.

Rules and regulations.

Every building and loan association which shall directly or indirectly offer for sale, or negotiate for the sale of or sell, or issue, or cause to be issued any of its guarantee capital stock, or permanent nonwithdrawable capital stock, contrary to the provisions of this section, or of the constitution of this state, or in nonconformity with a permit of the building and loan commissioner authorizing the same, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes, if any, specified in such permit, or to any purpose specified in such permit in excess of any amount limited in such permit to be used for such purpose, shall be guilty of a public offense and shall be punishable by a fine not exceeding ten thousand dollars. Every officer, agent, or employee of any building and loan association, and every other person, who knowingly authorizes, directs, or aids in the issue or sale of, or issues or executes, or sells, or causes or assists in causing to be issued, executed, or sold, any of the guarantee capital stock, or permanent nonwithdrawable capital stock, of any building and loan association, in nonconformity with a permit of the building and loan commissioner then in effect authorizing such issue, or contrary to the provisions of this section or of the constitution of this state, is guilty of a misdemeanor.

Penalties.

SEC. 2. Section 2 of the "Building and loan commission act" is hereby amended to read as follows :

Stats. 1927.
p. 626,
amended.

Building
and loan
commis-
sioner.

Sec. 2. The administration of said bureau shall be vested in a commissioner, to be known and designated as the "building and loan commissioner," who shall be appointed by the governor and hold office for a term of four years. He must be a citizen of the state; and he must not be in any way connected with any association or corporation or society coming under his supervision. He shall appoint a chief deputy building and loan commissioner with full power as such, who must be a practical, skilled accountant, fully conversant with the building and loan systems and accounts; he may appoint an appraiser and such other examiners, deputies, assistants, clerks and stenographers as shall be found necessary for the proper conduct of the business of his office and the making of examinations of associations.

Stats 1927,
p. 117,
amended.

SEC. 3. Section 15*b* of the "Building and loan commission act" is hereby amended to read as follows:

Bonding of
employees
of associa-
tions.

Sec. 15*b*. The commissioner shall require all officers and employees of every association, corporation or society licensed by him or coming under his supervision, having access to moneys or negotiable securities of such association, corporation or society in the regular discharge of their duties, before entering upon their duties and throughout the entire term of office and employment, and any subsequent term of office or employment, of such officers or employees to give to the employing association, corporation or society a good and sufficient bond. Such bond shall indemnify such association, corporation, or society against loss of money or property by reason of any dishonesty on the part of said officers or employees covered. The commissioner shall prescribe the amount and form of said bond and the term during which it shall run, and the sufficiency of the surety or sureties thereon shall at all times be subject to the approval of the commissioner. Each of such officers and employees shall renew his bond upon the expiration of its term. The commissioner may at any time require an additional bond or security, when, in his opinion, any such bond then in force is insufficient. All such bonds shall be filed in the commissioner's office.

Effect of
amendment

The provisions of this section shall be considered to be the latest legislative expression upon the matters herein contained, irrespective of any other bill or law heretofore enacted, and it is intended that the provisions of the same shall supersede the provisions of chapter twenty of the laws of 1929.

CHAPTER 442.

An act granting to the city of Martinez tide and submerged lands of the State of California including the right to wharf out therefrom, to the city of Martinez, and regulating the management, use and control thereof.

[Approved by the Governor May 23, 1929 In effect August 14, 1929]

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

SECTION 1. There is hereby granted to the city of Martinez, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all tide and submerged lands whether filled or unfilled, situate in the county of Contra Costa, of the State of California, and described as follows, to wit:

Tidelands
granted to
city of
Martinez.

Beginning at a point on the south shore of the straits of Carquinez in the county of Contra Costa, State of California, at the line of high tide, said point being two thousand four hundred eighty-seven and fifteen hundredths feet north and six thousand eight hundred five and twenty-one hundredths feet west of the quarter corner on the east line of section thirteen, township two north, range three west, Mount Diablo base and meridian, said point also being on the south line of tideland survey number thirty-two as per patent thereof from the State of California, to L. B. Mizner, dated June 14, 1877, as per amended map thereof on file in the office of the state surveyor general and the office of the recorder of the county of Contra Costa, State of California, five hundred seventy-six and thirty-one hundredths feet west of the most easterly corner of said tideland survey number thirty-two; thence running along the south line of said tideland survey, east five hundred seventy-six and thirty-one hundredths feet to the most easterly corner thereof; thence along the line of low tide, south seventy-three degrees fifty-seven minutes fifteen seconds east one thousand four hundred ninety and seventy-seven hundredths feet; thence north eighty-nine degrees twenty-two minutes forty-five seconds east, one thousand seven hundred and eighty-nine hundredths feet to the west line of tideland survey number four produced northerly as per State of California patent thereof to Oliver C. Coffin, dated November 15, 1867; thence running along the west line of said tideland survey number four, south no degrees thirty-seven minutes fifteen seconds east, one thousand three hundred fifty and no one hundredths feet to a point on the line of high tide, and from which point the center of a curve to the right with a radius of six thousand two hundred six and forty-six hundredths feet bears north twenty degrees twenty minutes thirty-six seconds east; thence running along the line of high tide and said curve in a westerly direction, five hundred fifty and

ninety-one hundredths feet; thence, tangent to said curve, north sixty-four degrees thirty-four minutes fifteen seconds west, three thousand five hundred fifteen and fifty hundredths feet; thence on a curve to the left with a radius of five thousand seven hundred seventy-three and sixty-one hundredths feet, and tangent to last mentioned course, forty-six and fifty-six hundredths feet to the point of beginning, containing an area of fifty-two and seventy-two hundredths acres of land, more or less.

Conditions
of grant

SEC. 2. Said lands shall be forever held by said city and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit:

That said land shall be used by said city and its successors solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor, for a term not exceeding twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which shall not interfere with navigation or commerce, with reversion to the said city on the termination of such lease or leases of any and all improvements thereon, and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street or of such other reservation as the said city may determine for sewer outlets, and for gas and oil mains, and for hydrants, and for electric cables and wires, and for such other conduits for municipal purposes and for such public and municipal purposes and uses as may be deemed necessary by the said city; *provided, however*, that each person, firm or corporation or their heirs, successors or assigns now in possession of land or lands abutting on said lands within the boundary of the city of Martinez shall have a right to obtain a lease for a term of twenty-five years from said city of said lands and wharfing out privileges therefrom with a right of renewal for a further term of twenty-five years pursuant to the provisions

of this act and on such terms and conditions as said city may determine and specify, subject to the right of said city to terminate said lease at the end of the first twenty-five years or refuse to renew the same or to terminate the lease so renewed during the term of such renewed lease on such just and reasonable terms for compensation for improvements at the then value of said improvements as said city may determine and specify.

Upon obtaining such lease and wharfing out privileges such person, firm or corporation, their heirs or assigns, shall quitclaim to said city any right they or any of them may claim or have to the said lands hereby granted.

This grant shall carry the right to such city of the rents, issues and profits in any manner hereafter arising from the lands or wharfing out privileges hereby granted. Issues and profits

SEC. 3. The State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California. Uses reserved

SEC. 4. No discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors in the management, conduct or operation of any of the utilities, structures or appliances mentioned in this section. Discriminations prohibited

SEC. 5. There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purpose. Right of fishing

CHAPTER 443.

An act authorizing the director of finance to sell and convey to any elementary school district within which or contiguous to which the property is situate, certain real property of the state situate in the county of Placer and commonly known as the Tahoe hatchery camp.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

SECTION 1. The director of finance, with the approval of the director of the department of natural resources, is hereby authorized for and on behalf of and in the name of the State of California to sell and convey to any elementary school district within which or contiguous to which the property is situate, all of that certain real property situate in the county of Placer, State of California, belonging to the state and known as the Tahoe hatchery camp, or such part thereof as he may Authoriza- tion to sell Tahoe hatchery camp.

deem necessary for the needs of the district, and upon such terms and conditions as he shall prescribe.

Disposition
of proceeds

The proceeds of such sale shall be deposited in the state treasury to the benefit of the general fund.

CHAPTER 444.

An act making an appropriation to pay the claim of C. J. Holzmueller against the State of California.

[Approved by the Governor May 24, 1929 In effect August 14, 1929]

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

Appropriation claim
of C. J.
Holzmueller.

SECTION 1. The sum of one hundred eight dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of C. J. Holzmueller against the State of California.

CHAPTER 445.

An act making an appropriation to pay the claim of the Western Crane Service Corporation against the State of California.

[Approved by the Governor May 24, 1929. In effect August 14, 1929.]

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

Appropriation claim
of Western
Crane Service
Corporation

SECTION 1. The sum of seventy-two dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of the Western Crane Service Corporation against the State of California.

CHAPTER 446.

An act making an appropriation to pay the claim of the California Notion and Toy Company against the State of California.

[Approved by the Governor May 24, 1929 In effect August 14, 1929.]

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

Appropriation claim
of California
Notion and
Toy
Company.

SECTION 1. The sum of eighteen dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of the California Notion and Toy Company against the State of California.

CHAPTER 447.

An act making an appropriation to clear and straighten the channel of the Mokelumne river from Woodbridge to the Galt-New Hope bridge for protection of state and county bridges and highways.

[Approved by the Governor May 24, 1929 In effect August 14, 1929.]

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

SECTION 1. The sum of twelve thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended under the supervision of the department of public works for the purpose of clearing and straightening the channel of the Mokelumne river from Woodbridge to the Galt-New Hope bridge.

Appropriation:
Mokelumne
river
channel.

SEC. 2. Expenditures hereunder shall not be in excess of the amount or amounts to be expended by the county of San Joaquin or by private agencies for the same purpose in collaboration with the state department of public works.

Limitation
on expendi-
tures.

CHAPTER 448.

An act to provide relief for owners of crops damaged by protected game animals.

[Approved by the Governor May 24, 1929 In effect August 14, 1929.]

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

SECTION 1. The term game animals as used herein is intended to include all birds and animals the hunting, pursuing, capture, killing or destruction of which during any part or portion of the year is unlawful, and which are protected or fostered by any of the laws of this state.

Game
animals
defined.

SEC. 2. Any owner of growing or harvested crops, which are damaged or destroyed by game animals, may report such injury to the nearest regularly paid game warden authorized to enforce the fish and game laws of this state, and it shall be the duty of such officer at once to proceed to the prevention of further injury by such game animals, to the best of his ability; and for that purpose, any such officer may take or kill, at any time, in any manner, any or all of the game animals causing such injury.

Destruction
of game
animals
damaging
crops

CHAPTER 449.

An act to add a new section 347½ to the Penal Code, relating to the sale and use of poisons and providing a penalty for the violation thereof.

[Approved by the Governor May 24, 1929 In effect August 14, 1929]

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

New section SECTION 1. A new section to be numbered 347½ is hereby added to the Penal Code to read as follows:

Sale of substances containing veronal or barbital without prescription 347½. It shall be unlawful for any person, firm, or corporation to sell, furnish, or give away, or offer to sell, furnish, or give away any veronal, barbital (acid diethylbarbituric) or any of its salts, derivatives, or compounds of the foregoing substance, or any preparation or compound containing any of the foregoing substance, or its salts, derivatives or compounds, or any registered, trade marked or copyrighted preparation or compound registered in the United States patent office containing more than forty grains to the avoirdupois or fluid ounce of the above substance, except upon the written order or prescription of a physician and surgeon duly licensed to practice in the State of California, and shall not be refilled without the written order of the prescriber, and said prescription or order shall be at all times open to the inspection by duly authorized officers of the law, and shall be preserved for at least three years from the date of filing thereof; *provided, however*, that the above provisions shall not apply to the sale at wholesale by drug jobbers, drug wholesalers and drug manufacturers to pharmacies as defined in section 1 of an act to regulate the practice of pharmacy in the State of California, approved April 9, 1927, or to physicians, nor to each other, nor to the sale at retail in pharmacies by pharmacists to each other or to physicians and surgeons, dentists or veterinary surgeons duly licensed to practice in this state.

Sales excepted Every person who violates any of the provisions of this section is guilty of a misdemeanor, and punishable by a fine not exceeding two hundred dollars or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment.

Punishment

CHAPTER 450.

An act to release whatever easements the people of the State of California have in fishing and navigation, and any and all other uses of the waters of Clear lake upon those certain lands referred to in an act entitled "An act to provide for the sale of the sovereign lands of the State of California,

lying within the United States meander lines of Clear lake, Lake county, that are susceptible of reclamation," approved May 19, 1925.

[Approved by the Governor May 24, 1929. In effect August 14, 1929.]

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

SECTION 1. The right of the people of the State of California in the easements of fishing and navigation, and any and all other uses of the waters of Clear lake immediately over the lands referred to in an act entitled "An act to provide for the sale of the sovereign lands of the State of California, lying within the United States meander lines of Clear lake, Lake county, that are susceptible of reclamation," approved May 19, 1925, are hereby declared to be terminated and ended.

Termination
of easements
of fishing and
navigation in
certain
waters of
Clear lake

CHAPTER 451.

An act to amend section 1 of an act of the Legislature of the State of California, entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved March 21, 1907, as amended, relating to types of improvement authorized.

[Approved by the Governor May 24, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1 of an act of the Legislature of the State of California entitled "An act to provide for work

Stats 1925,
p 328,
amended

upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved March 21, 1907, as amended, is hereby amended to read as follows:

Road district
improvement
powers of
supervisors.

Section 1. Power is hereby vested in the board of supervisors of every county in this state, by and under the procedure prescribed in this act, to order the construction or reconstruction in the whole or any part, either in length or width, of any one or more or all of the roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of any incorporated city or town, and to order the construction or reconstruction in the whole or any part, either in length or width of any one or more or all of the streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of any incorporated city or town, whenever in the judgment of said board such work or improvement within an incorporated city or town is necessary or proper to complete or connect with any work or improvement outside thereof, and to order the construction or reconstruction in the whole or any part, either in length or width, of any one or more or all of the streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any incorporated city or town where such incorporated city or town joins unincorporated territory of the county, whether partly or wholly within or without the boundaries of such incorporated city or town, of any or all of the following work or improvements: grading or regrading, paving or repaving, planking or replanking, macadamizing or remacadamizing, graveling, oiling or reoiling: sidewalks, crosswalks, steps, parks and parkways, culverts, bridges, curbs, gutters, tunnels, subways and viaducts; sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, man-

holes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, tunnels, conduits, channel and other appurtenances; drains, tunnels, sewers, conduits, and channels for drainage purposes, with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels and appurtenances; poles, posts, wires, pipes, conduits, tunnels, lamps and other suitable or necessary appliances for the purpose of street lighting; pipes, hydrants and appliances for fire protection; breakwaters, levees, bulkheads and walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways and other property in any such city, from overflow by water, wells, pumps, dams, reservoirs, storage tanks, channels, tunnels, conduits, pipes, hydrants, meters or other appurtenances for supplying or distributing a domestic water supply; mains, services, pipes, fittings, valves, regulators, governors, meters, drips, drains, tanks, ditches, tunnels, conduits, channels, or other appurtenances for supplying or distributing a domestic or industrial gas supply; retaining walls, embankments and other structures necessary or suitable in connection with any of the work mentioned in this section; any other work, improvement or structure deemed by said board necessary or proper either for the improvement or for the safe or convenient use of any of said roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property, or incidental to any other work being done; and all other work auxiliary to any of the above or which may be required to carry out the same. Said board of supervisors shall have power to do the aforesaid things singly or in any combination of the same, and may include in one proceeding and contract any number of roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way or public properties, or portions thereof, and the various items of the said work and construction need not be coterminous; and to issue bonds representing the cost and expenses of any said work or construction as in this act hereafter provided; and to constitute a fund for the payment of such bonds as in this act hereafter provided; and to levy special assessment taxes upon a district as in this act hereafter provided; and to establish said district and determine its boundaries as in this act hereafter provided; and to include within such district all or any portion of the territory of any incorporated city or town; *provided*, that the consent of the legislative body of any such city or town shall first be obtained for such inclusion; and, as incidental to the exercise of the powers aforesaid, to establish the grade to which any work or improvement authorized in this act shall be constructed and in such establishment to adopt any existing or official grade or to change the same and establish a different grade from that previously existing or officially established; and to separate the grade of any road, street, avenue, boulevard or alley from the grade of any other road, Same.

street, avenue, boulevard or alley or from the grade of any railroad or electric railway; and to transfer moneys from county funds to such special funds as are provided for in this act; and to purchase material and furnish the same to be used in the doing of any of the work above named; and to make direct contribution of money in part payment of the expense of any one or more or all of the improvements above named; all as provided in this act.

Improve-
ments within
municipali-
ties

In the event that said board of supervisors shall include in the proceeding any work or improvement upon any one or more streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way or other public property, lying inside of any incorporated city or town, or forming the exterior boundary of an incorporated city or town and lying within the limits of such incorporated city or town, the consent of the legislative body of such city or town shall first be obtained for the use for such purposes of the streets, avenues, boulevards, lanes, alleys, courts, places, rights of way and other property, or such portion thereof, as are to be improved as above provided.

Limitations

But the said board of supervisors is hereby prohibited from doing, under the provisions of this act, any work, except grade separation, sewer or drain work, within the roadway of any railroad or within any area which by law is required to be kept in order or repair by any person or company having railroad tracks thereon, and this prohibition shall have the effect of excepting the prohibited work from that described in any resolution of intention in any proceeding under this act, and of charging all persons with notice of such exception or exclusion, and such exception of said prohibited work need not be made in any such resolution of intention.

CHAPTER 452.

An act making an appropriation for the bureau of child hygiene, state department of public health.

[Approved by the Governor May 24, 1929 In effect August 14, 1929]

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

Appropriation
bureau
of child
hygiene

SECTION 1. The sum of twenty thousand eight hundred forty dollars (\$20,840) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the support of the bureau of child hygiene, state department of public health, for the eighty-first fiscal year.

CHAPTER 453.

An act relating to the board of trustees of the California Institution for Women and the appointment and terms of office of the members of said board.

[Approved by the Governor May 24, 1929 In effect August 14, 1929]

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

SECTION 1. The members of the board of trustees of the California Institution for Women established by an act entitled "An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor," approved May 9, 1929, shall be appointed by the governor and shall hold their offices for the term of four years each; *provided*, that of those first appointed two shall hold office for one year, one for two years, one for three years and one for four years, and the governor in making such appointments shall indicate the respective terms for which the appointments are made.

Trustees of
California
Institution
for Women
appointment
by governor

SEC. 2. This act is intended to be the latest legislative expression upon the matters herein contained, and especially to supersede the provisions of said act approved May 9, 1929, in respect to the terms of office of the members of said board of trustees.

Construction
of act.

CHAPTER 454.

An act to amend sections 1 and 2 of an act entitled "An act providing for the formation, government and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such districts," approved April 20, 1927.

[Approved by the Governor May 24, 1929 In effect August 14, 1929]

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

SECTION 1. Section 1 of an act entitled "An act providing for the formation, government and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such districts," approved April 20, 1927, is hereby amended to read as follows:

Stats 1927,
p 362,
amended

Formation
of harbor
districts.

Section 1. Any portion of a county in this state, the exterior boundaries of which include a bay, harbor, inlet or navigable water of the Pacific ocean, may be formed into a harbor district for the improvement or development of such harbor, upon proceedings being had and taken as provided for in this act.

Stats 1927,
p 362,
amended.
Terms
defined

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

Sec. 2. The use in this act of the following words are intended to mean, do mean, and shall at all times and places be held and construed to have the meaning herein defined:

"Harbor "

The word "harbor" means any bay, harbor, inlet or other arm of the sea in which the tides of the Pacific ocean ebb and flow, or any navigable water of the Pacific ocean suitable for the anchoring and docking of vessels.

"Harbor
commis-
sion "

The words "harbor commission" shall mean any commission, board or officer in which the improvement, development, protection, maintenance, management or control of any harbor or part of any harbor in this state is by law, ordinance, or other legal authority vested or exercised

CHAPTER 455.

An act to add a new section to the Political Code to be numbered 4041e, relating to county jails.

[Approved by the Governor May 21, 1929 In effect August 14, 1929]

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

New section

SECTION 1. A new section is hereby added to the Political Code to be numbered 4041e and to read as follows:

County jail
outside the
limits of
the county

4041e. The board of supervisors of any county shall have the power to purchase, receive by donation, lease or otherwise acquire, real or personal property in another county necessary for the use of a county for a jail; *provided*, that no purchase of real property shall be made unless a notice of the intention of the board of supervisors to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, has been published for at least three weeks in some newspaper of general circulation published in the county where said property is to be occupied; or if none be published in the county then that has been posted at least three weeks prior to the time when the board meets to consummate such purchase in at least three public places in each supervisorial district where said property is to be occupied; to construct or lease, build or rebuild, furnish or refurnish, or repair jail, and to provide all necessary offices, employees, attendants and supplies for the

proper maintenance of same. *Provided, further, that the consent of the board of supervisors of the county to which the jail is to be moved must be first obtained and filed with the board of supervisors of the moving county. All persons adjudged guilty of an offense punishable by imprisonment in the county jail, may be confined in such jail located in another county the same as if such jail were located in the county having jurisdiction of the offense.*

CHAPTER 456.

An act providing for the allowance of traveling expenses of members of governing boards of junior college districts, union or joint union high school districts.

[Approved by the Governor May 24, 1929 In effect August 14, 1929]

NOTE —See volume containing School Code and acts supplemental thereto

CHAPTER 457.

An act authorizing counties to declare noxious or dangerous weeds growing upon the streets or sidewalks or upon private property in counties, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same, and providing that such cost shall constitute special assessments, and providing for the enforcement and collection of such special assessments.

[Approved by the Governor May 24, 1929. In effect August 14, 1929]

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

SECTION 1. All weeds growing upon the streets or sidewalks or upon private property in counties, which bear seeds of a wingy or downy nature, or attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous may be declared to be a public nuisance by the board of supervisors of any such county, and thereafter abated as in this act provided.

Powers of supervisors to declare existence of public nuisance

SEC. 2. Whenever any such weeds are growing upon any street or sidewalk or private property the board of supervisors of any such county may, by resolution declare the same to be a public nuisance. Said resolution shall refer, by the name under which it is commonly known, to the street, highway or road, upon which such nuisance exists, or upon which such sidewalks are located, or upon which such private property fronts or abuts, or nearest to which such private property is located. If such private property fronts or abuts upon more than one street, highway or road, it shall be necessary to refer

Resolution

to only one of such streets, highways or roads. Said resolution shall describe the property upon which, or in front of which said nuisance exists by giving the description of same according to the official map, or maps, or the assessment map, or maps, or other map, or maps of such county used for describing property on tax bills; and no other description of said property shall be required. Said resolution shall specify whether said nuisance exists upon, or in front of said private property, or both, and every part of said property fronting or abutting upon any street, highway or road shall be deemed to be a part of the front of such property within the meaning of this act. Any number of streets, sidewalks or parcels of private property may be included in one and the same resolution.

Notice to
destroy
weeds

SEC. 3. After the passage of said resolution, the county horticultural commissioner, or the county board of forestry, or the county forester, or other officer, board, or commission, as designated by the board of supervisors by motion or resolution, shall cause notices to be conspicuously posted in front of the property on which or in front of which such nuisance exists, or if said property has no frontage upon any street, highway or road then upon the portion of said property nearest to a street, highway or road, or most likely to give actual notice to the owner, at not more than one hundred feet in distance apart, but not less than three in all, said notices to be headed "Notice to destroy weeds," such heading to be in words not less than one inch in height and substantially in the following form:

Form of
notice

NOTICE TO DESTROY WEEDS.

Notice is hereby given that on the _____ day of _____, 19__., the board of supervisors of _____ county passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on, or nearest to _____ street (or road), in said county, and more particularly described in said resolution and that the same constitute a public nuisance which must be abated by the removal of said noxious or dangerous weeds, otherwise they will be removed and the nuisance will be abated by the county authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which or in front of which such weeds are removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of such weeds are hereby notified to attend a meeting of the board of supervisors of said county, to be held (give date), when their objections will be heard and given due consideration.

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

(Title of officer, board or commission causing notices to be posted.)

Said notices shall be posted at least five days prior to the time for hearing objections by the board of supervisors of the county, and a postcard notice of such hearing shall be mailed by said officer, board or commission to the owners of said parcels, as they and their addresses appear upon the current or latest county assessment roll, at least seven days prior to the date of such hearing. Said postcard notice shall be sufficient if substantially in the form herein set out, and no heading shall be necessary. If no address appears on such assessment roll such mailing shall not be necessary.

Posting and mailing notices.

SEC. 4. At the time stated in the notices, the board of supervisors of the county, shall hear and consider all objections or protests, if any, to the proposed removal of weeds, and may continue the hearing from time to time. Upon the conclusion of said hearing the board of supervisors, by order or resolution shall allow or overrule any or all objections, whereupon the board of supervisors shall be deemed to have acquired jurisdiction to proceed and perform the work of removal, and the decision of the board of supervisors on the matter shall be deemed final and conclusive.

Hearings.

SEC. 5. After final action has been taken by the board of supervisors on the disposition of any protests or objections or in case no protests or objections have been received, the board of supervisors of the county, by order or resolution shall order the officer, board or commission causing said notices to be posted to abate said nuisance, or to cause same to be abated by having the weeds referred to removed, and such officer, board or commission, and his or its assistants or deputies, or employees, or contracting agents, or other representatives are hereby expressly authorized to enter upon private property for that purpose. Any property owner shall have the right to have any such weeds removed at his own expense providing the same is done prior to the arrival of such officer, board or commission, or his or its representatives to do the same.

Order to abate nuisance.

SEC. 6. The officer, board or commission abating the nuisance shall keep an account of the cost of abating such nuisance in front of or on each separate lot or parcel of land and shall render an itemized report in writing to the board of supervisors of the county showing the cost of removing such weeds on each separate lot, or parcel of land, or in front thereof, or both; *provided*, that before said report is submitted to said board of supervisors, copy of the same shall be posted for at least three days prior thereto on or near the chamber door of said board of supervisors, together with a notice of the time when said report shall be submitted to the board of supervisors for confirmation; *and provided, further*, that a postcard notice

Report of cost of abating nuisance notice of hearing

of the time and place of the submission of said report for confirmation, stating generally the nature of said report, shall be mailed by said officer, board or commission, to the owners of said parcels, as they and their addresses appear upon the current or latest county assessment roll, at least seven days prior to the date of such submission for confirmation. If no address appears on such assessment roll, such mailing shall not be necessary.

Hearing and confirmation; special assessment.

SEC. 7. At the time fixed for receiving and considering said report, the board of supervisors shall hear the same, together with any objections which may be raised by any of the property owners liable to be assessed for the work of abating said nuisance and thereupon make such modifications in the report as they may deem necessary, after which, by order or resolution, said report shall be confirmed.

The amounts of the cost for abating such nuisance in front of or upon the various parcels of the land mentioned in said report shall constitute special assessments against the respective parcels of land, and after thus made and confirmed shall constitute a lien on said property for the amount of such assessments, respectively.

Auditor and tax collector entry and collection of special assessments.

SEC. 8. A copy of said report, after confirmation thereof, shall be turned over to the auditor of such county, before the first business day of September of each year, and it shall be the duty of said auditor to enter the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll, and it shall be the duty of the tax collector to include the same on bills for taxes levied against the said respective lots and parcels of land. Thereafter said amounts shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are hereby made applicable to such special assessment taxes; *provided, however*, that the said county tax collector may, in his discretion, issue separate bills for such special assessment taxes and separate receipts for collections on account of such assessments.

CHAPTER 458.

An act to amend section 6 of an act entitled "An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the state dairy bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of

acts inconsistent herewith," approved April 15, 1919, relating to licenses for manufacture and sale of imitation milk.

[Approved by the Governor May 24, 1929 In effect August 14, 1929]

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

SECTION 1. Section 6 of an act entitled "An act to define imitation milk and to regulate the business of producing, buying or selling imitation milk or imitation milk products, providing for the licensing of said business by the state dairy bureau, and prescribing penalties for a violation of the provisions hereof, and repealing all acts or parts of acts inconsistent herewith," approved April 15, 1919, is hereby amended to read as follows:

Stats 1919,
p 90,
amended

Sec. 6. No person, firm or corporation shall engage in the business or occupation of manufacturing, selling, dealing in or furnishing imitation milk, without first having applied for and obtained a license so to do as hereinafter provided. Any person, firm or corporation dealing in or engaged in the business or occupation of manufacturing, selling, dealing in or furnishing to his, its or their patrons, imitation milk, as in this act defined shall first make application each year to the state dairy bureau for a license, and upon payment of license fee of the amount mentioned herein to the state dairy bureau, said bureau shall issue to the applicant a license. All such licenses shall contain the following proviso: Provided that this license does not authorize the holder thereof to manufacture, sell, deal in or furnish any imitation milk and similar substances that may be used as a substitute for milk or condensed or evaporated milk which resembles in appearance pure whole cow's milk, or the condensed or evaporated product made therefrom. All such licenses shall expire on June thirtieth of each year, and may be issued in periods of one year or less than one year, on payment of a proportionate part of the license fee, provided that no license shall be issued for a period of less than three months. The fee for issuing said license to said manufacturers, of any of the said substances within this state shall be one hundred dollars; for issuing to wholesale dealers in, or importers or agents for importers, of any of said substances the fee shall be fifty dollars; for issuing to retail dealers in any of said substances the fee shall be five dollars; and for issuing to the keeper of any hotel, restaurant, boarding house, and any other place where meals are served and payment is received therefor, either immediately or by the day, week or month, the fee shall be two dollars. The term "wholesale dealer" as used in this section includes all persons, firms or corporations who sell any of said substances in quantities of one full case or more at a time or in the same transaction. The term "retail dealer" includes all persons who sell only in quantities of

License for
manufacture
and sale of
imitation
milk

less than one case. All licenses while in force shall be kept conspicuously displayed in the places of business of the party or parties to whom they have been issued.

It shall be unlawful for any person, firm or corporation to manufacture, buy, sell, deal in or furnish to his, its or their patrons, or to have in their possession, for any purpose whatsoever other than for consumption in his own family, or for transportation in case of a boat or railroad company, or for the purpose of storage in case of a warehouse or cold storage company, any imitation milk or similar substance designed to be used as a substitute for milk or for condensed or evaporated milk without having first applied for and obtained from the state dairy bureau of the State of California a license herein required.

Exceptions.

The provisions of this section shall not apply to any person, firm or corporation engaged as a retail dealer in the business or occupation of selling, dealing in or furnishing imitation milk as herein defined if such imitation milk shall be a distinctive proprietary food compound (a) not readily mistaken in taste for milk or for evaporated, skim, condensed or dried milk (b) prepared and designed for feeding infants and young children, and (c) sold exclusively by druggists, orphan asylums, child welfare associations, hospitals and similar institutions.

CHAPTER 459.

An act to amend section 13 of the juvenile court law, approved June 5, 1915, relating to transfers of cases from one county to another.

[Approved by the Governor May 24, 1929. In effect August 14, 1929.]

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

Stats 1919,
p 755,
amended
Transfer of
juvenile
court cases

SECTION 1. Section 13 of the juvenile court law, approved June 5, 1915, is hereby amended to read as follows:

Sec. 13. Whenever a petition has been filed in the juvenile court of a county other than that of the residence of a person coming within any of the provisions of this act, or whenever, subsequent to the filing of a petition in the juvenile court of the county where said person resides, the residence of said person is changed to another county, the entire case may be transferred at any time to the juvenile court of the county wherein said person then resides, and such court must take jurisdiction of the case upon the filing with it of such order. The expense of the transfer of said person shall be paid from the county treasury of the county ordering the transfer. The judge must inquire into the financial condition of said person and of the parent, parents, guardian, or other person charged with the support and maintenance of said person and

Expense,
by whom
borne

if he finds said person, parent, parents, guardian, or other person able, in whole or in part, to pay such expense of transfer, he must make a further order requiring said person, parent, parents, guardian, or other to repay to such county such part, or all, of such expense of transfer as, in the opinion of the court is proper. Such repayments shall be made to the probation officer, who shall keep suitable accounts of such expenses and repayments and shall deposit all such collections in the county treasury.

Whenever a case shall be transferred as herein provided, the order of transfer shall recite (a) each and all the findings, orders or modification of orders that may have been made in said case, and (b) that said person resides in or has removed to the county to which said matter has been transferred and (c) to said order of transfer shall be attached a certified copy of the original petition in said matter. Such transfer shall be accompanied by a summary of all the facts in the possession of the court or probation officer covering the history of said person.

Order of
transfer

CHAPTER 460.

An act to amend section 15 of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings, to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, as amended.

[Approved by the Governor May 24, 1929 In effect August 14, 1929]

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

SECTION 1. Section 15 of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical

Stats 1917,
p 113,
amended

examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act." approved June 2, 1913, as amended, is hereby amended so as to read as follows:

Certificates
to be
recorded.

Sec. 15. Every person holding a certificate under the laws of this state authorizing him to practice any system or mode of treating the sick or afflicted in this state must have it registered in the office of the county clerk of every county or city and county in which the holder of said certificate is practicing his profession and the fact and date of such registration shall be endorsed on the certificate by the county clerk registering the same. Registration shall be made in a register kept by the clerk for such purposes which register shall be alphabetically arranged and shall show the name of the person to whom the certificate is issued, the form of certificate issued to him, the scope of practice permitted thereunder as prescribed on said certificate so registered, the number and date of said certificate and the date of registration of said certificate. Any person holding a certificate as aforesaid, who shall practice or attempt to practice, any system or mode of treating the sick or afflicted in this state, without having first registered his certificate with the county clerk, as herein provided, shall be deemed guilty of a misdemeanor and shall be punished as hereinafter designated in this act.

CHAPTER 461.

An act relating to cafeterias in the public schools.

[Approved by the Governor May 24, 1929 In effect August 14, 1929]

NOTE—See volume containing School Code and acts supplemental thereto

CHAPTER 462.

An act to accept the provisions and benefits of an act passed by the senate and house of representatives of the United States of America in congress assembled and approved February 5, 1929, to provide for the further development of vocational education; to create a vocational education fund and making an appropriation therefor.

[Approved by the Governor May 24, 1929 In effect August 14, 1929]

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

Acceptance
of benefits
and require-
ments.

SECTION 1. The people of the State of California do hereby accept the provisions of, and each and all of the funds provided by, an act passed by the senate and house of representatives

of the United States of America in congress assembled, entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and home economics; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," and approved by the President February 5, 1929. In accepting the benefits of said act the people of the State of California agree to comply with all of its provisions and to observe all of its requirements.

SEC. 2. Subject to an act entitled, "An act to accept the provisions and benefits of an act passed by the senate and house of representatives of the United States of America in congress assembled and approved February 23, 1917, to provide for the promotion of vocational education; to create a vocational education fund and making an appropriation therefor," there is in addition to any moneys appropriated under the act referred to in this section hereby appropriated out of any money in the treasury not otherwise appropriated the sum of four thousand five hundred fifty-eight dollars and sixty-seven cents for agriculture, and the sum of five thousand three hundred three dollars and eighty cents for home economics, for the fiscal year ending June 30, 1930; and the sum of nine thousand one hundred seventeen dollars and thirty-four cents for agriculture, and the sum of ten thousand six hundred seven dollars and sixty cents for home economics, for the fiscal year ending June 30, 1931.

Appropriations:
agriculture
and home
economics.

CHAPTER 463.

An act making an appropriation for the construction of a cottage at the Woman's Relief Corps Home.

[Approved by the Governor May 24, 1929 In effect August 14, 1929]

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

SECTION 1. Out of any moneys in the state treasury not otherwise appropriated the sum of one thousand three hundred twenty-eight dollars and seventy-two cents (\$1,328.72) is hereby appropriated for the construction of a cottage during the seventy-ninth and eightieth fiscal years at the Woman's Relief Corps Home, in augmentation of the unencumbered balance of moneys heretofore appropriated for permanent improvements at said Woman's Relief Corps Home in and by the provisions of chapter one hundred forty-two of the statutes of 1927, all of which moneys are hereby appropriated, reappropriated and made available for the construction of said cottage.

Appropriation:
Woman's
Relief Corps
Home.

CHAPTER 464.

An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, by amending sections 691, 693, 806, 882 and 883 thereof, relating to the jurisdiction of courts, in municipal corporations of fourth, fifth and sixth classes.

[Approved by the Governor May 25, 1929 In effect August 14, 1929]

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

Stats 1883,
p 242,
amended.

SECTION 1. Section 691 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, is hereby amended to read as follows:

Jurisdiction
of police
courts.

Sec. 691. The police court of such city shall have jurisdiction of the following public offenses committed within such city:

1. Petit larceny;
2. Assault and battery, not charged to have been committed upon a public officer in the discharge of his official duty or with intent to kill;
3. Breaches of the peace, riots, affrays, committing wilful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment;
4. Of proceedings respecting vagrants, loud or disorderly persons;
5. Of all misdemeanors for the violation of any ordinance of said city;
6. The police court shall have exclusive jurisdiction of all proceedings mentioned in this section; and no justice of the peace in such city shall have power to try and decide any cases of the classes mentioned in said section; *provided*, that any justice of the peace of such city who may be designated in writing by the mayor, or president of the city council thereof, for the purpose, shall have power to preside in and hold the police judge's court of said city in the cases in which the police judge is a party, or in which he is directly interested, or when the judge is related to either party by consanguinity or affinity within the third degree; and also in the case of the sickness or temporary absence of the judge, or his inability to act from any cause; and in all such cases, and during such sickness, temporary absence, or inability, the justice so designated shall act as police judge, and shall have and exercise all the powers, jurisdiction, and authority which are or may be by law conferred upon said court or judge.

SEC. 2. Section 693 of said act is hereby amended to read as follows: Stats. 1883,
p. 244,
amended

Sec. 693. The city council shall furnish, for the use of the police court a docket in which all the cases shall be recorded and in which shall be recorded all entries required by law to be made in justices' dockets. Dockets.

SEC. 3. Section 806 of said act is hereby amended to read as follows: Stats. 1907,
p. 372,
amended.

Sec. 806. A recorder's court is hereby established in such city, to be held by the recorder of such city; *provided*, that the provisions of this section as to the establishment of recorder's courts and recorders in such city shall not apply to any such city in which a city justice's court or a city justice of the peace is now or may hereafter be established, and any recorder's court now existing in any such last mentioned city is hereby abolished. Said recorder's court shall have jurisdiction concurrently with the justice's court of all criminal actions arising within the corporate limits of such city and which might be tried in such justice's court. Except as in this section otherwise provided, the rules of practice and mode of proceeding in said recorder's court shall be the same as are or may be prescribed by law for justices' courts in like cases, and appeals may be taken to the superior court of the county in which said city may be situated, from all judgments of said recorder's court in like manner and with like effect as in cases of appeals from justices' courts. Recorder's
courts

SEC. 4. Section 882 of the said act is hereby amended to read as follows: Stats 1905,
p 73,
amended

Sec. 882. A city court is hereby established in such city or town, to be held by the city judge of said city or town. Such city court shall have jurisdiction, concurrently with the justice's court, of all criminal actions arising within the corporate limits of such city, and which might be tried in such justice's court. Except as in this section otherwise provided, the rules of practice and mode of proceeding in said city court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of the county in which such city or town may be situated, from all judgments of said city court, in like manner and with like effect as in cases of appeals from justices' courts. City courts

SEC. 5. Section 883 of said act is hereby amended to read as follows: Stats 1921,
p 358,
amended

Sec. 883. The city judge shall be judge of the city court, and shall have the powers and perform the duties of a magistrate. City judge

He may administer and certify oaths of affirmation, and take and certify acknowledgments. A justice of the peace may, at the same time, hold the office of city judge.

CHAPTER 465.

An act to amend sections 76 and 77 of the Code of Civil Procedure, relating to jurisdiction of superior courts.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

Code Amdts.
1880,
p 28,
amended.
Original
jurisdiction
of superior
courts

SECTION 1. Section 76 of the Code of Civil Procedure is hereby amended to read as follows:

76. The superior courts shall have original jurisdiction:

1. In all civil cases and proceedings except cases and proceedings in which jurisdiction is or shall be given by law to municipal or to justices' or other inferior courts, and in all such special cases and proceedings as are not otherwise provided for; and said court shall have power of naturalization and to issue papers therefor;

2. In all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for. Said courts and their judges shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus on petition by or on behalf of any person in actual custody of their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and nonjudicial days.

Code Amdts
1880,
p 28,
amended.
Appellate
jurisdiction

SEC. 2. Section 77 of the Code of Civil Procedure is hereby amended to read as follows:

77. The superior courts shall have appellate jurisdiction in such cases arising in municipal and justices' and other inferior courts in their respective counties or cities and counties as may be prescribed by law.

CHAPTER 466.

An act to add a new section to be numbered 933½ to title twelve of part two of the Code of Civil Procedure, relating to police courts.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

New section

SECTION 1. A new section to be numbered 933½ is hereby added to title twelve of part two of the Code of Civil Procedure, to read as follows:

Provisions
of title,
where
applicable

933½. The provisions of this title shall apply only to police courts in counties, cities or cities and counties organized under the provisions of sections 7½, 7½a or 8 of article eleven of the constitution of the State of California.

CHAPTER 467.

An act to repeal sections 4427 and 4432 of the Political Code, relating to civil jurisdiction of police courts.

[Approved by the Governor May 25, 1929 In effect August 14, 1929]

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

SECTION 1. Sections 4427 and 4432 of the Political Code ^{Repealed} are hereby repealed.

CHAPTER 468.

An act to amend section 274c of the Code of Civil Procedure, relating to phonographic reporters.

[Approved by the Governor May 25, 1929 In effect August 14, 1929]

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

SECTION 1. Section 274c of the Code of Civil Procedure is hereby amended to read as follows:

274c. Each municipal court in this state, a majority of the judges concurring, and each justices' court in cities, cities and counties, towns and judicial townships, having a population of thirty thousand or more, may, by order entered upon the minutes of the court, appoint as many competent phonographic reporters as the business of the court may require, to be known as official reporters of such court, and to hold office during the pleasure of the judges of such court respectively. Such reporters, or any one of them, must, at the request of either party or of the court in a civil proceeding, or on the order of the court in a criminal action or proceeding, take down in shorthand all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in criminal cases, the arguments of the prosecuting attorney to the jury, and all statements and remarks made and oral instructions given by the judge; and if directed by the court, or requested by either party, must, within such reasonable time after the trial of such case as the court may designate, write out the same, or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter, or other printing machine, and certify to the same as being correctly reported and transcribed, and when directed by the court, file the same with the clerk of the court. Those sections of the Code of Civil Procedure of this state numbered 270 to 274, inclusive, are hereby made applicable to the qualifications, duties, official oath, certification of transcripts and fees of official reporters of municipal courts and justices' courts in cities, cities and counties, towns and judicial townships, having a population of thirty thousand, or more.

Stats 1927,
p. 771,
amended.
Phonographic
reporters
for municipal
and
justices'
courts.

CHAPTER 469.

An act to add a new section to the Code of Civil Procedure to be numbered 900b, relating to new trials in justices' courts.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

New section SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 900b, and to read as follows:
Sections 656 to 663a, incl., applicability of 900b. Sections 656 to 663a, of the Code of Civil Procedure, both inclusive, are hereby made applicable to proceedings in justices' courts in cities, cities and counties, towns and judicial townships having a population of thirty thousand or more.

CHAPTER 470.

An act to add new sections to be numbered 831h and 835a, to chapter one of title eleven of part two of the Code of Civil Procedure, relating to practice and procedure in the justices' courts.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

New section. SECTION 1. A new section to be numbered 831h is hereby added to chapter one of title eleven of part two of the Code of Civil Procedure, to read as follows:

Civil procedure in certain justices' courts 831h. Civil actions in justices' courts in cities, cities and counties, towns and judicial townships having a population of thirty thousand or more shall be commenced and prosecuted in the manner provided by law for the commencement and prosecution of civil actions in municipal courts of this state and the rules of pleading and practice applicable to the prosecution of civil actions and enforcement of judgments in the municipal courts of this state shall apply to and govern the prosecution and maintenance of civil actions and enforcement of judgments in said justices' courts.

New section. SEC. 2. A new section to be numbered 835a is hereby added to chapter one of title eleven of part two of the Code of Civil Procedure, to read as follows:

Change of place of trial of actions in certain justices' courts 835a. When a justice's court in a city, city and county, town or judicial township, having a population of thirty thousand or more, orders the place of trial changed, the action must be transferred for trial to a court, having jurisdiction of the subject matter and amount in controversy as stated in the complaint, which the parties may agree upon; and if they do not so agree, then to another municipal or justice's court in the township having jurisdiction of the subject matter and

amount in controversy as stated in the complaint, if there be such court; otherwise the action shall be transferred for trial to the superior court of the proper county and filed therein. The party moving for the change of place of trial shall at the time of making his said motion, pay the filing fee in the court to which it is proposed to transfer the action, together with such other costs as are provided by law.

(3) After an order has been made transferring the action for trial to another court from a justice's court in a city, city and county, town or judicial township having a population of ten thousand or more, the following proceedings must be had;

(a) The justice ordering the transfer must immediately transfer to the justice's or other court to which the action is transferred all papers in the action, together with the filing fee in the court to which the action is transferred.

(b) Upon the receipt by such court of such papers and filing fee the justice or court to which the action is transferred for trial has thereafter the same jurisdiction over the action, and said action shall to all intents and purposes be tried in such court, as though it had been originally filed in such court.

CHAPTER 471.

An act to add a new section to be numbered 982a, to chapter three of title thirteen of part two of the Code of Civil Procedure, relating to appeals to superior courts.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section to be numbered 982a, is hereby New section. added to chapter three of title thirteen of part two of the Code of Civil Procedure, to read as follows:

982a. The provisions of this chapter shall not apply to justices' courts in cities, cities and counties, towns and judicial townships having a population of thirty thousand or more. Appeals from such last mentioned courts shall be taken, heard and determined as provided in chapter four of this title relating to appeals from municipal courts. Appeals from justices' courts in cities, etc., of 30,000 population.

CHAPTER 472.

An act to add a new section, to be numbered 927q, to chapter twelve of title eleven of part two of the Code of Civil Procedure, relating to costs in small claims courts and executions upon judgments thereof.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section, to be numbered 927q, is hereby New section added to chapter twelve of title eleven of part two of the Code of Civil Procedure, to read as follows:

Costs in
small claims
courts

927q. The prevailing party in any action in the small claims court is entitled to costs of the action and also the costs of execution upon a judgment rendered therein.

CHAPTER 473.

An act to amend the Code of Civil Procedure, by amending section 112 thereof, and to repeal sections 113 and 114 of the same code, relating to jurisdiction of justices' courts.

[Approved by the Governor May 25, 1929 In effect August 14, 1929]

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

Code Amdts
1880,
p 35,
amended.

SECTION 1. Section 112 of the Code of Civil Procedure is hereby amended as follows:

112. The justices' courts shall have jurisdiction as follows:

Jurisdiction
of justices'
courts

1. In cities, cities and counties, towns and judicial townships, having a population of thirty thousand or more, said courts shall have original jurisdiction in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to one thousand dollars or less; of all actions of forcible or unlawful entry or detainer where the rental value is one hundred dollars or less per month, and where the whole amount of damages claimed is one thousand dollars or less; in all cases to enforce and foreclose liens on personal property where the amount of such liens or the value of the property is one thousand dollars or less; and in cases in equity, when pleaded as defensive matter or by way of cross complaint in any case at law commencing in said courts, of which they have jurisdiction;

2. In those having a population of less than thirty thousand, said courts shall have original jurisdiction in all cases at law in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars or less; of all actions of forcible or unlawful entry or detainer where the rental value is twenty-five dollars or less per month, and where the whole amount of damages claimed is three hundred dollars or less; in all cases to enforce and foreclose liens on personal property where the amount of such liens or the value of the property is three hundred dollars or less.

Repealed.

SEC. 2. Sections 113 and 114 of the Code of Civil Procedure are hereby repealed.

CHAPTER 474.

An act to amend sections 2006 and 2032 of the Code of Civil Procedure, relating to depositions.

[Approved by the Governor May 25, 1929. In effect August 14, 1929]

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

SECTION 1. Section 2006 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1907,
p 731,
amended
Depositions,
how taken

2006. Depositions must be taken in the form of question and answer. The words of the witness must be written down, in the presence of the witness, by the officer taking the deposition, or by some disinterested person appointed by him. It may be taken down in shorthand, in which case it must be transcribed into longhand by the person who took it down. Such officer and the person taking down such testimony must be disinterested persons unless otherwise stipulated by the parties. When completed, it must be carefully read to or by the witness and corrected by him in any particular, if desired, by writing or causing his corrections to be written in the body or margin of or at the bottom of the deposition, and must then be subscribed by the witness. The officer before whom the deposition is taken must write his initials near said correction. If the parties agree in writing to any other mode, the mode so agreed upon must be followed.

SEC. 2. Section 2032 of said code is hereby amended to read as follows: C C P.
1872,
p 528,
amended
Depositions,
how prepared, trans-
mitted and
used as
evidence

2032. Either party may attend the examination and put such questions direct and cross, as may be proper. The deposition, when completed, must be carefully read to the witness and corrected by him in any particular if desired; it must then be subscribed by the witness, certified by the judge or officer taking the deposition, but if certified to by an officer authorized to administer oaths, the certification must show that such officer and the person, if any, appointed by him to take the testimony of the witness, possess the qualifications set forth in section 2006; it must then be inclosed in an envelope or wrapper, sealed, and directed to the clerk of the court in which the action is pending or to such person as the parties in writing may agree upon, and either delivered by the judge or officer to the clerk or such person, or transmitted through the mail or by some safe private opportunity; and thereupon such deposition may be used by either party upon the trial or other proceeding against any party giving or receiving the notice, subject to all legal exceptions; but if the parties attend at the examination, no objection to the form of an interrogatory shall be made at the trial, unless the same was stated at the time of the examination. If the deposition be taken under subdivisions two, three and four, of section 2021, proof must be made at the trial that the witness continues absent or infirm, or is dead. The deposition thus taken may be also read in case of the death of the witness.

CHAPTER 475.

An act to add new sections to the Code of Civil Procedure to be numbered 77a and 77b, relating to the establishment of appellate departments of the superior court in counties or cities and counties wherein any municipal court is established, and to the constitution, regulation, jurisdiction, government and procedure thereof.

[Approved by the Governor May 25, 1929. In effect August 14, 1929]

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

New section. SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered 77a and to read as follows:

Appellate departments of the superior courts created.

77a. In the superior court of every county or city and county wherein any municipal court is established, there shall be a department thereof to be known and designated as "Appellate department of the superior court," and which shall consist of three judges of such superior court, who shall be designated by the chairman of the judicial council, and who, in addition to their other duties, shall serve as such for the period specified in the order of designation, and one of whom shall be designated by the chairman of the judicial council as presiding judge thereof.

New section

SEC. 2. A new section is hereby added to the Code of Civil Procedure to be numbered 77b and to read as follows:

Same, powers, duties and jurisdiction.

77b. The appellate department provided by the preceding section shall have appellate jurisdiction on appeal from municipal, justices' and other inferior courts established within the county or city and county wherein such appellate department is established, in all cases in which an appeal may be taken to the superior court, as is now or may hereafter be provided by law, except on such appeals as require a retrial in the superior court. The powers of such appellate department shall be the same as are now or may hereafter be provided by law relating to appeals to the superior courts. The presence of two judges of such department shall be necessary to transact any business, except such as may be done at chambers, and the concurrence of two judges shall be necessary to pronounce a judgment. The presiding judge of such appellate department may convene the court at any time and shall supervise the business of the department. Rules governing practice and procedure and the disposition of the business of such department shall be made by the judicial council.

Judicial council.

CHAPTER 476.

An act to amend section 1462 of the Penal Code, relating to the criminal jurisdiction of municipal courts.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1462 of the Penal Code is hereby amended to read as follows: Stats. 1925,
p. 948,
amended.

1462. Each municipal court shall have exclusive jurisdiction in all criminal cases amounting to misdemeanor, where the offense charged was committed within the city in which such municipal court is established except those of which the juvenile court is given jurisdiction; and shall have jurisdiction concurrent with that of justices' courts in all criminal cases amounting to misdemeanor, where the offense charged was committed within the county in which such municipal court is established, but outside any city in which a municipal court is established except those of which the juvenile court is given jurisdiction; and excepting cases of which the police, recorders or other city courts of cities are given exclusive jurisdiction by other law. Jurisdiction
of municipal
courts in
misdemeanor
cases.

CHAPTER 477.

An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the election of jurors therein," approved May 23, 1925, as amended, by amending sections 28 and 29 thereof, relating to the jurisdiction of said courts.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 28 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the election of jurors therein," approved May 23, 1925, as amended, is hereby amended to read as follows: Stats. 1925,
p. 658,
amended

Sec. 28. Each municipal court shall have such jurisdiction in criminal cases as is now provided in section 1462 of the Criminal
jurisdiction

Penal Code of California, or as may hereafter be determined by the Legislature.

Stats 1925,
p 658,
amended
Civil
Jurisdiction

SEC. 2. Section 29 of said act is hereby amended to read as follows:

Sec. 29. Each municipal court shall have exclusive original jurisdiction of all civil cases and actions, arising within the city or city and county in which such municipal court is established, of the following classes:

1. All cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to two thousand dollars or less.

2. All actions of forcible entry or forcible or unlawful detainer, where the rental value is two hundred dollars or less per month, and where the whole amount of damages claimed is two thousand dollars or less.

3. All actions to enforce and foreclose liens on personal property, where the amount of such liens is two thousand dollars or less.

Concurrent
jurisdiction

In cities or cities and counties wherein such municipal court is established, and wherein an inferior court has been established and its jurisdiction determined as provided by law, such municipal court shall have concurrent jurisdiction with such inferior court to the extent of its jurisdiction.

Original
jurisdiction

Each municipal court shall have original jurisdiction of all cases specified in subdivisions 1, 2 and 3 hereinabove, arising outside the city in which a municipal court is established, and within the county in which such municipal court is established, and also of all such cases arising outside the county in which a municipal court is established, in which any proper defendant named therein resides or has his place of business within the county wherein such municipal court is established.

Original
jurisdiction,
concurrent
with inferior
court

Each municipal court shall have original jurisdiction, concurrent with that of justices' or other inferior courts in the county in which such municipal court is established, of all civil cases of which such justices' or other inferior courts are given jurisdiction, excepting civil cases of which such justices' or other inferior courts are given exclusive jurisdiction, and excepting cases cognizable in such courts, sitting as small claims courts.

Jurisdiction
in cases
in equity

Each municipal court shall have jurisdiction in all cases in equity, when pleaded as defensive matter or by way of cross-complaint in any case at law commencing in the municipal court, of which it has exclusive jurisdiction. Each municipal court shall have jurisdiction in all actions to enforce and foreclose liens of mechanics, materialmen, artisans and laborers, where the amount of such liens is two thousand dollars, or less; *provided*, that where an action is pending in the superior court and affects property, which is also affected by an action pending in the municipal court to foreclose such a lien, or where the total amounts of such liens sought to be foreclosed against the same property aggregate an amount in excess of two thousand dollars, the municipal court, upon

motion of any interested party, shall order such action pending therein to be transferred to the proper superior court. Upon the making of such order, the same proceedings shall be taken as are provided under section 399 of this code, with respect to the change of place of trial.

CHAPTER 478.

An act to add a new section to be numbered 4185a, to the Political Code, relating to qualifications and eligibility for the office of justice of the peace.

[Approved by the Governor May 25, 1929 In effect August 14, 1929]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 4185a, and to read as follows: New section

4185a. No person shall be eligible to the office of justice of the peace of any city, city and county, town or judicial township having a population of thirty thousand or more, unless he shall have been admitted to practice before the supreme court of the state; *provided, however*, that this section shall not be applied to any person now holding such office during such time as he shall continuously hold the same either during his present term of office or any future term. Qualification
of justices of
the peace

CHAPTER 479.

An act to amend the Code of Civil Procedure by amending sections 650, 657, 659, 660, 953a and 953c thereof, and to add certain new sections thereto, to be numbered sections 659a, 661 and 662 respectively, relating to findings, judgments, new trials and appeals.

[Approved by the Governor May 25, 1929 In effect August 14, 1929]

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

SECTION 1. Section 650 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1915,
p. 207,
amended

650. Where a trial shall have been had on a question of fact, and a party desires to have exceptions taken at such trial settled in a bill of exceptions, he may, at any time thereafter, and within twenty (20) days after service upon him of written notice of entry of the judgment, or if proceedings on motion for a new trial be pending within ten (10) days after notice of the order denying said motion, or other determination thereof, or such further time as the court in which the action Time of filing
bill of
exceptions

is pending or a judge thereof, may allow, prepare the draft of a bill and serve the same, or a copy thereof, upon the adverse party.

Contents
of draft

Such draft must contain all the exceptions and proceedings taken upon which the party relies, and shall contain all matters reviewable on the same appeal, including those occurring at the trial and also on motion for a new trial.

It may also contain a statement of any matters occurring upon the trial in the presence of the court, showing any of the matters mentioned in subdivisions one and two of section 657 of this code.

When adverse
party may
amend.

Within ten (10) days after such service the adverse party may propose amendments thereto and serve the same or a copy thereof upon the other party.

Delivery
to judge

The proposed bill and amendments must, within ten (10) days thereafter be presented by the party seeking the settlement of the bill, to the judge who tried or heard the case, upon five (5) days' notice to the adverse party or be delivered to the clerk of the court for the judge. When received by the clerk he must immediately deliver them to the judge, if he is in the county; if he is absent from the county, and either party desires the paper to be forwarded to the judge, the clerk must, upon notice in writing of such party, immediately forward them by mail or other safe channel; if not thus forwarded the clerk must deliver them to the judge immediately after his return to the county.

Judge
designates
time of
settling

When received from the clerk, the judge must designate the time at which he will settle the bill, and the clerk must immediately notify the parties of such designation. At the time designated the judge must settle the bill. The bill must thereupon be engrossed and presented to the judge to be certified, by the party presenting it, within ten (10) days.

When action
tried before
referee.

If the action was tried before a referee, the proposed bill, with the amendments, if any, must be presented to such referee for settlement within ten (10) days after service of the amendments, upon notice of five (5) days to the adverse party, and thereupon the referee must settle the bill. If no amendments are served, or if served are allowed, the proposed bill may be presented, with the amendments, if any, to the judge or referee, for settlement without notice to the adverse party.

Judge to
strike out
redundant
matter.

It is the duty of the judge or referee, in settling the bill, to strike out of it all redundant and useless matter so that the exceptions and proceedings may be presented as briefly as possible. When settled, the bill must be signed by the judge or referee, with his certificate to the effect that the same is allowed, and must then be filed with the clerk.

Procedure in
case of
default, etc.

No bill of exceptions, notice of appeal, or notice or paper, other than amendments to the pleadings or an amended pleading, need be served upon any party whose default has been duly entered, or who has not appeared in the action or proceeding.

SEC. 2. Section 657 of said code is hereby amended to read as follows: Stats 1919,
p. 657,
amended

657. The verdict may be vacated and any other decision may be modified or vacated, in whole or in part, and a new or further trial granted on all or part of the issues, on the application of the party aggrieved, for any of the following causes, materially affecting the substantial rights of such party: When new
trial may
be granted

1. Irregularity in the proceedings of the court, jury or adverse party, or any order of the court or abuse of discretion by which either party was prevented from having a fair trial; Irregularity
in proceed-
ings,

2. Misconduct of the jury; and whenever any one or more of the jurors have been induced to assent to any general or special verdict, or to a finding on any question submitted to them by the court, by a resort to the determination of chance, such misconduct may be proved by the affidavit of any one of the jurors; Misconduct
of jury,

3. Accident or surprise, which ordinary prudence could not have guarded against; Accident or
surprise,

4. Newly discovered evidence, material for the party making the application, which he could not, with reasonable diligence, have discovered and produced at the trial; Newly
discovered
evidence,

5. Excessive damages, appearing to have been given under the influence of passion or prejudice; Excessive
damages,

6. Insufficiency of the evidence to justify the verdict or other decision, or that it is against law; Insufficient
evidence,

7. Error in law, occurring at the trial and excepted to by the party making the application. Error
in law.

When a new trial is granted, on all or part of the issues, upon the ground of the insufficiency of the evidence to sustain the verdict, the order shall so specify; otherwise, on appeal from such order it will be presumed that the order was not based upon that ground. What order
must specify.

SEC. 3. Section 659 of said code is hereby amended to read as follows: Stats 1923,
p. 751,
amended

659. The party intending to move for a new trial must, either before the entry of judgment or within ten (10) days after receiving written notice of the entry of the judgment, file with the clerk and serve upon the adverse party a notice of his intention to move for a new trial, designating the grounds upon which the motion will be made and whether the same will be made upon affidavits or the minutes of the court or both. Said notice shall be deemed to be a motion for a new trial on all the grounds stated in the notice. The time above specified shall not be extended by order or stipulation. New trial
notice of
motion, upon
whom to
be served,
and what
to contain

SEC. 4. A new section is hereby added to said code, to be numbered 659a and to read as follows: New section

659a. Within ten (10) days after serving the notice, the moving party shall serve upon all other parties and file any affidavits intended to be used upon such motion. Such other parties shall have ten (10) days after such service within which to serve upon the moving party and file counter-affidavits. The time herein specified, except as above provided, Time of
filing aff-
davits and
counter-
affdavits

may, for good cause shown by affidavit, or by written stipulation of the parties, be extended by any judge for an additional period of not exceeding twenty (20) days.

Stats 1923,
p 233,
amended

SEC. 5. Section 660 of said Code is hereby amended to read as follows:

Hearing of
motion for
new trial,
reference
to pleadings,
etc

660. On the hearing of such motion, reference may be had in all cases to the pleadings and orders of the court on file, and when the motion is made on the minutes, reference may also be had to any depositions and documentary evidence offered at the trial and to the report of the proceedings on the trial taken by the phonographic reporter, or to any certified transcript of such report or if there be no such report or certified transcript, to such proceedings occurring at the trial as are within the recollection of the judge; when the proceedings at the trial have been phonographically reported, but the reporter's notes have not been transcribed, the reporter must upon request of the court or either party, attend the hearing of the motion and shall read his notes, or such parts thereof as the court, or either party, may require.

New trial
hearing has
precedence

The hearing and disposition of the motion for a new trial shall have precedence over all other matters except criminal cases, probate matters and cases actually on trial, and it shall be the duty of the court to determine the same at the earliest possible moment.

Motion to
be passed
on within
60 days

The power of the court to pass on motion for a new trial shall expire sixty (60) days from and after service on the moving party of written notice of the entry of the judgment, or if such notice has not theretofore been served, then sixty (60) days after filing of the notice of intention to move for a new trial. If such motion is not determined within said sixty (60) days, the effect shall be a denial of the motion without further order of the court.

New section

SEC. 6. A new section is hereby added to said code to be numbered 661, and to read as follows:

Hearing
designation
of time
for oral
argument

661. The motion for a new trial shall be heard and determined by the judge who presided at the trial; *provided, however*, that in case of the inability of such judge, the same may be heard and determined by any other judge. Upon the expiration of the time to file counteraffidavits the clerk forthwith shall call the motion to the attention of the judge who presided at the trial, or the judge acting in his place, as the case may be, and such judge thereupon shall designate the time for oral argument, if any, to be had on said motion. Five (5) days' notice by mail shall be given of such oral argument, if any, by the clerk to the respective parties. Such motion shall be argued orally or shall be submitted without oral argument, as the judge may direct, not later than ten (10) days before the expiration of the time within which the court has power to pass on the same.

Notice

New section

SEC. 7. A new section is hereby added to said code to be numbered 662, and to read as follows:

662. In ruling on such motion, in a cause tried without a jury, the court may, on such terms as may be just, change or add to the findings, modify the judgment, in whole or in part, vacate the judgment, in whole or in part, and grant a new trial on all or part of the issues, or, in lieu of granting a new trial, may vacate and set aside the findings and judgment and reopen the case for further proceedings and the introduction of additional evidence with the same effect as if the case had been reopened after the submission thereof and before findings had been filed or judgment rendered. Any judgment thereafter entered shall be subject to the provisions of sections 657 and 659 of this code.

Hearing
court's
powers

SEC. 8. Section 953a of said code is hereby amended to read as follows:

Stats 1915,
p 206,
amended.

953a. Any person desiring to appeal from any judgment, order or decree of any court of record, may, in lieu of preparing and settling a bill of exceptions pursuant to the provisions of section 650 of this code, or of section 988 (a) of this code, or for the purpose of presenting a record on appeal from any appealable judgment or order, or for the purpose of having reviewed any matter or order reviewable on appeal from final judgment, file with the clerk of the court from whose judgment, order or decree said appeal is taken, or to be taken, a notice stating that he desires or intends to appeal, or has appealed therefrom, and requesting that a transcript of the testimony offered or taken, evidence offered or received, and all rulings, instructions, acts or statements of the court, also all objections or exceptions of counsel, and all matters to which the same relate, and also all proceedings taken on motion for a new trial and all matters to which the same relate, be made up and prepared. Said notice must be filed within ten (10) days after notice of entry of the judgment, order or decree, or if a proceeding on motion for a new trial be pending, within ten (10) days after notice of decision denying said motion, or of other termination thereof.

Appeals
from any
court of
record.

Notice in
lieu of bill
of exceptions.

Time of
notice.

Upon receiving said notice, it shall be the duty of the court to require a stenographic reporter thereof to transcribe fully and completely the phonographic report of the trial and also all proceedings taken on motion for a new trial and all matters to which the same relate. The stenographic reporter shall within twenty (20) days after said notice has been filed with the clerk, prepare a transcript of the phonographic report of the trial, including therein copies of all writings offered or received in evidence and all other matters and things required by the notice above referred to, to be therein contained, and shall file the same with the clerk of said court; upon the same being filed, it shall be the duty of the clerk forthwith to give the attorneys appearing in said cause notice that said transcript has been filed, and that within five (5) days after the receipt of said notice the same will be presented to the

Phonographic
report of
trial

Notice to
attorneys.

Transcript
presented
to judge

judge for approval. At the time specified in the notice of the clerk to the attorneys, said transcript shall be presented to the judge for his approval, and the judge shall examine the same and see that the same is a full, true and fair transcript of the proceedings had at the trial, the testimony offered or taken, evidence offered or received, instructions, acts or statements of the court, also all objections and exceptions of counsel and matters to which the same relate, also all proceedings taken on motion for a new trial and all matters to which same relate. The judge shall thereupon certify to the truth and correctness of said transcript and the same shall, when so settled and allowed, be and become a portion of the judgment roll and may be considered on appeal in lieu of the bill of exceptions now provided for by law.

Additional
matters in
transcript

If the judgment, order or decree appealed from, be not included in the judgment roll, the party desiring to appeal shall, on the filing of said notice, specify therein such of the pleadings, papers, records and files in said cause as he desires to have incorporated in said transcript in addition to the matters hereinbefore required and the same shall be included.

Respondents
may require
additions

The respondents on said appeal may at the time said transcript is presented for settlement and allowance, require the insertion therein of such other papers, files, documents, records and proceedings of said cause, including the proceedings on motion for a new trial, as they then desire to have incorporated therein, and the said papers, files, documents, records and proceedings shall when so incorporated be deemed fully authentic for use on said appeal. The parties may by stipulation omit any matters from said record which they desire to so omit.

Omissions by
stipulation

Stats 1923,
p 748,
amended
Clerk to
transmit
record on
appeal.

SEC. 9. Section 953c of said code is hereby amended to read as follows:

953c. Where the appeal is taken from any judgment, order or decree of any court of record, and the appellant elects to avail himself of the provisions of the three preceding sections, it shall be the duty of the clerk of the court from which the appeal is taken, within ten days after the preparation of the record, to transmit to the clerk of the court to which the appeal is taken, the record prepared in accordance with the provisions of the two preceding sections. Said records shall be filed with the clerk of the court to which the appeal is taken and no transcript thereof need be printed. In filing briefs in said appeal the parties must, however, print in their briefs, or in a supplement appended thereto, such portions of the record as they desire to call to the attention of the court.

Briefs
printed

Extension
of time
for filing
briefs

All briefs in civil cases shall be printed except as otherwise specially permitted by the court in which the appeal is pending. The court may in all cases, upon good cause shown extend time to a party to file his brief; *provided*, that the application is made before calling of the calendar for oral argument on the appeal or upon good cause being shown the court may extend time to a party to file a supplementary brief.

CHAPTER 480.

An act to amend section 1013 of the Code of Civil Procedure, relating to service of notices and other papers by mail and effect thereof.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1013 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1907,
p. 602,
amended.

1013. In case of service by mail, the notice or other paper must be deposited in the post office, in a sealed envelope, addressed to the person on whom it is to be served, at his office or place of residence, and the postage paid. The service is complete at the time of the deposit, but if, within a given number of days after such service, a right may be exercised, or an act is to be done by the adverse party, the time within which such right may be exercised or act be done is extended one day for every one hundred miles distance between the place of deposit and the place of address; such extension, however, not to exceed thirty days in all. Service
by mail

CHAPTER 481.

An act to add a new section to the Code of Civil Procedure, to be numbered 607a, relating to instructions in jury trials.

[Approved by the Governor May 25, 1929 In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 607a and to read as follows: New section

607a. In every case which is being tried before the court with a jury, it shall be the duty of counsel for the respective parties, before the first witness is sworn, to deliver to the judge presiding at the trial, and serve upon opposing counsel, all proposed instructions to the jury covering the law as disclosed by the pleadings. Thereafter, and before the court has commenced instructing the jury, and before the commencement of the argument, council may deliver to such judge, and serve upon opposing counsel, additional proposed instructions to the jury upon questions of law developed by the evidence and not disclosed by the pleadings. All proposed instructions shall be typewritten, each on a separate sheet of paper. Any proposed instruction which is delivered to the judge at a time later than is provided for herein may be disregarded; but, in that event, the judge shall write upon the margin of such proposed instruction the fact that he refused to consider the same for the reason that the requirements of this section have been disregarded. Instructions
in jury
trials.

CHAPTER 482.

An act to amend sections 1022, 1025 and 1033 of the Code of Civil Procedure, relating to costs.

[Approved by the Governor May 25, 1929 In effect August 14, 1929]

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

Stats
1869-70,
p 65,
amended
Costs, when
allowed of
course to
plaintiff

SECTION 1. Section 1022 of the Code of Civil Procedure is hereby amended to read as follows:

1022. Except as otherwise expressly provided in this code, costs are allowed of course to the plaintiff, upon a judgment in his favor, in the following cases:

1. In an action for the recovery of real property;
2. In an action to recover the possession of personal property;
3. In an action for the recovery of money or damages;
4. In a special proceeding;
5. In an action which involves the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine;

Provided, that the plaintiff shall not recover costs when the judgment is one which could have been rendered by a municipal or inferior court within the county, or city and county, in which the action is properly commenced.

C C P.,
1872,
p 276,
amended
Costs
may be
apportioned

SEC. 2. Section 1025 of said code is hereby amended to read as follows:

1025. In other actions than those mentioned in section 1022, costs may be allowed or not, and, if allowed, may be apportioned between the parties, on the same or adverse sides, in the discretion of the court; but no costs can be allowed the plaintiff when the judgment is one which could have been rendered by a municipal or inferior court within the county, or city and county, in which the action is properly commenced.

When costs
may not be
allowed.

Stats 1899,
p. 22,
amended
Filing of
and affidavit
to bill
of costs

SEC. 3. Section 1033 of said code is hereby amended to read as follows:

1033. The party in whose favor the judgment is ordered, and who claims his costs, must serve upon the adverse party, and file at any time after the verdict or decision of the court, and not later than five (5) days after the entry of the judgment, a memorandum of the items of his costs and necessary disbursements in the action or proceeding, which memorandum must be verified by the oath of the party, or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct, and that the disbursements have been necessarily incurred in the action or proceeding. A party dissatisfied with the costs claimed may, within five (5) days after service of a copy of the bill of costs, file a motion to have the same taxed by the court in which the judgment was rendered, or by the judge thereof at chambers.

CHAPTER 483.

An act to add a new section to be numbered 722 to chapter two of title nine of part two of the Code of Civil Procedure, relating to proceedings supplemental to execution.

[Approved by the Governor May 25, 1929. In effect August 14, 1929]

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

SECTION 1. A new section to be numbered 722 is hereby added to chapter two of title nine of part two of the Code of Civil Procedure to read as follows: New section

722. Where any judgment debtor, or any person or corporation or officer or member of such corporation, does not reside or have a place of business in the county where the judgment roll is filed, an order authorized to be made under any of the provisions of this chapter may be issued by any judge of the superior court of the county where such judgment debtor or other person resides or has a place of business, upon filing with the clerk of said court an abstract of the judgment, in the form prescribed by section 674 of this code and upon presenting to said judge an affidavit showing the existence of the facts required to be shown herein. At the time of filing such abstract, there shall be paid to such clerk the sum of two dollars as and for a filing fee. Proceeding when judgment debtor resides out of county
Filing of abstract
Fee

CHAPTER 484.

An act to amend section 591 of the Code of Civil Procedure, relating to trials.

[Approved by the Governor May 25, 1929. In effect August 14, 1929]

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

SECTION 1. Section 591 of the Code of Civil Procedure is hereby amended to read as follows: C C P .
1872,
p. 154,
amended

591. An issue of law must be tried by the court, unless it is referred upon consent; *provided, however,* that failure on the part of any person filing any demurrer to prosecute the same may be construed as a waiver of such demurrer, except as otherwise provided in section 434 of this code. Issue of law, how tried

CHAPTER 485.

An act to amend section 681a of the Code of Civil Procedure, relating to stay of executions.

[Approved by the Governor May 25, 1929 In effect August 14, 1929]

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

SECTION 1. Section 681a of the Code of Civil Procedure is hereby amended to read as follows: Stats 1911,
p 400,
amended

Stay of
executions.

681a. The court or the judge thereof shall not have the power without the consent of the adverse party, to stay for a longer period than thirty days, the execution of any judgment or order, the execution whereof would be stayed on appeal only by the execution of a stay bond; *provided*, that if a motion for a new trial is pending execution may be stayed until ten days after the determination thereof.

CHAPTER 486.

An act to amend an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own, under assignment thereto by the chairman of the judicial council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, by amending section 1, relating to the compensation of justices and judges.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 1119,
amended

SECTION 1. Section 1 of an act entitled "An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own, under assignment thereto by the chairman of the judicial council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments," approved May 20, 1927, is hereby amended to read as follows:

Manner of
paying extra
compensation
of judges
and justices
sitting in
superior
court

Section 1. The extra compensation of judges and justices of the peace sitting in superior courts, under assignments thereto by the chairman of the judicial council under the provisions of section 1a of article six of the constitution of this state, and, in addition, in those cases where such judges and justices are assigned to courts in a county other than that in which they regularly sit, the necessary expenses for travel, board and lodging, incurred by them in the discharge of such assignments, shall be paid in the following manner:

State's
portion,
superior
judge.

(a) The state shall pay a portion of such extra compensation of a superior judge equal to the difference between the amount which the state pays toward the salary of such judge, and the amount which the state pays toward the salary of a judge of the superior court in the county to which such judge is assigned;

(b) The county to which a superior judge is assigned shall pay a portion of such extra compensation equal to the difference between the amount paid toward the salary of such judge by the county from which he is assigned, and the amount paid by the county toward the salary of a superior judge in the county to which he is assigned; Portion of county assigned to superior judge.

(c) Of the extra compensation of a justice of the peace or of a judge of a municipal or other court of lower jurisdiction than the superior court, assigned to a superior court, the state shall pay the same proportion that it pays of the salary of a judge of such superior court, the remainder of such extra compensation to be paid by the county in and for which is held the superior court to which such justice or judge is assigned; State's portion, justice of peace

(d) The expenses of each judge or justice of the peace assigned to a superior court in a county other than that in which he regularly sits shall be borne by the state and the county to which assigned, in the same proportions as the extra compensation of such judge or justice of the peace; Expenses. *provided*, that where the regular compensation of such judge is equal to, or greater than, the compensation of a judge of the superior court of the county to which he is assigned, such expenses shall be borne by the state and by the county to which he is assigned in the same proportions as the compensation of a judge of such superior court. The expenses How paid. herein specified shall be audited and paid according to rules prescribed by the state board of control for the presentation, audit and payment of such expenses.

(e) The state controller and the auditor of each county or city and county shall be and are hereby authorized to draw their warrants in accordance with such rules, for the payment of extra compensation or expenses provided in this section; Warrants

(f) The payment by the state toward such extra compensation and expenses shall be made from the moneys appropriated for the support of the judicial council. The payment by the county or city and county toward such extra compensation and expenses shall be made from the same fund as salaries and expenses of officers of the county or city and county are made Payment made from certain moneys.

CHAPTER 487.

An act to amend section 166 of the Code of Civil Procedure, relating to the powers of superior judges at chambers.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 166 of the Code of Civil Procedure is hereby amended to read as follows: Code Amdts. 1880, p. 41, amended.

Powers of
superior
judges at
chambers

166. The judge or judges of a superior court, or any of them, may, at chambers:

1. Grant all orders and writs which are usually granted in the first instance upon an ex parte application, and may, at chambers, hear and dispose of such orders and writs; and may also, at chambers, appoint appraisers, receive inventories and accounts to be filed, suspend the powers of executors, administrators, or guardians in the cases allowed by law, grant special letters of administration or guardianship, approve claims and bonds, and direct the issuance from the court of all writs and process necessary in the exercise of their powers in matters of probate;

2. Hear and determine all motions made pursuant to sections 657 or 663 of this code;

3. Hear and determine all uncontested actions, proceedings, demurrers, motions, petitions, applications, and other matters pending before the court other than actions for divorce, maintenance or annulment of marriage, and except also applications for confirmation of sale of real property in probate proceedings.

CHAPTER 488.

An act to amend section 2031 of the Code of Civil Procedure, relating to depositions.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 2031 of the Code of Civil Procedure is hereby amended to read as follows:

2031. Either party may have the deposition taken of a witness in this state, in either of the cases mentioned in section 2021, before a judge or officer authorized to administer oaths, on serving upon the adverse party previous notice of the time and place of examination, together with a copy of an affidavit, showing that the case is within that section. Such notice must be at least five days, adding also one day for every one hundred miles of the distance of the place of examination from the residence of the person to whom the notice is given, unless for a cause shown, a judge by order, prescribes a shorter time. When a shorter time is prescribed, a copy of the order must be served with the notice.

C. C. P.,
1872,
p. 528,
amended
Depositions.
notice to
adverse
party.

CHAPTER 489.

An act to amend sections 447 and 448 of the Code of Civil Procedure, relating to the pleading of written instruments.

[Approved by the Governor May 25, 1929. In effect August 14, 1929]

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

SECTION 1. Section 447 of the Code of Civil Procedure is hereby amended to read as follows:

C C P, 1872, p 117, amended.

447. When an action is brought upon a written instrument, and the complaint contains a copy of such instrument, or a copy is annexed thereto, the genuineness and due execution of such instrument are deemed admitted, unless the answer denying the same be verified. (If the plaintiff relies upon a written instrument, in whole or in part, that fact shall be pleaded.)

Written instrument; when copy in complaint deemed genuine.

SEC. 2. Section 448 of said code is hereby amended to read as follows:

Code Amdts. 1873-74, p 301, amended

448. When the defense to an action is founded upon a written instrument, and a copy thereof is contained in the answer, or is annexed thereto, the genuineness and due execution of such instrument are deemed admitted, unless the plaintiff file with the clerk, within ten (10) days after receiving a copy of the answer, an affidavit denying the same, and serve a copy thereof on the defendant. (If the defendant relies upon a written instrument, in whole or in part, that fact shall be pleaded.)

Written instrument; when copy in answer deemed genuine.

CHAPTER 490.

An act to amend sections 631, 1330 and 1636 of the Code of Civil Procedure, relating to waiver of trial by jury.

[Approved by the Governor May 25, 1929. In effect August 14, 1929]

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

SECTION 1. Section 631 of the Code of Civil Procedure is hereby amended to read as follows:

Stats. 1915, p 649, amended

631. Trial by jury may be waived by the several parties to an issue of fact in manner following:

When trial by jury may be waived.

1. By failing to appear at the trial.
2. By written consent filed with the clerk.
3. By oral consent, in open court, entered in the minutes.
4. By failing to announce that a jury is required, at the time the cause is first set upon the trial calendar if it be set upon notice or stipulation, or within five days after notice of setting if it be set without notice or stipulation.

5. By failing to deposit with the clerk, within ten days prior to the date set for trial, a sum equal to the amount of one (1) day's jury fees payable under the law.

6. By failing to deposit with the clerk, promptly after the impanelment of the jury, a sum equal to the mileage or transportation (if any be allowed by law) of the jury accrued up to that time.

7. By failing to deposit with the clerk at the beginning of the second and each succeeding day's session a sum equal to one (1) day's fees of the jury, and the mileage or transportation, if any there be.

SEC. 2. Section 1330 of said code is hereby amended to read as follows:

1330. In all cases of petitions to revoke the probate of a will wherein the original probate was granted without a contest, unless such jury be waived as provided by section 631 of this code, a trial by jury must be had, as in cases of the contest of an original petition to admit a will to probate. If, upon hearing the proofs of the parties, the jury shall find, or, if no jury is had, the court shall decide, that the will is for any reason invalid, or that it is not sufficiently proved to be the last will of the testator, the probate must be annulled and revoked.

SEC. 3. Section 1636 of said code is hereby amended to read as follows:

1636. All matters, including allowed claims not passed upon on the settlement of any former account, or on rendering an exhibit, or on making a decree of sale, may be contested by the heirs, for cause shown. The hearing and allegations of the respective parties may be postponed from time to time, when necessary, and the court may appoint one or more referees to examine the accounts, and make report thereon, subject to confirmation; and may allow a reasonable compensation to the referee, to be paid out of the estate of the decedent. Whenever an allowed claim is contested by any heir, or other person entitled to contest it, unless such jury be waived as provided in section 631 of this code either the contestant or the claimant is entitled to a trial by jury of the issues of fact presented by the contest; and, it is the duty of the court, to call a jury and submit to them such issues, and, after receiving their verdict, to enter an order disposing of such contest in accordance therewith.

CHAPTER 491.

An act to add a new section to the Code of Civil Procedure, to be numbered 167, relating to powers of a judge of the superior court when absent from his county.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered 167, and to read as follows:

C C P.,
1872,
p. 351,
amended.
Petitions
to revoke
probate of
will tried
by jury
or court

Stats 1907,
p. 725,
amended.
Matters
which may
be contested
by the heirs

New section

167. A judge of the superior court may, anywhere within the state, exercise all of the powers, and perform all of the functions and duties, which a judge of such court may exercise or perform in chambers.

Powers of
judge of
superior
court.

CHAPTER 492.

An act to amend sections 1491, 1616 and 1664 of the Code of Civil Procedure, relating to the administration of estates.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1491 of the Code of Civil Procedure is hereby amended to read as follows:

C. C. P.,
1872,
p. 391,
amended

1491. The time expressed in the notice must be six months after its first publication.

Time
expressed
in notice

SEC. 2. Section 1616 of said code is hereby amended to read as follows:

Stats. 1911,
p. 707,
amended

1616. The executor or administrator shall be allowed all necessary expenses in the care, management, and settlement of the estate, and for his services such fees as provided in this chapter; but when the decedent, by his will, makes some other provision for the compensation of his executor, that shall be a full compensation for his services, unless by a written instrument, filed in the court, he renounces all claim for compensation provided for in the will. At any time after six months from the admission of a will to probate, or the granting of letters of administration, any executor, or administrator, may, upon such notice to the other parties interested in the estate as the court shall by order require, apply to the court for an allowance to himself upon his commissions, and the court shall on the hearing of such application make an order allowing such executor or administrator such portion of his commissions as to the court shall seem proper, and the portion so allowed may be thereupon charged against the estate.

Expenses
and fees of
executors.

Any attorney who has rendered services to an executor or administrator may at any time after six months from the admission of a will to probate, or the granting of letters of administration, and upon such notice to the other parties interested in the estate as the court shall by order require, apply to the court for an allowance to himself of compensation therefor, and the court shall on the hearing of such application make an order requiring the executor or administrator to pay such attorney out of the estate such compensation on account of services rendered by such attorney up to the date of such order as to the court shall seem proper, and such payment shall be forthwith made.

Their
attorneys

Any attorney making such application to the court for compensation and all other persons interested in the estate

Appeal from
court order

may appeal from any order made by the court fixing the amount of such compensation, and ordering the same paid.

Stats 1885,
p 208,
amended.

SEC. 3. Section 1664 of said code is hereby amended to read as follows:

Petition to
determine
heirship.

1664. In all estates now being administered, or that may hereafter be administered, any person claiming to be heir to the deceased, or entitled to distribution in whole or in any part of such estate, may, at any time after the expiration of six months from the issuing of letters testamentary or of administration upon such estate, file a petition in the matter of such estate, praying the court to ascertain and declare the rights of all persons to said estate and all interests therein, and to whom distribution thereof should be made.

Notice to
persons
interested

Upon the filing of such petition, the court shall make an order directing service of notice to all persons interested in said estate to appear and show cause, on a day to be therein named, not less than sixty days nor over four months from the date of the making of such order, in which notice shall be set forth the name of the deceased, the name of the executor or administrator of said estate, the names of all persons who may have appeared claiming any interest in said estate in the course of the administration of the same, up to the time of the making of said order, and such other persons as the court may direct, and also a description of the real estate whereof said deceased died seized or possessed, so far as known, described with certainty to a common intent, and requiring all said persons, and all persons named or not named having or claiming any interest in the estate of said deceased, at the time and place in said order specified, to appear and exhibit, as hereinafter provided, their respective claims of heirship, ownership, or interest in said estate, to said court, which notice shall be served in the same manner as a summons in a civil action, upon proof of which service, by affidavit or otherwise, to the satisfaction of the court, the court shall thereupon acquire jurisdiction to ascertain and determine the heirship, ownership, and interest of all parties in and to the property of said deceased, and such determination shall be final and conclusive in the administration of said estate, and the title and ownership of said property. The court shall enter an order or decree establishing proof of the service of such notice. All persons appearing within the time limited as aforesaid, shall file their written appearance in person or through their authorized attorney, such attorney filing at the same time written evidence of his authority to so appear, entry of which appearance shall be made in the minutes of the court and in the register of proceedings of said estate. And the court shall, after the expiration of the time limited for appearing as aforesaid, enter an order adjudging the default of all persons for not appearing as aforesaid, who shall not have appeared as aforesaid.

Filing of
appearance

Default

Complaint by
interested
persons

At any time within twenty days after the date of the order or decree of the court establishing proof of the service of such notice, any of such persons so appearing may file his complaint

in the matter of the estate, setting forth the facts constituting his claim of heirship, ownership, or interest in said estate, with such reasonable particularity as the court may require, and serve a copy of the same upon each of the parties or attorneys who shall have entered their written appearance as aforesaid, if such parties or such attorneys reside within the county; and in case any of them do not reside within the county, then service of such copy of said complaint shall be made upon the clerk of said court for them, and the clerk shall forthwith mail the same to the address of such party or attorney as may have left with said clerk his post-office address.

Such parties are allowed twenty days after the service of the complaint, as aforesaid, within which to plead thereto, and thereafter such proceedings shall be had upon such complaint as in this code provided in case of an ordinary civil action; and the issues of law and of fact arising in the proceeding shall be disposed of in like manner as issues of law and fact are herein provided to be disposed of in civil actions, with a like right to a motion for a new trial and appeal to the supreme court; and the provisions in this code contained regulating the mode of procedure for the trial of civil actions, the motion for a new trial of civil actions, statements on motion for a new trial, bills of exception, and statements on appeal, as also in regard to undertakings on appeal, and the mode of taking and perfecting appeals, and the time within which such appeals shall be taken, shall be applicable thereto.

Provided, however, that all appeals herein must be taken within sixty days from the date of the entry of the judgment or the order complained of.

The party filing the petition as aforesaid, if he file a complaint, and if not, the party first filing such complaint, shall, in all subsequent proceedings, be treated as the plaintiff therein, and all other parties so appearing shall be treated as the defendants in said proceedings, and all such defendants shall set forth in their respective answers the facts constituting their claim of heirship, ownership, or interest in said estate, with such particularity as the court may require, and serve a copy thereof on the plaintiff.

Evidence in support of all issues may be taken orally or by deposition, in the same manner as provided in civil actions. Notice of the taking of such depositions shall be served only upon the parties, or the attorneys of the parties, so appearing in said proceeding.

The court shall enter a default of all persons failing to appear, or plead, or prosecute, or defend their rights as aforesaid; and upon the trial of the issues arising upon the pleadings in such proceeding, the court shall determine the heirship to said deceased, the ownership of his estate, and the interest of each respective claimant thereto or therein, and persons entitled to distribution thereof, and the final determination of the court thereupon shall be final and conclusive in the distri-

Answer to
complaint

Proceedings
after issues
joined

Time for
appeal.

Plaintiffs
and defend-
ants in
proceedings

Evidence,
oral or by
deposition

Court
decree

Conclusive-
ness of same

bution of said estate, and in regard to the title to all the property of the estate of said deceased.

Costs

The cost of the proceedings under this section shall be apportioned in the discretion of the court.

Attorney
for minor.

In any proceedings under this section, the court may appoint an attorney for any minor mentioned in said proceedings not having a guardian.

Determina-
tion of
heirship
at final
distribution

Nothing in this section contained shall be construed to exclude the right upon final distribution of any estate to contest the question of heirship, title, or interest in the estate so distributed, where the same shall not have been determined under the provisions of this section; but where such questions shall have been litigated, under the provisions of this section, the determination thereof as herein provided shall be conclusive in the distribution of said estate.

CHAPTER 493.

An act to amend section 2009 of the Code of Civil Procedure, relating to the purposes for which an affidavit may be used.

[Approved by the Governor May 25, 1929 In effect August 14, 1929.]

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

Stats 1927,
p. 433,
amended
Use of
affidavits.

SECTION 1. Section 2009 of the Code of Civil Procedure is hereby amended to read as follows:

2009. An affidavit may be used to verify a pleading or a paper in a special proceeding, to prove the service of a summons, notice, or other paper in an action or special proceeding, to obtain a provisional remedy, the examination of a witness, or a stay of proceedings, as evidence in an uncontested probate proceeding, including a proceeding relating to the administration of the estate of a decedent, also a proceeding relating to the administration of the estate of a minor or incompetent person after a guardian has been appointed therein, or upon a motion, and in any other case expressly permitted by some other provision of this code.

CHAPTER 494.

An act to amend sections 831c, 831d, 988a, 988b and 988c of the Code of Civil Procedure, relating to practice and procedure with respect to civil actions in municipal courts and appeals from said courts.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 1343,
amended.

SECTION 1. Section 831c of the Code of Civil Procedure is hereby amended to read as follows:

831c. Civil actions in municipal courts shall be commenced and prosecuted in the manner provided by law for the commencement and prosecution of civil actions in the superior courts of this state.

Civil actions;
commence-
ment and
prosecution.

SEC. 2. Section 831d of said code is hereby amended to read as follows:

Stats 1927,
p 1343,
amended
Procedure

831d. The rules of pleadings and practice applicable to the prosecution of civil actions and enforcement of judgments in the superior court of this state shall apply to and govern the prosecution and maintenance of civil actions and enforcement of judgments in the municipal courts of this state, except as follows:

(1) In cases tried by the court without a jury, the court shall not be required to make any written findings of fact and conclusions of law where the matter involved is three hundred dollars (\$300) or less, exclusive of interest and costs, and in all other cases written findings of fact and conclusions of law shall be deemed to be waived unless they shall be expressly requested by one of the parties at the time of the trial.

(2) Where the demand, exclusive of interest, or the value of the property in controversy does not exceed three hundred dollars, the defendant, at his option, in lieu of demurrer and other answer, may file a general written denial verified by his own oath and a brief statement similarly verified, of any new matter constituting a defense or counterclaim.

(3) The prevailing party in the municipal court, including the prevailing party on appeal therefrom, and the defendant upon dismissal of the action as to such defendant, is entitled to his costs and necessary disbursements in the action, or on appeal, as the case may be, and also of any proceedings taken by him in aid of an execution upon any judgment rendered therein.

(4) When an answer is filed in an action to recover a debt or liquidated demand, if it is claimed that there is no defense to the action, on motion of the plaintiff, supported by a verified complaint, or if not verified then by the affidavit of the plaintiff or of any other person having knowledge of the facts, the answer may be stricken out and judgment may be entered, in the discretion of the court, unless the defendant by affidavit shall show such facts as may be deemed by the judge hearing the motion sufficient to entitle him to defend.

Such affidavit shall be made by the defendant, or by any other person, having knowledge of the facts, and shall set forth facts showing that the defendant has a good and substantial defense to the plaintiff's action (or to a portion thereof) upon the merits, as the deponent verily believes, and it shall appear in the affidavit that the facts pertaining to the action have been fully and fairly stated to defendant's counsel, naming him, and that the defendant upon such statement has been advised by such counsel that he has a defense to the action (or to some portion thereof) upon the merits. The facts so stated shall be the personal knowledge of the affiant, shall be set forth in the affidavit with particularity, and the affidavit

shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto. If all facts relied upon as tending to establish such meritorious defense are not within the personal knowledge of one person, then such as are not within the knowledge of the person making the affidavit of merits shall be supported by the affidavit or affidavits of the person or persons qualified, as above, and said supporting affidavits shall be drawn with like particularity.

If it appear that such defense applies only to a part of the plaintiff's claim, or that any part is admitted, the plaintiff may have judgment entered forthwith for so much of his claim as such defense does not apply to, or as is admitted, on such terms as may be just, and the cause of action may be severed accordingly. A judgment entered under this section is an appealable judgment, as in other cases.

The sections of the code numbered 895, 1033, 1034, 1035, 1036, 1037 are hereby made applicable to proceedings in municipal courts.

Provisions
made
applicable

Stats 1927,
p 121,
amended

Appeal; bill
of exceptions

Certified
transcr pt

SEC. 3. Section 988a of said code is hereby amended to read as follows:

988a. A party appealing or intending to appeal from a municipal court, may have a bill of exceptions settled for use on such appeal by proceedings taken under the provisions of sections 649, 650 and 651 of this code, which sections are hereby made applicable to proceedings in municipal courts.

In lieu of the foregoing, a party appealing, or intending to appeal, may have a transcript certified in the manner specified by the provisions of section 953a of this code, which section is hereby made applicable to proceedings in municipal courts.

If the judge in any case refuses to allow a bill of exceptions, or to certify to a transcript, in accordance with the facts, the party desiring the bill settled, or the transcript certified, may apply by petition to the superior court to prove the same. The application may be made in such mode and manner and under such regulations as may be prescribed by rules adopted for that purpose; and the bill, when proved, or the transcript, when prepared, must be certified by the judge of the superior court by whom said application is determined, and filed with the clerk of the municipal court, and when so filed, it has the same force and effect as if settled or certified by the judge who tried the cause.

SEC. 4. Section 988b of said code is hereby amended to read as follows:

988b. The record on appeal from a judgment of a municipal court shall consist of copies of the notice of appeal and of the judgment roll, and the original of any bill of exceptions settled, or any transcript certified, for use on such appeal. The record on appeal from an order of said court shall consist of copies of the notice of appeal and of the order appealed from, and the original of any bill of exceptions settled, or any transcript certified, for use on such appeal. Said copies shall be certified to be correct by the clerk or by the attorneys

Stats 1927,
p 121,
amended
Record on
appeal.

of the respective parties. If it appear that there is any paper or record in the custody of the clerk of the municipal court which was before said court but which is not included in the record on appeal, and that an examination of such paper or record will assist in the determination of the appeal on its merits, the superior court may, on motion of either party, or on its own motion, require the production of a certified copy of such paper or record, and the same shall thereupon be deemed a part of the record on appeal.

SEC. 5. Section 988c of said code is hereby amended to read as follows:

988c. Upon the filing of the notice of appeal and the undertaking on appeal, and the payment of all fees required to be paid by the appellant, and upon the certification by the judge of any bill of exceptions, or transcript, or on the expiration of the time within which such bill of exceptions, or transcript, may be proposed without such bill or transcript having been proposed by the appealing party, the clerk of the municipal court, must, within five days, transmit to the clerk of the superior court the record on appeal, and he may be compelled by the superior court, by an order entered upon motion, to transmit such record, and may be punished for contempt in case of his neglect or refusal to transmit the same in accordance with such order. Where the inspection of an original paper which was offered in evidence in the municipal court is shown to be necessary to a correct decision of the appeal, the superior court may order the clerk of the municipal court to transmit such original paper, if in his possession, to the clerk of the superior court; and if such paper be in possession of a party to the action, he may produce the same on the hearing of the appeal, or he may, on motion and notice to the adverse party, be required by the superior court to produce such paper at such hearing; and in default thereof, the court will presume the paper to be, in all respects, as alleged by the party giving such notice.

Stats 1927,
p. 121,
amended

Transmission
of record
and other
papers.

CHAPTER 495.

An act to amend sections 1312 and 1327 of the Code of Civil Procedure, relating to contests of wills.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1312 of the Code of Civil Procedure is hereby amended to read as follows:

1312. If any one appears to contest the will, he must file written grounds of opposition to the probate thereof, and thereupon a citation shall be issued directed to the heirs of the decedent and to all persons interested in the will, includ-

Stats 1909,
p. 273,
amended

Contest
of wills,
procedure

ing minors and incompetents, wherever residing, directing them to plead to the contest within thirty days after service; such service to be made personally or by publication in the manner provided in title five, part two, of this code for the service of summons in civil actions.

Any person so served may demur to said opposition upon any of the grounds of demurrer provided for in part two, title six, chapter three of this code. If the demurrer is sustained, the court must allow the contestant a reasonable time, not exceeding ten days, within which to amend his written opposition. If the demurrer is overruled, the petitioner and others interested may jointly or separately answer the contestant's grounds, traversing, or otherwise obviating or avoiding the objections. Any issues of fact thus raised, involving:

1. The competency of the decedent to make a last will and testament;

2. The freedom of the decedent at the time of the execution of the will from duress, menace, fraud, or undue influence;

3. The due execution and attestation of the will by the decedent or subscribing witnesses; or,

4. Any other questions substantially affecting the invalidity of the will;

Must, unless such jury be waived as provided by section 631 of this code, be tried by a jury. If no jury is demanded, the court must try and determine the issues joined. On the trial, the contestant is plaintiff and the petitioner is defendant.

SEC. 2. Section 1327 of the Code of Civil Procedure is hereby amended to read as follows:

1327. When a will has been admitted to probate, any interested person, other than a party to a contest filed before probate pursuant to section 1312 of this code and other than a person who had actual notice of contest thereunder in time to have joined therein, may, at any time within six months after such probate, contest the same or the validity of the will. For that purpose he must file in the court in which the will was proved a petition in writing, containing his allegations against the validity of the will or against the sufficiency of the proof, and praying that the probate may be revoked.

CHAPTER 496.

An act to amend section 922 of the Code of Civil Procedure, relating to authority of one justice of the peace to sit for another.

[Approved by the Governor May 25, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 922 of the Code of Civil Procedure is hereby amended to read as follows:

C C P.
1372,
p 1327,
amended

Time within
which pro-
bate may be
contested.

Stats 1909,
p 328,
amended

922. In case of sickness or other disability or absence of a justice, another justice of the same county, or a city police judge, or judge of a city or other court of a city within the same county, who possesses the legal qualifications prescribed for the court of the absent justice, may, at his request, attend in his behalf, and thereupon is vested with the power and may perform all the duties and issue all the papers or process of the absent justice. In case of a trial the proper entry of the proceedings before the attending justice, subscribed by him, must be made in the docket of the justice before whom the summons was returnable. If the case is adjourned, the justice before whom the summons was returnable may resume jurisdiction.

Disability
of justice

CHAPTER 497.

An act to amend section 1425 of the Penal Code, relating to the criminal jurisdiction of justices' courts.

[Approved by the Governor May 25, 1929 In effect August 14, 1929]

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

SECTION 1. Section 1425 of the Penal Code is hereby amended to read as follows:

Stats 1905,
p. 705,
amended
Jurisdiction
of justices'
courts.

1425. The justices' courts have jurisdiction as follows:

1. In cities, cities and counties, towns and judicial townships, having a population of thirty thousand or more, said courts shall have jurisdiction in all criminal cases amounting to misdemeanor only, except those of which the juvenile court is given original jurisdiction.

2. In those having a population of less than thirty thousand said courts shall have jurisdiction in all criminal cases amounting to misdemeanor only, punishable by fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.

CHAPTER 498.

An act to amend the "American river flood control district act," approved May 28, 1927, by amending sections 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21; by repealing section 26, and by adding five new sections thereto as follows: A new section to be numbered section 5, relating to the filling of vacancies in the board of trustees, a new section to be numbered 10a, relating to contracts for the payment of charges assessed within municipalities and political subdivisions, a new section to be numbered section 11a, providing for a bond validation proceeding, a new section to be numbered section 18a, making an

appropriation in the sum of thirty thousand dollars to defray the expense of the district and providing that said appropriation shall be returned to the state and relating to the manner of said repayment, a new section to be numbered section 26, defining the term "incidental expense"; and containing a provision declaring this act to be an emergency measure, stating the facts constituting such emergency and providing that this act shall take effect immediately upon its passage.

[Approved by the Governor May 27, 1929. In effect immediately.]

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

Stats. 1927,
p. 1596.
amended.

SECTION 1. Section 1 of an act entitled "American river flood control district act," approved May 28, 1927, is hereby amended to read as follows:

"American
river flood
control
district"
created

Section 1. A flood control district is hereby created to be called "American river flood control district," within the county of Sacramento and the boundaries of and territory included within said district shall be as follows:

Description

Beginning at the intersection of the easterly boundary line of reclamation district number one thousand with the south line of fractional section thirty-one, township ten north, range five east, Mount Diablo base and meridian, and running thence easterly along the south line of said section thirty-one to the westerly line of section six of the Rancho del Paso, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book A of surveys, survey number ninety-four; thence southerly along the westerly line of said section six of the Rancho del Paso to the southwest corner of said section; thence easterly along the section lines common to sections five, six, nine and ten of said Rancho del Paso to the northeast corner of section ten of said Rancho del Paso, which corner is in the center of a north and south public road; thence southerly along the center line of said road one and one-half miles, more or less, to the quarter-section corner common to sections eleven and eighteen of said Rancho del Paso, said quarter-section corner being the northwest corner of Cope subdivision number eleven, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento, in book fourteen of maps, map number thirty; thence easterly one-quarter mile, more or less, along the center line of a street designated as Jean avenue on said plat of Cope subdivision number eleven to the northeast corner of said Cope subdivision number eleven; thence southerly one-half mile, more or less, along the easterly boundary of said Cope subdivision number eleven to the center line of North avenue as the same is shown on said Cope subdivision number eleven; thence westerly along the center line of North avenue to the center line of Cedar street as said street is shown on the plat of Del Paso

Heights, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento, in book twelve of maps, map number one; thence southerly one-quarter mile, more or less, along the center line of said Cedar street to the center line of Grand avenue as the same is shown on the plat of said Del Paso Heights; thence easterly one-quarter mile, more or less, along the center line of said Grand avenue to the center line of Maple street as the same is shown on the plat of said Del Paso Heights; thence southerly one-quarter mile, more or less, along the center line of said Maple street to the north line of lot thirteen of Oak Ridge acres, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento, in book thirteen of maps, map number forty-five; thence westerly along the northerly boundary line of said lot thirteen of Oak Ridge acres to the northwest corner of said lot thirteen; thence southerly along the lot lines common to lots thirteen, fourteen, twenty-two, twenty-one, forty-six, forty-seven, fifty-three and fifty-two of said Oak Ridge acres to the center line of Los Robles boulevard as said boulevard is shown on said plat of Oak Ridge acres; thence easterly along the center line of said Los Robles boulevard to the intersection of said center line with the center line of Marysville boulevard as shown on said plat of said Oak Ridge acres; thence southwesterly along the center line of said Marysville boulevard and the center line of Marysville road to the center line of Arcade boulevard as shown on the map of subdivision number three, North Sacramento, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book eleven of maps, maps numbers thirty-four and thirty-five; thence easterly along the center line of said Arcade boulevard to the intersection of the center line of Ben Ali avenue as shown upon said map of said subdivision number three, North Sacramento with the center line of Del Paso boulevard as shown on said map of subdivision number three, North Sacramento; thence southeasterly along the center line of said Ben Ali avenue to the center line of Kenwood street as shown on said map of subdivision number three, North Sacramento; thence northeasterly and easterly along the center line of said Kenwood street to the center line of Twentieth street as shown on said map of subdivision number three, North Sacramento; thence southerly along the center line of said Twentieth street to the intersection of said center line with the westerly right of way line of the Central Pacific railway; thence southwesterly along the said westerly right of way line of the said Central Pacific railway to the lot line common to lots thirteen and twelve of block forty of North Sacramento subdivision number eight according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book thirteen of maps, map number forty-nine; thence northwesterly along said lot line common to lots thirteen and twelve of block forty of said North

(Description
continued)

(Description
continued)

Sacramento subdivision number eight and the production of said lot line to the center line of Helena avenue as shown on the said plat of North Sacramento subdivision number eight; thence southwesterly along the center line of said Helena avenue to the center line of Sixteenth street as shown on the plat of said North Sacramento subdivision number eight; thence northwesterly along the center line of Sixteenth street to the center line of Iris avenue as shown on the plat of said North Sacramento subdivision number eight; thence westerly along the center line of said Iris avenue to the center line of Land avenue as shown on the plat of said North Sacramento subdivision number eight; thence along the center line of said Land avenue to the intersection of said center line with the center line of a twenty foot alley between lots one to eight and lots nine and eleven of block thirty-five as shown on the plat of said North Sacramento subdivision number eight; thence southwesterly along the center line of said alley to the northwesterly production of the lot line common to lots eighteen and nineteen of block thirty of said North Sacramento subdivision number eight; thence southeasterly to the northerly corner of lot nineteen of block thirty of said North Sacramento subdivision number eight; thence southeasterly along the lot line common to said lots eighteen and nineteen of said block thirty to the northwest corner of lot twenty of said block thirty; thence southerly along the lot line common to said lots nineteen and twenty of said block thirty and the production thereof to the center line of Helena avenue as shown on the plat of said North Sacramento subdivision number eight; thence westerly to the center line of San Antonio street as shown on the plat of said North Sacramento subdivision number eight; thence southerly along the center lines of San Antonio street as shown on the plat of said North Sacramento subdivision number eight and Thirteenth street as shown on the plat of North Sacramento subdivision number one, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book eleven of maps, map number twenty-six, to the center line of El Camino avenue as shown on the plat of said North Sacramento subdivision number one; thence easterly along the center line of said El Camino avenue to the west line of section twenty-seven of the Rancho del Paso; thence southerly along the west line of said section twenty-seven of the Rancho del Paso to the center line of Stephenson avenue as shown on the plat of subdivision of section number twenty-eight, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book fourteen of maps, map number nine; thence easterly along the center line of said Stephenson avenue one-quarter mile, more or less, to the intersection of said center line with the lot line common to lots six and seven of said subdivision of section number twenty-eight; thence southerly one-half mile, more or less, along the lot lines common to lots six, seven, eleven,

twenty-one and twenty-three of said subdivision of section number twenty-eight to the southerly lot corner common to lots twenty-one and twenty-three of said subdivision of section number twenty-eight; thence westerly one-quarter mile, more or less, along the southerly line of lots twenty-three, twenty-six and twenty-five of said subdivision of section number twenty-eight to the center line of Nineteenth street as shown on the plat of said subdivision of section number twenty-eight; thence southerly one-quarter mile, more or less, along the center line of said Nineteenth street to the northwest corner of lot fifty-six of said subdivision of section number twenty-eight; thence easterly one-half mile, more or less, along the northerly line of lots fifty-six, fifty-five, fifty-four and fifty-three to the northeast corner of lot fifty-three of said subdivision of section number twenty-eight; thence southerly one-quarter mile, more or less, to the southeast corner of lot sixty of said subdivision of section number twenty-eight; thence southerly three-eighths of a mile, more or less, along the west line of the northeast one-quarter of section sixty-five of the Rancho del Paso, to the southwest corner of the northwest one-quarter of the southwest one-quarter of the northeast one-quarter of said section sixty-five; thence easterly one-eighth of a mile, more or less, to the southeast corner of the northwest one-quarter of the southwest one-quarter of the northeast one-quarter of said section sixty-five; thence northerly one-eighth of a mile, more or less, to the northeast corner of the northwest one-quarter of the southwest one-quarter of the northeast one-quarter of said section sixty-five; thence easterly one-eighth of a mile, more or less, to the southeast corner of the northwest one-quarter of the northeast one-quarter of said section sixty-five; thence northerly one-quarter of a mile, more or less, to the northeast corner of the northwest one-quarter of the northeast one-quarter of said section sixty-five; thence easterly one-quarter mile, more or less, to the section corner common to sections twenty-eight, twenty-nine, sixty-five and sixty-two of the Rancho del Paso; thence southerly one mile, more or less, to the section corner common to sections sixty-five, sixty-two, sixty-four and sixty-three of the Rancho del Paso; thence easterly along the north line of Oak Field, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento, in book fourteen of maps, map number nineteen, said north line being also the section line common to sections sixty-two and sixty-three of the Rancho del Paso, to the northeast corner of lot three of said Oak Field; thence southerly along the lot lines common to lots three, four, twenty-nine, thirty, thirty-five and thirty-six of said Oak Field to the southerly boundary of said Oak Field; thence southeasterly and northeasterly along the southerly boundary of Oak Field to the southeast corner of lot forty-three of said Oak Field; thence northerly along the east line of said lot forty-three to the northeast corner thereof; thence easterly along the north line

(Description
continued)

(Description
continued)

of lots forty-four, forty-five, forty-six and forty-seven of said Oak Field to a point on the east line of section sixty-three of the Rancho del Paso, said point being in the center of a county road known as the H street road; thence northeasterly along the center line of said H street road to the northerly lot corner common to lots two and three of Citrus Heights addition number sixteen, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book fourteen of maps, map number six; thence southeasterly along the lot line common to said lots two and three of said Citrus Heights addition number sixteen to the southerly lot corner common to said lots two and three; thence northeasterly, northwesterly, northeasterly and southeasterly along the boundary line of said Citrus Heights addition number sixteen to the most southerly corner of lot eight of said Citrus Heights addition number sixteen; thence easterly to the center of section fifty-seven of the Rancho del Paso; thence south to the center of the American river; thence southwestward down and along the center of the American river to the section line common to sections five and six, township eight north, range six east, Mount Diablo base and meridian; thence south along said section line to a point eleven and seventy one-hundredths chains north of the section corner common to sections five, six, seven and eight, township eight north, range six east; thence south twenty degrees east to the southerly line of the right of way of the Sacramento Valley railroad; thence southwestwardly and westerly along the said southerly right of way line of said Sacramento Valley railroad to the intersection thereof with the northerly production of the easterly boundary line of lot number thirty-two of New Ramona colony, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book two of maps, map number seven; thence southwardly along the easterly boundary of lots thirty-two, thirty-one, twenty-three, twenty-four and thirty of said New Ramona colony to the southeast corner of lot thirty of said New Ramona colony; thence continuing southwardly along the production of the easterly lot line of said lot thirty to the center line of a county road, said road being the easterly production of Vine street as shown on the plat of Raffetto Heights, according to the official map or plat thereof filed for record in the office of the county recorder of the county of Sacramento in book fourteen of maps, map number fifty-seven; thence westwardly along the center line of said county road and said Vine street to the southeast corner of the city limits of the city of Sacramento; thence westwardly along the southerly city limits of the city of Sacramento to the intersection thereof with the easterly bank of the Sacramento river; thence northwardly along said east bank of the Sacramento river to the intersection thereof with the southerly boundary of reclamation district number one thousand; thence easterly and northwardly along the boundary of said reclamation district number one thousand

to the point of beginning, containing twenty-three thousand acres, more or less, and being composed of the city of Sacramento, the city of North Sacramento, and certain contiguous unincorporated territory in Sacramento county.

SEC. 2. Section 2 of said act is hereby amended to read as follows: Stats 1927, p 1598, amended.

Sec. 2. The objects and purposes of this act are to provide for the control and disposition of the storm and flood waters of said district, and to protect from damage from such storm and flood waters the waterways, property, public highways and public places in said district and to that end the American river flood control district is hereby declared to be a body corporate and politic and as such shall have power: Purpose of act.

(a) To have perpetual succession. Powers of district

(b) To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction. Succession

(c) To adopt a seal and alter it at pleasure. Actions

(d) To take by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and/or contract to sell, lease, and/or dispose of real, personal, and/or mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes. Seal

(e) To acquire or contract to acquire lands, rights of way, easements, privileges or property of every kind within or without the district, and construct, maintain and operate any and all works and improvements within or without the district necessary, convenient or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized. Take and grant property

(f) To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the state, any political subdivision or district thereof. Acquire property

(g) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, tunnels, drains, poles, posts, wires, lamps, power plants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and/or complete the same. Eminent domain

(h) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment. Work and improvements

(i) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided. Incur indebtedness, issue bonds, etc

Levy assessments

Employment
of engineers,
attorneys,
etc

(j) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and collector and define their powers and duties, and fix and determine the amount of bond required of each appointee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board of trustees of said district. Said board shall have the power to combine any two or more offices in its discretion.

Zones,
funds, etc

(k) To establish and fix the boundaries of zones in said district as in this act hereinafter provided; to make transfers of money from the general fund of said district to any special fund and to create and administer such special funds as in their discretion may seem advisable; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

Contracts

(l) To make and enter into contracts with the United States of America, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States of America, and/or any person, firm, association or corporation, jointly and/or severally, for the acquisition of property or rights and/or the construction, maintenance and/or operation in whole or in part of any and/or all works and/or improvements provided in this act.

Leases and
rents.

(m) To lease and/or rent to or from any of the parties named in subdivision (l) of this section any property or rights necessary, in the opinion of the board of trustees of said district, to accomplish or carry out any of the work or improvement or the maintenance thereof herein provided and under such terms and conditions as may be agreed upon between the parties.

Contribu-
tions

(n) To receive and accept any and all contributions in labor, materials or money from any of the parties named in subdivision (l) of this section, to be applied to the work or improvement herein provided for.

Stats 1927,
p 1600,
amended

SEC. 3. Section 4 of said act is hereby amended to read as follows:

First
trustees
appointed

Sec. 4. Immediately upon the going into effect of this act the governor of the State of California shall appoint five qualified persons as trustees of said district. Immediately following their appointment said trustees shall meet and organize, and determine by lot their respective terms of office. Two of said trustees so appointed shall hold their respective offices only until the general state election next following the first day of January, 1932, and until their successors are elected and qualified; and the remaining three trustees shall hold

office until the general state election next following the first day of January, 1934, and until their successors are elected and qualified.

At the general state election, as provided by section 1041 of the Political Code, next following the first day of January, 1932, and at each general election thereafter, there shall be held an election in said district for the purpose of electing trustees to succeed those whose terms expire in that year, and which election shall be consolidated with and held in connection with said state election. Notice of said election stating the time, place, and purpose thereof, and that the names of the election officers and the precincts into which the district has been divided as are stated in the notice given by the county clerk of the state election, with the names of the candidates to be voted for, shall be given by the board of trustees by publication in some newspaper of general circulation, designated by the board and published in the district at least once a week for three successive weeks before said election. No other notice of said election need be given. Such election shall, except as herein otherwise provided, be held in conformity to the law for holding special elections, as to matters provided for thereby, and as to other matters in conformity to the general election law, so far as applicable; but no sample ballots need be sent out. All election boards shall count the votes as soon as the polls are closed and forward the returns of the election to the board of supervisors of the county. The board of supervisors of the county of Sacramento shall canvass the returns in connection with the canvass of the returns of the state election, declare the result thereof, and certify said result to the district, whereupon the board of trustees shall issue certifications of election to the two or three persons, as the case may be, receiving the highest number of votes.

Election of
successors

The ballot for said election shall contain the names of persons nominated for the office of trustee. Any qualified elector in said district may be nominated for the office of trustee upon written petition of fifty or more qualified electors of the district.

Ballot

SEC. 4. A new section is hereby added to said act to be numbered 5 and to read as follows:

Stats 1927
p. 1600,
amended

SEC. 5. All vacancies in the board of trustees shall be filled by the governor of the State of California, by the appointment of some person qualified for that office and said appointee shall hold office for the unexpired balance of the term of the trustee whose vacancy he is appointed to fill and until the qualification of his successor.

Vacancies,
board of
trustees,
how filled

SEC. 5. Section 6 of said act is hereby amended to read as follows:

Stats 1927,
p. 1600,
amended

SEC. 6. Any person desiring to be a candidate at any election for trustees shall also file a statement under oath with the board which statement shall set forth the candidate's full name, address and that he is a freeholder and registered voter within the district and that he will not withdraw his

Statement
of candidate

name before the election. Said statement, together with said written petition, shall be filed not more than forty-five nor less than twenty days prior to the date of election. Nothing in this act contained shall be construed as prohibiting any member of the board from being a candidate to succeed himself.

Stats 1927,
p 1601,
amended.

Trustees,
compensa-
tion,
president,
office and
meetings

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

Sec. 7. The trustees shall receive no compensation, but each member of the board shall receive the necessary expenses incurred by him in the performance of his duties. Said board of trustees shall elect one of their own number president. They shall establish and maintain an office within the district for the transaction of the business thereof, at which office all books, records, and papers of the district must be kept and be open to public inspection at all reasonable times. They shall hold regular meetings at such office, at such times as they shall by resolution prescribe. Special meetings may be held at such times and places and in such manner as may be provided by rules and regulations adopted by the board of trustees.

Stats 1927,
p 1601,
amended

Surveys and
reports of
proposed
work.

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

Sec. 8. For the purpose of constructing or purchasing necessary flood control works and acquiring the necessary property and rights therefor and otherwise carrying out the provisions of this act, the board of trustees must estimate and determine the amount of money necessary to be raised. For the purpose of ascertaining the amount of money necessary to be raised for such purposes, or any of them, the board shall cause such surveys, examinations, drawings and plans to be made as shall furnish the proper basis for said estimate. In the estimate of the amount necessary to be raised, the board of trustees may include a sum sufficient to pay the interest on the bonds to be issued for a period of three years or less. All such surveys, examinations, drawings and plans shall be made under the direction of the engineer of the district and shall be certified by him. After receiving such report the board of trustees shall determine and declare by resolution whether or not the proposed plan of works is satisfactory and whether or not the project, as set forth in said report, is feasible, and if so, shall make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor, and in determining said amount, sufficient shall be included to cover the cost of inspection of works in course of construction.

Zoning for
bonding
purposes

Prior to the calling of the bond election hereinafter referred to the board of trustees shall cause the entire district to be divided into zones, if in the opinion of the board of trustees such division is necessary because of varying benefits to the property within the district, together with a statement as to the percentages of the sum to be raised from each of such zones for the payment of the principal and interest of the bonds of the district. The said district may be divided into as many

zones as may be deemed necessary and each zone shall be composed of and include all of the lands in the district which in the opinion of the board of trustees will be benefited in like manner. Each zone shall be designated on a map or plat of the district filed in the office of the board of trustees and such designation shall show the separate boundaries of each zone and a statement of the percentage to be raised from each zone.

Zoning map filed.

SEC. 8. Section 9 of said act is hereby amended to read as follows:

Stats. 1927, p. 1602, amended

Sec. 9. Upon the filing of such map, as in section 8 of this act provided, the board of trustees shall give notice to all persons interested in the district by publication in a newspaper of general circulation published in the district, once a week for three successive weeks, which notice shall designate the time and place of hearing by the board of trustees, at which time and place any person interested in the district may appear and object to the inclusion of his lands within the district or to the zones into which the district is divided, or to the percentages to be raised from each of such zones. All such objections shall be in writing, verified by the person or persons making the objection, and filed with the board of trustees on or before the date fixed for such hearing. Upon such hearing, the board of trustees may change or modify any of the zones or the percentages to be raised therefrom and may exclude any property from the district which in the opinion of the board of trustees will not be benefited. Such hearing may be continued from time to time by the board of trustees by an order entered on its minutes. The location and extent of the zones within the district and the percentages to be raised therefrom shall be finally established and determined by the board of trustees and shall prevail for all purposes until any bonds to be issued by the district shall have been fully paid and discharged. Findings and determination of the board of trustees as to the extent and boundaries of the zones and the percentages to be raised therefrom shall be final and conclusive.

Notice and hearing on question of zoning

Establishment of boundaries.

Findings of board conclusive

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

Stats. 1927, p. 1602, amended

Sec. 10. After the adoption of said report and estimate of the amount of money required to be raised and after the determination of the zones into which the district is divided and the percentages of the sum to be raised for the payment of the principal and interest of the bonds from each such zone, said board of trustees shall call a special election and submit to the qualified voters of said district the proposition of incurring a bonded indebtedness for the purpose of providing for the control and disposition of flood and storm waters of said district and to protect from damage from such storm and flood waters, the waterways, property, public highways, and public places in said district. The resolution calling said special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor and shall fix the maximum rate of interest

Proceeding after adoption of reports, etc

Calling of bond election

to be paid on said indebtedness which shall not exceed seven (7) per cent per annum, and shall fix the date on which said special election shall be held and the manner of voting for and against incurring such indebtedness.

For the purposes of said election, said board of trustees shall in said resolution establish election precincts within the boundaries of said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

At such election every person whose name appears on the last great register of the county of Sacramento as residing within the district shall be entitled to vote except as herein-after otherwise provided.

Notice of
election.

Such resolution calling such election shall be published once a day for at least seven days in some newspaper published at least six days a week in said district, or once a week for two weeks in some newspaper published less than six days a week in such district, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days a week. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district for the amount stated in such proceedings shall be issued and sold as in this act provided.

Stats 1927,
p 1603,
amended

Contracts
with district
for benefit of
bond fund.

SEC. 10. A new section is hereby added to said act to be numbered 10a and to read as follows:

Sec. 10a. Notwithstanding any other provision in this act contained, the city council or other governing body of any municipal corporation or political subdivision at any time after the location and extent of zones within said district and the percentages to be raised therefrom in each of such zones for the purposes of assessment have been finally fixed and determined by the board of trustees as in section 9 of this act provided but before the calling of the bond election as in section 10 of this act provided, may, with the consent of the board of trustees of said district, enter into a contract with said district to pay to said district for the benefit of the bond fund thereof, if a bond issue be authorized and bonds be issued, an amount which shall be equal to the total amount assessed against all zones situated entirely within the corporate limits of said municipality or political subdivision. Thereupon said charges against said zone or zones shall be canceled to the extent of said amount so agreed to be paid, and thereafter the

electors residing within said zone or zones shall not be entitled to vote at such bond election. Said contract shall contain such other and additional provisions as may in the opinion of the board of trustees of said district be necessary or advisable in order to protect the interests of said district and to substitute said contract in lieu and instead of said assessments within said zone or zones so assumed by said municipality or other political subdivision. It shall be wholly optional with the board of trustees of said district whether or not to proceed as in this section provided.

Optional
provision

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

Stats 1927,
p 1603,
amended.
Bonds.

Sec. 11. The said board of trustees shall, subject to the provisions of this act, prescribe by resolution the form of said bonds and of the interest coupons attached thereto and shall fix the rate of interest said bonds shall bear which rate shall not be in excess of seven per cent per annum. Said bonds shall mature serially in amounts to be fixed by the board of trustees; *provided, however*, that the payment of said bonds shall begin not later than ten years from the date thereof and shall be completed in not more than forty years from said date. Said board shall fix the place, or places (which may be within or without the State of California and which shall be designated in said bonds) where said bonds together with the interest thereon shall be payable.

The bonds shall be issued in such denominations as the said board of trustees may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day and at the place or places fixed in said bonds, and with interest specified in such bonds, which interest shall be payable semiannually, (except the interest for the first year which may be paid in one installment) and said bonds shall be signed by the president of the board of trustees or such other member of the board as said board may by resolution designate and countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any such officer whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 12. A new section is hereby added to said act to be numbered 11a and to read as follows:

Stats 1927,
p 1604,
amended

Sec. 11a. At any time prior to the sale and delivery of said bonds, an action may be commenced by the board of trustees in the name of the district in the superior court of the State of California, in and for the county of Sacramento, to determine the validity of any such bonds. Such action shall be in the

Action to
determine
validity of
bonds.

nature of a proceeding in rem and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some newspaper of general circulation published in Sacramento county, such paper to be designated by the court having jurisdiction of the proceedings or by the judge thereof. A summons shall be issued in such action which summons besides the matters required by section 407 of the Code of Civil Procedure shall contain a statement that the action is brought to determine the validity of bonds of the American river flood control district to the amount stated therein. Jurisdiction shall be complete within ten days after the full publication of such summons in the manner herein provided. Any one interested may at any time before the expiration of said ten days appear and by proper proceedings contest the validity of such bonds. Such action shall be given precedence in hearing and trial over all other civil actions or proceedings in such court and judgment shall be rendered therein declaring said bonds either valid or invalid. Either party may have the right to appeal to the supreme court at any time within thirty days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. Any action or proceeding commenced by any party other than the board of trustees to contest or in any manner interfere with the validity or disposition of said bonds must be tried in the superior court of the State of California, in and for the county of Sacramento, and if the action or proceeding shall be commenced by the board of trustees as in this section provided, then no other such action or proceeding shall be thereafter commenced by any party or parties other than the board of trustees. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of such bonds must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure which are not inconsistent with the provisions of this act are applicable to all actions or proceedings herein provided for.

Stats 1927,
p 1604,
amended.
Sale of
bonds

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

Sec. 12. The said board of trustees shall issue and sell the whole or any part of said bonds but only to the highest bidder or bidders for cash at the best price obtainable therefor, but in no event for less than ninety per cent of the face value of such bonds and the accrued interest thereon. Before making a sale of any of said bonds notice of such sale shall be given by publication in at least one newspaper of general circulation published in said district by two insertions therein; *provided*, no sale shall be had prior to the expiration of fifteen days from the first publication of said notice. Said board shall have the right to reject any and all bids when in the

Notice.

discretion of said board it appears to the best interest of the district so to do, and thereafter readvertise as in this section provided for original sale. Said bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

Registration
of bonds

SEC. 14. Section 13 of said act is hereby amended to read as follows:

Stats 1927,
p 1604,
amended.

Sec. 13. Whenever said district shall have any moneys in any sinking fund established for the purpose of providing for the payment of the principal or interest of any bonded indebtedness, which money is not immediately required for the purpose of making such payment, the same or any part thereof may be invested temporarily in any bonds already issued by such district or in any bonds of the United States of America or the State of California, and such investment may be made by direct purchase of any issue of bonds of the district or any part thereof at the original sale of such bonds or by the purchase of such bonds after they have been so issued. Any bonds thus purchased and held in any such sinking fund may from time to time be sold and the proceeds temporarily reinvested in bonds as above provided. Sales of any bonds thus purchased and held in the sinking fund shall, from time to time, be made in season so that the proceeds may apply to the purpose for which the sinking fund was created; *provided, however,* that if such moneys shall not be required for the purpose of paying the interest or any part of the principal of the outstanding bonds, the bonds of the district which may be purchased from such moneys may be canceled by the treasurer of said district upon order by the board of trustees and after such cancellation such bonds shall cease to be an obligation of the district for any purpose whatsoever.

Use of
moneys in
sinking fund

Purchase
of bonds

Sale and
application
of proceeds.

Cancellation
of district
bonds
purchased

SEC. 15. Section 14 of said act is hereby amended to read as follows:

Stats 1927,
p 1605,
amended

Sec. 14. Bonds issued under this act shall by their issuance be conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations had or made under this act. No error, defect, irregularity, informality and no neglect or omission of any officer of the district in any procedure, taken hereunder, which does not affect the jurisdiction of the board of trustees to order the doing of the thing or things proposed to be done, shall avoid or invalidate such proceeding or any bonds issued thereunder. Said bonds and the interest thereon shall be paid by revenue derived from an annual assessment upon the lands within said district, and all the lands in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

Validity
of bonds.

Payment.

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

Stats. 1927,
p. 1605,
amended.

Sale of
bonds, dispo-
sition and
use of
proceeds

Sec. 16. All proceeds received from the sale of the bonds issued hereunder shall be deposited with the treasurer and be paid out by him only upon authority of the board of trustees and by proper warrant. All proceeds from the sale of bonds and interest on such proceeds in excess of the final actual cost of all work and improvement and proceedings thereunder may be used for any lawful purposes for which said district was created as in this act provided.

Stats 1927,
p 1606,
amended

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

Tax for
payment of
principal and
interest

Sec. 17. The board of trustees of such district shall at the time for fixing the general tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy in which tax may be included a sum sufficient, in the judgment of the board of trustees, to take care of anticipated delinquencies; *provided, however*, that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, such tax shall be levied and collected at the time and in the manner aforesaid, annually each year, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

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

Apportion-
ment on
percentage
basis.

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

percentage to be raised from the lands within each zone shall be levied upon and against the property in such zone as hereinbefore provided.

The board of trustees may elect to avail itself of the assessment made by the assessor of the county of Sacramento and may take such assessment as the basis for district taxes and have its taxes collected by the county officials of such county; *provided*, the board of trustees shall declare its said election by resolution and file a certified copy of the same with the auditor of Sacramento county on or before the first day of August, and such board of trustees shall likewise file with such resolution a certified copy of the map or plat showing the zones and the percentages of the amount to be raised from each zone. Thereafter each year until otherwise provided by the board of trustees, all assessments shall be made and taxes collected for such district by the county assessor and tax collector, respectively, of said county of Sacramento. In such case, the auditor of such county must, on or before the second Monday of August of each year, transmit to the board of trustees of the district a statement in writing showing the total value of all property within the district, which value shall be ascertained from the assessment book of such county for that year as equalized and corrected by the board of supervisors of said county; and which said statement shall also show the total value of all property in each of the said zones respectively. In case the board of trustees shall so elect as hereinbefore provided, it shall, on or before the first week day in September, or if such week day falls upon a holiday, then upon the first business day thereafter, fix the rate of tax for each zone, and designate the number of cents upon each one hundred dollars using as a basis the value of property as it is assessed by the county assessor and returned to the board of trustees of the district by the county auditor as hereinabove provided, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as hereinabove prescribed. Such acts by the board of trustees of the district shall constitute a valid assessment of the property and a valid levy of the tax so fixed. The board of trustees must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board for each zone into which the district may be divided and the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

County may collect taxes for district.

Whenever any land situate in said district has been sold for taxes and has been redeemed the money paid for such redemption shall be apportioned and paid by the county treasurer to the said district in the proportion which the tax

Land sold for taxes redemption

due to said district bears to the total tax for which such property was sold.

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

Service charge by county.

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

Disposition

Construction.

Wherever in this act the word "tax" is used, referring to the tax levied by the board of trustees of the district, the same shall be deemed and construed to be and to mean a special assessment.

Stats 1927, p. 1606, amended

SEC. 18. Section 18 of said act is hereby amended to read as follows:

Assessments to cover improvements and maintenance

Sec. 18. After the first bond election in said district, at which bonds shall be authorized by the electors of said district, as herein provided, the board of trustees of said district shall have power, in any year, to levy an assessment upon the taxable property in said district as set forth in section 17 hereof at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of said district for the ensuing fiscal year, and said board of trustees shall have power to control and order the expenditures for said purposes of all revenue so derived; *provided,* that such assessments levied under this section for any one year shall not exceed ten cents on each one hundred dollars of the assessed valuation of the property in said district as said assessed valuation is shown on the last preceding assessment records for state and county purposes; *provided, further,* that such assessment shall be in addition to any assessment levied to meet the bonded indebtedness of said district and all interest thereon; *provided, further,* that if said district has been divided into zones, the taxes to be levied as provided in this section shall be apportioned in accordance with the zones established for the levying and collection of taxes to pay the principal and interest of the bonds of the district. Prior to said bond election, at which bonds shall be authorized as herein provided, the district shall have the right to incur indebtedness for organization purposes, preliminary engineering expenses and general incidental

expenses as in this act specified, to an amount not exceeding twenty-five thousand dollars, said indebtedness to be evidenced by warrants of said district issued in payment of valid obligations incurred by said district, and which warrants shall be paid by the treasurer of the State of California on presentation of said warrants and their approval by the department of finance of the State of California. One-half of the moneys so advanced by the State of California, to wit, an amount not exceeding twelve thousand five hundred dollars, shall be repaid to the state by the said district by means of a special tax levy on all the property in said district levied and assessed for the fiscal year 1928-1929. There is hereby appropriated out of the funds in the state treasury, not otherwise appropriated, the sum of twenty-five thousand dollars for the purpose of carrying out the provisions of this section.

SEC. 19. A new section is hereby added to said act to be numbered 18a and to read as follows:

Stats. 1927.
p 1607,
amended
Incurred
indebtedness
for general
expense

Sec. 18a. In addition to the indebtedness hereinbefore authorized to be incurred by the district, the district shall have the right, subject to the approval of the state department of finance to incur indebtedness for organization purposes, preliminary engineering expenses and general incidental expenses as in this act provided in an additional amount not to exceed the sum of thirty thousand dollars. The sum of thirty thousand dollars, in addition to the sums heretofore appropriated, is hereby appropriated out of the funds of the state treasury, not otherwise appropriated for the use of the board of trustees of said district in carrying out the provisions of this act and in defraying the expenses hereinabove in this section authorized. And the state controller is hereby directed to draw warrants upon the state treasurer payable out of said appropriation whenever claims of said board of trustees duly approved by the state department of finance are presented to him, and the state treasurer is hereby directed to pay said controller's warrants.

State appro-
priation

All of the moneys hereinbefore in this section appropriated, to wit: The sum of thirty thousand dollars, together with one-half of the moneys heretofore appropriated in the year 1927 as provided by section 18 of this act shall be repaid to the state by the said district by means of a special tax levy on all property in said district levied and assessed for the fiscal year 1930-1931. If, prior to the first day of July, 1930, a bond election has been held in said district, and bonds authorized, the said assessment shall be included in the general assessment of said district and collected with the other taxes levied and assessed in said district for the said fiscal year, and the amount due the State of California hereunder shall be paid by the trustees of the district to the treasurer of the county of Sacramento for the use of the State of California. If, prior to the said first day of July, 1930, bonds have not been authorized by the electors of said district, then the amount so due the state shall be added to the assessment roll of the county of

Repayment
of moneys
appro-
priated

Sacramento in the form of a special tax on all the property in said district, upon a certification from the state department of finance to the auditor of the county of Sacramento as to the amount so due the state by reason of any advances made by the state hereunder, which tax shall be collected by the tax collector of the county of Sacramento and paid over to the state by said county.

Stats 1927,
p. 1607,
amended.

Alteration of
boundaries

SEC. 20. Section 19 of said act is hereby amended to read as follows:

Sec. 19. The boundaries of said district may be altered and additional area added thereto and the procedure set forth in the act of the Legislature of the State of California, entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof, and for the districting, government and municipal control of such annexed territory," approved June 11, 1913, and the amendments thereto, shall be followed as nearly as practicable, which provisions and the amendments thereto are hereby adopted as part of this act; *provided, however*, that no change in the boundaries of said district shall impair or affect its organization or its rights in or to property or any of its rights or privileges of whatsoever kind or nature, nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made.

Stats 1927,
p. 1607,
amended.

Contracts for
work and
materials

SEC. 21. Section 20 of said act is hereby amended to read as follows:

Sec. 20. In all work of improvement or repair of any of the works or property of the district and in the furnishing of materials or supplies therefor, when the expenditures required for the same exceed the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest, responsible bidder, after notice by publication in a newspaper of general circulation published in the district for at least two insertions in a weekly or at least ten insertions in a daily newspaper; such notices shall distinctly state the work contemplated and/or the materials or supplies required; *provided*, the board of trustees may reject any and all bids presented and readvertise in their discretion; *and provided, further*, that said board may declare and determine that in its opinion the work in question may be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market, and they may thereafter proceed to have the work done or the materials purchased without further observance of the foregoing provisions of this section; *and provided, further*, that in case of a great public calamity such as sudden fire, flood, storm, epidemic, or act of God, the board of trustees may declare a state of great public emergency and proceed to have all necessary work done and materials and supplies furnished without further observance of the foregoing provisions of this

section; *provided, further*, that none of the foregoing provisions of this section shall apply to work done by contract with the United States, State of California, or any political subdivision, or public agency thereof. Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any railroad public road or highway in the county of Sacramento, in such manner as to afford security for life and property, but the said board of trustees shall restore or cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

SEC. 22. Section 21 of said act is hereby amended to read as follows:

Stats 1927,
p 1608,
amended

Sec. 21. Whenever bonds have been issued by said district as in this act provided and authorized, and said board of trustees shall have determined that the public interest or necessity of said district demand the issuance of additional bonds for carrying out the work or improvements of the district herein provided for, said board of trustees may again proceed as in this act provided, and have a report made and submit to the qualified voters of said district the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all of the provisions of this act (including the division of said district into zones) and for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Additional
bonds, how
issued.

SEC. 23. Section 26 of said act is hereby repealed.

Repealed

SEC. 24. A new section is hereby added to said act to be numbered 26 and to read as follows:

Stats 1927,
p 1610,
amended

Sec. 26. The term "incidental expense" whenever used in this act shall mean and include all compensation for all clerical, engineering, legal, superintendence and inspection services, printing and advertising of all resolutions, notices, and other matter required herein to be printed, posted or published, costs and expenses of legal actions or proceedings, and also rental or purchase of real or personal property used in connection with such work and improvement or incidental thereto, during the progress of the work and improvement and proceedings thereunder and/or otherwise.

Incidental
expense.

SEC. 25. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace and safety within the meaning of section 1, article four, of the constitution of the State of California, and as such it shall take effect immediately.

Urgency
measure

The following is a statement of facts constituting such necessity:

The immediate prosecution of the work contemplated by this act is necessary for the early correction of the flood conditions which are now a yearly occurrence on the Sacramento and American rivers and which constitute a grave menace to the lands within said district including the cities of Sacramento

and North Sacramento and which should be obviated as speedily as possible in order that the lives and property of inhabitants thereof may be secure.

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

CHAPTER 499.

An act appropriating money to pay the claim of Mr. S. W. Moore against the State of California.

[Approved by the Governor May 27, 1929 In effect August 14, 1929.]

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

Appropriation claim of S. W. Moore

SECTION 1. The sum of one hundred sixty-one dollars and twenty-five cents (\$161.25) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of S. W. Moore against the State of California.

CHAPTER 500.

An act appropriating money to pay the claim of Grove J. Fink against the State of California.

[Approved by the Governor May 27, 1929. In effect August 14, 1929.]

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

Appropriation claim of Grove J. Fink

SECTION 1. The sum of fifteen thousand dollars (\$15,000) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay the claim of Grove J. Fink against the State of California.

CHAPTER 501.

An act appropriating money to pay the claim of Fred A. Taylor against the State of California.

[Approved by the Governor May 27, 1929. In effect August 14, 1929.]

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

Appropriation claim of Fred A. Taylor.

SECTION 1. The sum of six thousand seven hundred seventy-eight dollars and seventy-two cents (\$6,778.72) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Fred A. Taylor against the State of California.

CHAPTER 502.

An act to appropriate money to pay the claim of C. E. Skidmore against the State of California.

[Approved by the Governor May 27, 1929. In effect August 14, 1929]

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

SECTION 1. The sum of two thousand six hundred thirteen dollars and thirty-seven cents (\$2,613.37) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of C. E. Skidmore against the State of California.

Appropriation claim of C E Skidmore.

CHAPTER 503.

An act appropriating money to pay the claim of E. E. Purrington against the State of California.

[Approved by the Governor May 27, 1929. In effect August 14, 1929]

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

SECTION 1. The sum of forty dollars (\$40.00) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of E. E. Purrington against the State of California.

Appropriation claim of E E Purrington

CHAPTER 504.

An act to pay the claim of L. A. Norton against the State of California.

[Approved by the Governor May 27, 1929. In effect August 14, 1929]

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

SECTION 1. The sum of fifty-one thousand nine hundred five dollars and ninety-one cents (\$51,905.91) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of L. A. Norton against the State of California.

Appropriation claim of L A Norton

CHAPTER 505.

An act appropriating money to pay the claim of the disbursing officer of the division of highways, state department of public works, against the State of California.

[Approved by the Governor May 27, 1929. In effect August 14, 1929]

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

Appropriation claim of disbursing officer of division of highways

SECTION 1. The sum of two thousand seven hundred twenty-three dollars and forty-six cents (\$2,723.46) is hereby appropriated out of any money in the state highway maintenance fund to pay the claim of the disbursing officer of the division of highways, state department of public works, against the State of California.

CHAPTER 506.

An act appropriating money to pay the claim of Will C. Wood against the State of California.

[Approved by the Governor May 27, 1929. In effect August 14, 1929]

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

Appropriation claim of Will C. Wood

SECTION 1. The sum of five hundred eighty-nine dollars and forty cents (\$589.40) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Will C. Wood against the State of California.

CHAPTER 507.

An act appropriating money to pay the claim of the city controller of the city of Los Angeles against the State of California.

[Approved by the Governor May 27, 1929. In effect August 14, 1929]

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

Appropriation claim of city controller of Los Angeles

SECTION 1. The sum of nine hundred forty-nine dollars (\$949.00) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of the city controller of the city of Los Angeles against the State of California.

CHAPTER 508.

An act appropriating money to pay the claim of H. L. Preston against the State of California.

[Approved by the Governor May 27, 1929. In effect August 14, 1929]

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

SECTION 1. The sum of seven hundred forty-three dollars and fifty-six cents (\$743.56) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of H. L. Preston against the State of California.

Appropriation claim of H. L. Preston.

CHAPTER 509.

An act appropriating money to pay the claim of Harold E. Smith against the State of California.

[Approved by the Governor May 27, 1929. In effect August 14, 1929]

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

SECTION 1. The sum of three thousand two hundred twenty-three dollars and twenty-eight cents (\$3,223.28) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Harold E. Smith against the State of California.

Appropriation claim of Harold E. Smith

CHAPTER 510.

An act making an appropriation to pay the claim of the American Railway Express Company against the State of California.

[Approved by the Governor May 27, 1929. In effect August 14, 1929]

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

SECTION 1. The sum of two thousand two hundred eighty-two dollars and thirty-one cents (\$2,282.31) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay the claim of the American Railway Express Company against the State of California.

Appropriation claim of American Railway Express Company.

CHAPTER 511.

An act to amend section 439 of the Political Code, relating to employees in controller's office.

[Approved by the Governor May 27, 1929. In effect August 14, 1929.]

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

Stats. 1927,
p. 607,
amended
Employees
in con-
troller's
office.

SECTION 1. Section 439 of the Political Code is hereby amended to read as follows:

439. The controller may appoint one deputy controller at an annual salary of four thousand five hundred dollars, and one deputy controller at an annual salary of four thousand dollars, such salaries to be paid at the same time and in the same manner as the salaries of other state officers. He may also appoint and fix the salaries of one bookkeeper, one redemption tax expert, one franchise tax expert, one superintendent franchise tax department, one statistician and one superintendent motor vehicle fuel tax department, all of whom shall be civil executive officers, and such other clerical and expert assistants as may be necessary for the proper conduct of his office.

CHAPTER 512.

An act amending section 2333 of the Political Code, relating to the department of social welfare and making an appropriation therefor.

[Approved by the Governor May 27, 1929. In effect August 14, 1929.]

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

Stats 1925,
p. 21,
amended
Department
to investigate
institutions,
gather
statistics,
etc.

SECTION 1. Section 2333 of the Political Code is hereby amended to read as follows:

2333. The department is hereby authorized and empowered and it shall be its duty to investigate, examine, and make reports upon; adult and juvenile probation, the charitable correctional and penal institutions of the state, including the state hospitals for the insane, and of the counties, cities and counties, cities and towns of the state, and such public officers as are in any way responsible for the administration of public funds used for the relief or maintenance of the poor. All the persons or officers in charge of or connected with such public institutions or with the administration of said funds are hereby required to furnish to the department such information and statistics as it may request or require and allow said department free access to all such institutions and to all of the records of such institutions, officers and persons. In order to secure accuracy, uniformity, and completeness in such statistics and information, the department may prescribe such

Records and
reports.

forms of report and records to be kept by all persons, associations or institutions subject to the provisions of this chapter, other than those public institutions for which a different form has been or may be prescribed by the department of finance, and it shall be the duty of each of such persons, associations or institutions to keep such records and to render such reports in conformity to the forms so prescribed; *provided, however*, that so far as the same may be applicable there shall be incorporated in such forms the information and data which is now or may hereafter be required to be contained in the records and reports of the several state hospitals. It shall be the duty of all juvenile and adult probation officers to make monthly and annual reports to the department, containing such information as may be required by the department, such reports to be on forms to be furnished by said department. All plans of new buildings, or parts of buildings for any of the public institutions coming under the provisions of this section, or any additions or alterations in such buildings, shall, before their adoption by the proper officials, be submitted to the department for suggestions and criticism.

Building
plans.

SEC. 2. Out of the moneys of the state treasury not otherwise appropriated the sum of twenty thousand dollars (\$20,000) is hereby appropriated to be expended in accordance with law by the state department of social welfare in exercising its powers and performing its duties in relation to probation and probation offices and officers under the provisions of section 2333 of the Political Code as amended.

Appropriation.

CHAPTER 513.

An act to amend section 456 of the Political Code, relating to employees in the office of the state treasurer and fixing their salaries.

[Approved by the Governor May 27, 1929 In effect August 14, 1929]

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

SECTION 1. Section 456 of the Political Code is hereby amended to read as follows:

Stats. 1927,
p. 677,
amended
Employees
in state
treasurer's
office

456. The state treasurer may appoint one deputy state treasurer at an annual salary of four thousand five hundred dollars, and one cashier at an annual salary of three thousand three hundred dollars, both salaries to be paid at the same time and in the same manner as the salaries of other state officers. He may also appoint and fix the salaries of one bond officer, one deposit officer, one vault officer, one bookkeeper, one secretary-stenographer, all of whom shall be civil executive officers. He may also appoint and fix the salaries of four

clerk watchmen and one watchman porter, and such other clerical help as may be necessary for the proper conduct of his office.

CHAPTER 514.

An act granting to the regents of the University of California for the use of the University of California in connection with scientific research and investigation at the Scripps Institution of Oceanography the sole and exclusive right of possession, occupation, and use of certain lands bordering on the Pacific ocean in the county of San Diego, State of California, and state waters adjacent thereto, forbidding entry upon said lands and state waters of any persons other than officers, employees, students of the University of California, and licensees of the regents of the University of California, making every violation of certain provisions of this act a misdemeanor, and providing for the punishment thereof.

[Approved by the Governor May 27, 1929 In effect August 14, 1929]

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

Grant to
regents of
University of
California.

SECTION 1. There is hereby granted to the regents of the University of California for the uses and purposes of the University of California in connection with scientific research and investigation at the Scripps Institution of Oceanography at La Jolla, San Diego county, State of California, the sole and exclusive right of possession, occupation, and use of the following described lands bordering on the Pacific ocean in the county of San Diego, State of California, and state waters adjacent thereto, to wit: That certain strip of land lying between the westerly edge of pueblo lot number 1298 of the pueblo lands of the city of San Diego, according to the official map of said pueblo lands, as made by James Pascoe, and filed in the office of the county recorder of said county of San Diego, and the lowest tide line opposite to and west of said pueblo lot, which said strip of land is bounded on the north by the northerly boundary line of said pueblo lot extended westerly and on the south by the southerly line of said pueblo lot extended westerly; together with state waters of the State of California adjacent thereto, being those state waters which lie between said extended northerly and southerly boundaries of said pueblo lot and extend westerly from said lowest low tide line for a distance of one thousand feet.

Description,
lands
granted.

Restricted
use.

SEC. 2. Every person other than an officer, employee or student of the University of California, or licensee of the regents of the University of California, is forbidden to enter upon the said lands, or said adjacent state waters, or in any manner whatsoever to trespass upon the same, or to interfere with the exclusive possession, occupation, and use thereof by

this act granted to the said regents of the University of California; *provided*, that nothing herein contained shall be deemed or construed to affect in any manner the rights of navigation and fishery reserved to the people by the constitution of the State of California.

Rights reserved.

SEC. 3. Every person who shall violate any of the provisions of section 2 of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$300) or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Offense and penalty.

CHAPTER 515.

An act prohibiting the catching or taking of any invertebrate or specimen of marine plant life within a certain described portion of fish and game district number nineteen, other than by officers, employees, and students of the University of California for scientific purposes, making every violation of certain provisions of this act a misdemeanor, providing for the punishment thereof and providing for the disposition of fines imposed or collected on account of said violation.

[Approved by the Governor May 27, 1929 In effect August 14, 1929]

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

SECTION 1. Any person who catches or takes within that portion of fish and game district number nineteen hereinafter specified and described any invertebrate or specimen of marine plant life shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$300), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment; *provided, however*, that nothing in this act contained shall apply to any officer, employee or student of the University of California, or licensee of the regents of the University of California, while employed in catching or taking invertebrates or specimens of marine plant life for scientific purposes.

Protection of marine plant life.

Exception.

The portion of fish and game district number nineteen to which this act shall apply is hereby declared to be that certain strip of land lying between the westerly edge of pueblo lot number 1298 of the pueblo lands of the city of San Diego, according to the official map of said pueblo lands as made by James Pascoe, and filed in the office of the county recorder of said county of San Diego, and the lowest tide line opposite to and west of said pueblo lot, which said strip of land is bounded on the north by the northerly boundary line of said pueblo lot extended westerly and on the south by the southerly boundary line of said pueblo lot extended westerly; together with the state waters of the State of California adjacent

Description of district.

thereto, being those state waters which lie between said extended northerly and southerly boundaries of said pueblo lot and extend westerly from said lowest low tide line for a distance of one thousand feet.

Disposition
of fines
collected

SEC. 2. All fines imposed or collected for any violation of the provisions of this act must be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 516.

An act to add new sections to the Political Code, numbered 686, 687, 688, 689, 690, 691 and 692 and to amend sections 662 and 675 of said the code, all relating to the powers and duties of the department of finance to certain claims against the State of California, to the making of exhibits by state departments, offices, boards or commissions, and creating in the department of finance a division of state lands, abolishing the offices of surveyor general, state land office and registrar of state land office and transferring the duties, powers, purposes, responsibilities and jurisdictions thereof to said department, and to repeal an act entitled "An act to authorize suits against the state and regulating the procedure therein," approved February 28, 1893.

[Approved by the Governor May 27, 1929 In effect August 14, 1929]

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

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 686 and to read as follows:

Appoint-
ment, com-
pensation,
superintend-
ent of
accounts,
etc.

686. For the purpose of administering the provisions of sections 658, 659, 660, 677, 678 and 679 of this code the director of finance shall have power to appoint, prescribe the duties, and fix the salaries of one superintendent of accounts, which position shall be exempt from the provisions of the civil service law, and such number of skilful accountants as the director may deem necessary. Each such appointee shall be a civil executive officer and before entering upon the discharge of the duties of his office shall execute to the State of California an official bond conditioned upon the faithful performance of his duties in such penal sum, not less than five thousand dollars, as the director shall prescribe.

New section

SEC. 2. A new section is hereby added to the Political Code to be numbered 687 and to read as follows:

Exhibits
by state
departments

687. Every state department, officer, board or commission shall, subject to the approval of the director of finance, have power to make exhibits descriptive or illustrative of any activity or pursuit appertaining or relating to any part or all of the work or affairs of such department, officer, board or commission at any international, state, district, county or

municipal fair, exposition or exhibit, authorized or recognized by the laws of this state or acts of congress, and to pay, subject to such approval, all actual and necessary expenses incurred in transporting, conducting, collecting, arranging and managing said exhibits at any such fair, exposition or other exhibit from out of any appropriation or any special fund in the state treasury made available by law for the use, support or maintenance of such department, officer, board or commission.

SEC. 3. A new section is hereby added to the Political Code to be numbered 688 and to read as follows: New section

688. Any person who has, or shall hereafter have, a claim on express contract or for negligence against the state must present the claim to the state board of control in accordance with the provisions of section 667 of this code. Should the claim not be allowed by the state board of control, the person having the claim is hereby authorized, subject to the conditions contained in this section, to bring suit against the state on such claim and to prosecute such suit to final judgment. Claims against state.

Except as otherwise provided in this section, the rules of practice in civil suits shall apply to all suits brought under this section. No suit shall be maintained under this section unless such claim be presented to the state board of control in accordance with the provisions of section 667 of this code within two years after such claim shall have first arisen or accrued, and unless such a suit be brought within six months after such claim is rejected or not allowed in whole or in part by the state board of control as provided in section 667 of this code; *provided*, that, if such claim be rejected or disallowed only in part, suit may be maintained only on that portion of the claim so rejected or not allowed, but the periods of limitation herein prescribed shall not apply to or affect the rights, interests or claims of any minor or insane person or a person imprisoned on a criminal charge or undergoing execution of sentence of a criminal court, or a married woman if her husband be a necessary party with her in commencing such action, or an incompetent person, but in such latter cases the claim may be presented as hereinbefore provided within two years after such disability shall cease, and in case such claim be rejected or not allowed as hereinabove provided, suit may be maintained thereafter as hereinbefore provided, if brought within six months after rejection or nonallowance by said state board of control. Prosecution of suits.

At the time of filing the complaint in any such suit, the plaintiff shall file therewith an undertaking in such sum, but not less than five hundred dollars, as a judge of the court shall fix, with two sufficient sureties, to be approved by a judge of the court, and conditioned that, in case the plaintiff fails to recover judgment, he shall pay all costs incurred by the state in such suit, including a reasonable counsel fee, to be fixed by the court. Undertaking by plaintiff

Duty of
attorney
general

Service of summons in such suits shall be made on the governor and the attorney general. It shall be the duty of the attorney general to defend all such suits; and upon his written demand made at or before the time of answering, the place of trial of any such suit must be changed to the county of Sacramento.

In case judgment be rendered for the plaintiff in any such suit, it shall be for the legal amount actually found due from the state to the plaintiff, with legal interest thereon from the time the claim or obligation first arose or accrued, and without costs.

Duty of
governor

It shall be the duty of the governor to report to the Legislature, at each session, all judgments rendered against the state and not theretofore reported.

Duty of
controller

It shall be the duty of the controller to draw his warrant for the payment of any such judgment, without any presentation to, or approval of such claim by, the state board of control, whenever a sufficient appropriation for such payment shall have been made by the Legislature. All claims upon such judgments are hereby expressly exempted from the operation of section 669 of this code.

New section

SEC. 4. A new section is hereby added to the Political Code to be numbered 689 and to read as follows:

Rentals
collected by
department
of finance

689. The department of finance may fix and collect rent for the use or occupancy of space in any building owned, managed or controlled by the state and used or occupied by any state department, officer, board or commission having any special fund in the state treasury made available by law for the use, support or maintenance of any part or all of the work and affairs of such department, officer, board or commission where such space is utilized in carrying out the work and affairs or that portion of the work and affairs of such department, officer, board or commission for the carrying out of which said special fund was created.

Report
to state
controller.

All moneys received by the department of finance under the provisions hereof shall be accounted for and reported at the end of each month by said department to the state controller to be by said controller credited as an abatement of the expenses of said department, and at the same time such moneys shall be remitted to the state treasury to become a part of any appropriation made available by law for the use or support of said department from out of which said appropriation or the then corresponding current appropriation the expenses incurred in managing and controlling said buildings were paid.

New section

SEC. 5. A new section is hereby added to the Political Code to be numbered 690 and to read as follows:

Division of
state lands
created

Organization

690. There is hereby created in the department of finance a division to be known as the division of state lands. The division shall be in charge of a chief who shall be appointed by the director of finance, with the approval of the governor. The chief of the division shall be ex officio register of state

lands, and shall hold office at the pleasure of the director of finance at such annual salary as may be fixed by such director with the approval of the governor.

The department of finance shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the surveyor general, register of the state land office, state land office, and of the several officers, deputies and employees of such bodies and offices; and, whenever by the provisions of any statute or law now in force or that may hereafter be enacted, a duty or jurisdiction is imposed or authority conferred upon any of said bodies, offices, officers, deputies or employees, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of finance with the same force and effect as though the title of the department of finance had been specifically set forth and named therein, in lieu of the name of any such board, commission, office, officer, deputy, or employee thereof, as the case may be.

Succession to duties, etc., of surveyor general, etc

For the purposes of this article the terms "surveyor general," "register of the state land office," "state land office," or similar designations, and of the several members, officers or employees of such bodies and offices, when used in any statute or law now in force, or that may hereafter be enacted, shall be construed to mean and refer to the "department of finance," the same as though the title of the department of finance had been specifically set forth and named therein.

References to surveyor general, etc

The following named bodies and offices and the positions of all deputies, officers and employees thereunder, are and each of them is hereby abolished and shall have no further legal existence; surveyor general, register of the state land office, state land office; *provided, however*, that the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes and responsibilities and jurisdiction together with all lawful rules and regulations established thereunder, are hereby expressly continued in force.

Offices, etc. abolished

All moneys heretofore or hereafter appropriated for the support of the surveyor general shall by the state controller be transferred to, and the same shall become a part of, the appropriation for the support of the department of finance.

Transfer of moneys.

SEC. 6. A new section is hereby added to the Political Code to be numbered 691 and to read as follows:

New section

691. The director of finance and the civil executive officers thereof are hereby vested with and may exercise within any political subdivision of this state, all powers conferred by law upon the highest peace officer in such political subdivision, in enforcing any lawful order or orders of the department.

Authority of director of finance, etc

SEC. 7. A new section is hereby added to the Political Code to be numbered 692 and to read as follows:

New section

692. Every contract for the acquisition of land by the state, except land to be acquired by the department of public works for highway rights of way, entered into by any state depart-

Approval of contracts.

ment, board, commission, officer or any other state agency whatsoever, on behalf of the state, shall be approved by the director of finance. Any contract entered into in violation of the provisions of this section is void.

Stats 1927,
p 451,
amended
Contracts for
recovery of
money or
property

SEC. 8. Section 662 of the Political Code is hereby amended to read as follows:

662. For the purpose of exercising the powers of supervision mentioned in section 654 of this code, the director is hereby authorized to make and enter into contracts providing for the payment of fees to private persons, firms or corporations, contingent upon the recovery to or for the state through the efforts of any such person, firm or corporation of money or property withheld from the state, but which is due the state from taxes levied prior to the first Monday in March, 1911; or for the collection of excess freight rates which may have been charged against the state.

Payment
for recovery

Before remitting to the treasury any sums collected under the provisions of this section, the department of finance may deduct an amount not to exceed fifty per cent of the sum or sums so received, the amount so deducted to be used in paying for services and other expenses incidental to the recovery of money or property as herein set forth.

The state controller is hereby authorized and directed to approve for payment from the tax land fund any claim approved by the department of finance not to exceed fifty per cent of any sum or sums remitted to the state treasury for credit to said fund of money received under the provisions of this section, to pay the expenses incidental to the recovery of such money.

Stats 1927,
p 455,
amended.
General
powers of
director.

SEC. 9. Section 675 of the Political Code is hereby amended to read as follows:

675. The director of finance shall have power:

Leasing and
hiring of
property.

1. To let, with the consent of the state department, board, commission, or officer concerned, for a period of not to exceed five years, any property, real or personal, which belongs to the state, except where such letting is expressly prohibited by law, if in the judgment of the director such letting will be for the best interests of the state.

2. To hire or lease, upon the written request of the state department, board, commission or officer concerned, any property, real or personal, if in the judgment of the director such hiring or leasing will be for the best interests of the state.

Sale or
exchange of
personal
property.

3. To authorize, with the consent of the state department, board, commission, or officer concerned, the sale or exchange of any personal property which belongs to the state if in the judgment of the director such sale or exchange will be for the best interests of the state.

Acquire title
to real
property.

4. To acquire title to real property in the name of the State of California whenever the acquisition of such property is authorized or contemplated by law, if no other agency of the state is specifically directed and empowered to acquire such title.

5. To convey title to real property in the name of the State of California whenever the sale or exchange of such property is authorized or contemplated by law, if no other agency of the state is specifically directed and empowered to convey such title.

Convey title to real property

6. To render such advisory, investigational or other similar service to any city, county, city and county, district or any other political subdivision of the state, as may be deemed expedient by the director, said service to be rendered only upon such terms and conditions as may be satisfactory to the director of finance.

Advisory service.

7. To institute, in the name of the State of California condemnation proceedings for the acquiring of any land authorized by law to be obtained for any state department, board, commission or institution, except land to be acquired by the department of public works for highway uses and purposes, and to proceed if necessary to condemn under the terms of the Code of Civil Procedure relating to such proceedings, if no other agency of the state is specifically directed and empowered to institute such proceedings.

Condemnation proceedings.

8. To grant and convey in the name of the State of California, with the approval of the department concerned, easements and rights of way over and across real property belonging to the state except real property used for highway rights of way, for such purposes and upon such consideration and subject to such conditions, limitations, restrictions and reservations as in his judgment may be to the interest of the state.

Grant easements and rights of way

SEC. 10. An act entitled "An act to authorize suits against the state, and regulating the procedure therein," approved February 28, 1898, as amended, is hereby repealed.

Repealed

CHAPTER 517.

An act to add a new section to be numbered 5b to an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to sale of poisons.

[Approved by the Governor May 27, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section to be numbered 5b is hereby added to an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, which section shall read as follows:

Stats 1907,
p 125,
amended

Sale by
county
through
horticultural
commis-
sioner.

Sec. 5b. None of the provisions of section 5a of this act shall be construed to prohibit the sale at cost of any economic poisons by any county through its horticultural commissioner or his deputies when authorized by the board of supervisors; *provided*, such economic poisons are to be used for the purpose of controlling insect or other animal pests or noxious weeds or plant diseases; *and provided* a record of poison sales is kept by such county officer in accordance with this act.

CHAPTER 518.

An act to amend section 340 of the Code of Civil Procedure, relating to the time for commencement of actions.

[Approved by the Governor May 27, 1929. In effect August 14, 1929]

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

Stats. 1905,
p. 232.

SECTION 1. Section 340 of the Code of Civil Procedure is hereby amended to read as follows:

Within
one year.

340. Within one year:

1. An action upon a statute for a penalty or forfeiture, when the action is given to an individual, or to an individual and the state, except when the statute imposing it prescribes a different limitation.

2. An action upon a statute, or upon an undertaking in a criminal action, for a forfeiture or penalty to the people of this state.

3. An action for libel, slander, assault, battery, false imprisonment, seduction, or for injury to or for the death of one caused by the wrongful act or neglect of another, or by a depositor against a bank for the payment of a forged or raised check, or a check that bears a forged or unauthorized endorsement.

4. An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

5. An action against a municipal corporation for damages or injuries to property caused by a mob or riot.

CHAPTER 519.

An act to amend section 2319i of the Political Code, relating to the licensing of persons selling, shipping, or offering for sale any nursery stock, trees, plants, shrubs, bulbs or vines for planting, propagation or ornamental purposes.

[Approved by the Governor May 27, 1929. In effect August 14, 1929]

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

Stats 1923,
p. 614,
amended.

SECTION 1. Section 2319i of the Political Code is hereby amended to read as follows:

2319i. It shall be unlawful for any person, firm, organization, association or corporation operating in the State of California, to ship, sell, or offer for sale any nursery stock, trees, plants, shrubs, bulbs or vines which are for planting, propagation or ornamental purposes, without first having obtained a license so to do from the director of agriculture. Such license shall be good for the fiscal year and shall be issued by the director of agriculture upon receipt of payment of a fee of ten dollars to which shall be added the sum of fifty cents for each acre of growing nursery stock, trees, plants, bulbs, shrubs or vines, after the first acre; such fee not to exceed fifty dollars in any one case; *provided, however,* that a grower not regularly engaged in the nursery business shall not be required to pay the above mentioned fee, if his sales of plants do not exceed the sum of one hundred dollars in value, within any one fiscal year, and provided that all plants sold by him shall be sold for planting within the county where grown, are of his own production, and that he shall first report to the county horticultural commissioner his intention to make such sales; *provided further, however,* that such license may be revoked or issuance refused by the director of agriculture when, after the proper investigation and hearing has been had and it is thereby determined that the person, firm, association or corporation to which such license has been issued has wilfully refused to comply with the laws and regulations relative to nursery stock, or relative to any insect, plant disease or noxious weed which is or might be carried by such nursery stock.

Nurseryman,
etc., to
obtain
license.

Fee.

Revocation
of license.

CHAPTER 520.

An act authorizing and providing for report upon the methods of financing and refinancing irrigation, reclamation and other public improvement districts in agricultural regions, providing for a commission therefor, and defining the duties and powers of such commission in respect thereto, and making an appropriation therefor and prescribing penalties for violations of the act.

[Approved by the Governor May 27, 1929. In effect August 14, 1929.]

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

SECTION 1. The sum of ten thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be used at the direction of the governor for the purpose of reporting upon better methods of financing and refinancing irrigation, reclamation and other public improvement districts in agricultural regions as hereinafter set forth.

Appropriation.

California
irrigation
and
reclamation
financing
and
refinancing
commission
Report

SEC. 2. The governor may direct any state officer or officers or appoint any persons to constitute a commission to make the report authorized by this act. Said commission shall consist of not less than three nor more than seven members and shall be known as the California irrigation and reclamation financing and refinancing commission. The governor may designate the chairman of said commission and may authorize the employment of any expert or other assistants as may be necessary, to report upon the entire subject of the methods of financing and refinancing irrigation, reclamation and other improvement districts in agricultural regions and the history and present status of such districts and each of them in the State of California, and to make recommendations for amendments or improvements in the laws and methods of handling and financing and refinancing of such districts. The findings and conclusions of such report and recommendations as to necessary changes in the existing laws of this state shall be reported to the governor, on or before December 1, 1930, for recommendation to the Legislature at its session in January, 1931.

Powers of
commission

SEC. 3. The commission provided for in this act is hereby authorized and empowered, at the direction of the governor:

1. To do any and all things necessary to make a full investigation in accordance with the provisions of this act.

2. To require the attendance of persons of the production of papers before them, or any one thereof, and to take testimony under oath and administer oaths in the same manner as may be done by any court in this state.

3. To require reports from the officials of all irrigation, reclamation or other public improvement districts in agricultural regions of this state and to examine the records and papers of any such official as to any matter concerning the financing of any such districts.

SEC. 4. It is hereby made the duty of any officer referred to in subdivision three of section 3 of this act, to promptly make report when requested to do so, and any such officer who shall fail or refuse to make such report promptly shall be guilty of a misdemeanor.

Expenses

SEC. 5. All members of the commission shall receive their actual and necessary expenses incurred in the performance of the duties of such commission.

CHAPTER 521.

An act making an appropriation to meet a deficiency in the appropriation for subsidies, of the bureau of tuberculosis of the department of public health, declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by the Governor May 27, 1929. In effect immediately.]

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

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for subsidies, of the bureau of tuberculosis of the state board of health.

Appropriation. subsidies, bureau of tuberculosis.

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

Urgency measure

CHAPTER 522.

An act making an appropriation to meet the deficiency in the appropriation for contingent expenses of the Assembly for the seventy-ninth and eightieth fiscal years, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor May 27, 1929. In effect immediately.]

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

SECTION 1. The sum of sixty thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to meet the deficiency in the appropriation for contingent expenses of the Assembly for the seventy-ninth and eightieth fiscal years.

Appropriation: contingent expenses of Assembly.

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

Urgency measure.

CHAPTER 523.

An act to amend section 626s of the Penal Code, relating to the protection of game.

[Approved by the Governor May 28, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 626s of the Penal Code is hereby amended to read as follows:

Stats 1921, p. 156, amended
Game refuges established.

626s. Fish and game districts one "A," one "B," one "C," one "D," one "E," one "F," one "G," one "H," one

"I," one "J," one "K," one "L," one "M," one "N," one "O," one "P," one "Q," one "R," one "S," one "T," two "A," two "B," three "A," three "B," three "C," three "D," three "E," three "F," three "G," three "H," four "A," four "B," four "C," four "D," four "E," four "F," and four "G," inclusive are hereby designated as game refuges.

Penalties

Every person who hunts, pursues, takes, kills or destroys, or has in his possession any species of bird or mammal or parts thereof, or any firearms in any game refuge, except under written permit from the board of fish and game commissioners, is guilty of a misdemeanor; *provided*, that nothing in this section shall prohibit the hunting and possession of waterfowl in fish and game districts four "A" and four "E" in accordance with the provisions prescribed in this chapter; *provided, further*, that nothing in this section shall prohibit the taking of any fish in any game refuge by such means and in such manner as may be prescribed in this chapter for the taking of fish in the main districts in which the refuge is located.

Every person who, in fish and game district number twenty-six takes, catches, kills or has in his possession any fish is guilty of a misdemeanor.

Every person found guilty of a violation of any of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail in the county in which conviction shall be had, not less than twenty-five days nor more than one hundred fifty days, or by both such fine and imprisonment. All fines and forfeitures collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

Disposition of fines.

CHAPTER 524.

An act making an appropriation to be expended by and under the direction of the department of public works for the purpose of rectifying, improving, and protecting the channel of the Pajaro river.

[Approved by the Governor May 28, 1929. In effect August 14, 1929.]

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

Appropriation:

SECTION 1. The sum of ten thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to be expended in accordance with law by the department of public works for the purpose of rectifying, improving, and protecting the channel of the Pajaro river.

Provided that the moneys hereby appropriated shall become available for the purpose of this act only in the event, and at the times any sums are contributed by local interest for the same purpose, and only in amounts equal to the sum so contributed. When available.

SEC. 2. The sum herein appropriated or so much thereof as may become available by reason of contributions made by local interests as hereinbefore provided, together with all contributed funds, shall be deposited in the state treasury in a fund to be designated "Pajaro river flood control fund," which fund is hereby created, and money shall be drawn from said fund only for the purposes herein stated and upon claims of the department of public works, duly supported by vouchers in the manner provided for by law; *provided, however*, that the department of public works may, in its discretion, postpone the execution of the physical work of rectifying, improving and protecting the channel of the Pajaro river until the total amount of money available in the above designated fund shall be sufficient, in its opinion, to prosecute said work to advantage. Pajaro river flood control fund created.
Use of fund.

CHAPTER 525.

An act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an act entitled "An act to conserve the fish supply in California by empowering the fish and game commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish markets must conform; to make regulations to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended, and to add four new sections thereto to be numbered 7a, 8, 9 and 10, regulating fisheries of the state operating for commercial purposes, and prescribing the seasons in which sardines may be taken.

[Approved by the Governor May 28, 1920. In effect August 14, 1929.]

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

SECTION 1. Section 1 of an act entitled "An act to conserve the fish supply in California by empowering the fish and game commission to regulate and control the handling of fish or other fishery products for the purpose of preventing deterioration or waste; to establish grades to which the fish or other fishery products offered for delivery to canners or preservers or to the fresh fish market must conform; to make regulations Stats 1925,
p 595,
amended.

to insure the proper handling and delivery of fish or fishery products to canners, preservers or fresh fish dealers; to regulate and control the use of fish or other fishery products for reduction purposes, and to provide penalties for any violation of any of the provisions of this act," approved May 25, 1919, as amended, is hereby amended to read as follows:

Fish and
game com-
mission
jurisdiction
over fish
industries.

Section 1. The fish and game commission is hereby vested with jurisdiction to regulate and control fishing boats, barges, lighters or tenders, receptacles or vehicles containing fish, commercial fishermen, fish canners, fish packers, fish preservers, fish reduction plants, plants where any fish products are manufactured, and dealers in fish, mollusks, or crustaceans or other fishery products, in so far as it may be necessary to insure the taking, catching and delivery of the fish or other fishery products in a wholesome and sanitary condition to canning, packing or preserving plants, or any plant where fishery products are manufactured, or to any fresh fish dealer, and to prevent deterioration and waste of any fish. Any fish and game commissioner or assistant or employee of the fish and game commission shall have the authority to enter any canning, packing, preserving or reduction plant, or place of business where fish or other fishery products are packed, preserved, manufactured, bought or sold, or to board any fishing boat, barge, lighter, tender, or vehicle or receptacle containing fish, for the purpose of examining any fish or fisheries products, and to ascertain the amount of fish received, or kind and amount of fishery products packed or manufactured and the number and size of containers or cans for fishery products purchased, received, used or on hand.

Possession
of sardines.

It shall be unlawful to take, catch, kill or have in possession any unprocessed sardines in the State of California at any time except as provided in this section. It shall be lawful to take, catch, kill and have in possession sardines during the open season which shall begin and end, both dates inclusive, as herein prescribed; the open season in fish and game districts numbered four, four and three quarters, eighteen, nineteen, twenty, twenty "A" and twenty-one shall be from November first of one year to March thirty-first of the year following; the open season elsewhere in the state shall be from August first of one year to February fifteenth of the year following; *provided*, that sardines may be taken or held in possession at any time for bait or for sale in the fresh fish market or for consumption in a fresh condition or for the purpose of packing in cans commonly known as quarter-pound or square cans less than a half pound in net weight.

Stats 1925,
p 596,
amended.

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

Establish-
ment of
grades.

Sec. 2. The fish and game commission may establish grades for different varieties of fish or other fishery products, which said grades must be reached and conformed to by the commercial fishermen who deliver fish or other fishery products to

canners, packers or preservers of fish or to fresh fish dealers, and every canner, packer or preserver of fish, or fish dealer, or manufacturer of fish products, must conform to such grade.

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

Stats 1925,
p 596,
amended
Regulations

Sec. 3. The fish and game commission is hereby vested with full power, authority and jurisdiction to make and enforce such regulations as may be necessary or convenient for carrying out any power, authority or jurisdiction conferred under this act.

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

Stats 1925,
p 596,
amended

Sec. 4. (a) Reduction plant, where used in this act, applies to any plant engaged in the reduction of fish into fish flour, fish meal, fish scrap, fertilizer, fish oil or other fishery products or by-products.

Words and
phrases
defined
"Reduction
plant "

(b) Packer, where used in this act, means any person, firm, association or corporation using fish by canning, or preserving by the common methods of drying, salting, pickling or smoking.

"Packer "

(c) Fish offal, where used in this act, means the heads, viscera, and other parts of fish taken off in preparing for canning or preserving.

"Fish,
offal "

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

Stats 1925,
p 597,
amended.

Sec. 5. No person, firm or corporation shall suffer or cause any deterioration or waste of any fish caught or taken in the waters of this state, or brought into this state, and no person shall use any fish except fish offal in a reduction plant or by a reduction process; except of the species, in the manner and to the amount allowed by this act. No person, firm or corporation engaged in taking or catching fish shall take, catch or kill more fish than the boat or boats operated by said person, firm or corporation can handle without deterioration, waste or spoilage, and no person, firm or corporation shall accept or receive or agree to accept or receive more fish than the canning, packing or preserving plant or plants can handle without deterioration, waste or spoilage, and no person dealing in fish shall take, catch or kill, accept or agree to accept or receive more fish than can be handled without deterioration, waste or spoilage; *provided*, that in order to permit sardine canneries to operate efficiently and economically and at a constant rate of output approaching maximum capacity, and in order to allow such canning plants to discard broken and spoiled fish and fish of a size unsuitable for canning and unavoidable overcatches, it is hereby declared lawful for a canner of sardines actually engaged in canning sardines to take and use in a reduction plant in each calendar month sardines to the amount of thirty-two and one-half per cent (32½%) of the amount of sardines actually received at such canning plant during each calendar month; *provided, further*, that in determining percentage of

Waste

Use of
sardines in
reduction
plant.

Percentage
allowed

Permit.

sardines used for reduction purposes by canneries it shall be deemed that a ton of sardines suitable for canning in size and condition will produce twenty cases of one pound oval cans of sardines (forty-eight cans to the case) or the equivalent, if other size cans are used; *provided, further*, that the fish and game commission may grant a revokable permit or permits in such amount and subject to such restrictions, rules or regulations as the fish and game commission may adopt or prescribe to take and use fish by a reduction or extraction process for the manufacture of edible products fit for, intended to be used and in fact used for human consumption providing it shall be shown and appear to the satisfaction of the fish and game commission that such use of such fish will not tend to deplete the species, or result in waste or deterioration of such fish; *and provided, further*, that no such permit shall be granted unless at least fifty per cent (50%) of the wet weight of the whole round fish or all of the oil extracted from such fish is manufactured into such products within the State of California.

Lawful use in reduction plant.

In order to provide for the efficient and economical operation of plants preserving sardines by the common methods of drying, salting, smoking, or pickling, it is hereby declared to be lawful for such plants to discard and use in a reduction plant or by reduction process such sardines as are unfit for drying, salting, smoking, or pickling, which are not deliberately taken into the plant in a condition unfit for processing.

Other fish, undesirable for canning, drying, salting, smoking, or pickling, may be used in a reduction process when the same are delivered at any canning, drying, salting, smoking, or pickling plant mixed with sardines or when received in a condition unfit for canning, drying, salting, smoking, or pickling; *provided*, that the same have not been deliberately taken into such plant in an unfit condition; *provided, further*, that any of such fish so used in a reduction plant by a canner of sardines shall be deemed the equivalent of sardines and included within the percentage of the total amount of sardines received by such canner during each calendar month herein allowed to be used by such canner of sardines in a reduction plant.

Stats 1925, p. 599, amended.

Conveyors, bins, etc., to be open to inspection.

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

Sec. 6. All chutes or conveyors used for the purpose of conveying fish or fish offal to any tank, bin or receptacle, and all such tanks, bins or receptacles containing fish, or fish offal to be used for reduction purposes must be so constructed and maintained that at all times the fish or fish offal thereon or therein is open to view and inspection and provided that each packer of fish caught or taken in the waters of this state, or brought into this state shall on or before the fifth day of each calendar month furnish to and file with the fish and game commission or any duly authorized agent or deputy thereof a report in writing under oath, on such form as may be prescribed by the fish and game commission, showing and

"Packers' " reports

containing a true statement of the actual amount of fish received by said packer at each of its plants during the next preceding calendar month and also the amount of fish packed, the number and size of cans, boxes, cases, sacks, gallons, packages or other containers of fish, fishery products and by-products packed, produced or reduced at such plant during said preceding calendar month.

SEC. 7. Section 7 of said act is hereby amended to read as follows: Stats. 1925,
p. 600,
amended.

Sec. 7. Any violation of any of the provisions or parts of this act, or any rule, regulation or order of the fish and game commission as herein provided, shall be punishable by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment in the county jail of the county in which the conviction shall be had, of not less than fifty days, nor more than twelve months, or by both such fine and imprisonment, and all fines and forfeitures imposed and collected for violations of the provisions of this act shall be paid into the state treasury, to the credit of the fish and game preservation fund. Penalties for
violation.

Disposition
of fines.

SEC. 8. A new section is hereby added to said act to be numbered section 7a and to read as follows: Stats 1919,
p 1203,
amended.

Sec. 7a. Complaint may be made by any officer charged with the enforcement of the fish and game laws or any person having knowledge of a violation against any person, firm or corporation violating any of the provisions of this act or violating any of the rules or regulations made by the fish and game commission under the provisions of this act. Said complaints shall be in writing, setting forth the particular offense charged to have been committed, a copy of which shall be filed with the board of fish and game commissioners and a copy served on said offender, together with a notice setting forth the time and place of hearing, which hearing must be held in the county in which said violation is alleged to have been committed. The person, firm or corporation charged must appear and answer either in person or by attorney, and either orally or in writing, within five days after notice having been served. If the person charged fails to appear or appears and denies the charge, the board of fish and game commissioners or any deputy or employee appointed by said board of fish and game commissioners to take testimony, shall proceed to hear the testimony offered and if the person, firm or corporation so charged is found guilty of the offense charged, the board of fish and game commissioners may suspend for a period not to exceed ninety days, any license issued by any state board or officer to such person, firm or corporation, to take, catch, kill, buy, sell, can or preserve fish or fishery products, and no license shall be issued during such period of suspension. Enforcement
of act

Complaints.

Appearance
of party
charged.

Hearing and
revocation
of license.

Each member of the board of fish and game commissioners or any of the deputies or employees designated to take testimony at the hearing provided herein shall have power to Powers of
commission
and deputies.

administer oaths, take affidavits and issue subpoenas for the attendance of witnesses at such hearing.

Witnesses,
testimony,
records, etc

Procedure.

The superior court in and for the county, or city and county in which any proceeding may be held under the authority of this section, shall have power to compel the attendance of witnesses, the giving of testimony, and the production of papers, as required by any subpoena issued under authority of this section. The fish and game commission, or representative of the commission before whom the testimony is to be given or produced may in the case of refusal of any witness to attend or testify or produce any papers required by such subpoena, report to the superior court in which the proceeding is pending by petition setting forth that due notice has been given of the time and place of the attendance of said witness or the production of said papers and that the witness has been summoned in the manner prescribed in this act and that the witness has failed and refused to attend or produce the papers required by the subpoena before the commission or its representatives, in the case or proceeding named in the notice of time and place of hearing and subpoena, or has refused to answer questions propounded to him in the course of said proceeding, and ask an order of said court to compel the witness to attend and testify or produce said papers before the commission or its representatives.

The court, upon the petition of the commission or its representatives, shall enter an order directing the witness to appear before the court at any time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission or its representatives. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission or its representatives the court shall thereupon enter an order that said witness shall appear before the commission or its representatives at the time and place entered in said order, and testify or produce the required papers, and upon failure to obey said witness shall be dealt with as for contempt of court.

The commission or its representatives, or any party designated by the fish and game commission, may in any investigation or hearing before the commission, or its representatives, cause the deposition of witnesses, residing within or without the state, to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state, and to that end may compel the attendance of witnesses and the production of documents and papers.

Stats. 1919,
p 1203,
amended.

SEC. 9. A new section is hereby added to said act to be numbered section 8 and to read as follows:

Violation
of act.

Sec. 8. The use of any fish or any part thereof contrary to the provisions of this act, or contrary to or in violation of

any rule, regulation or order of the fish and game commission, is hereby declared to be a nuisance. Whenever the existence of such nuisance is shown to the satisfaction of the court or judge thereof by complaint filed in the name of the people of the State of California, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of such nuisance. If the existence of a nuisance be established in an action as provided herein, an order of abatement shall be entered as part of the judgment in the case, which order shall direct the closing of the building or place where such nuisance was maintained for a period of twelve months, and during such time, said building or place shall be and remain in the custody of the court.

Nuisance

Abatement thereof.

SEC. 10. A new section is hereby added to said act to be numbered section 9 and to read as follows:

Stats 1919,
p 1203,
amended

Sec. 9. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

Repealed.

SEC. 11. A new section is hereby added to said act to be numbered section 10 and to read as follows:

Stats 1919,
p. 1203.
amended

Sec. 10. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality.

CHAPTER 526.

An act to amend an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the state's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies, defining the powers and duties of such officers; and making an appropriation to carry this act into

effect," approved June 16, 1913, as amended, by adding thereto a new section to be numbered 16a, relating to sealers of weights and measures.

[Approved by the Governor May 23, 1929. In effect August 14, 1929]

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

Stats. 1913,
p. 1090,
amended.

SECTION 1. A new section is hereby added to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the state's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act, including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, to be numbered 16a and to read as follows:

Sealers to
attend
meetings.

Sec. 16a. For the purpose of advising himself of the best and most efficacious methods of performing his duties and conducting his office every sealer of weights and measures in the State of California shall attend such meetings as the board of supervisors of the county wherein he is employed, shall require. He shall be allowed all actual and necessary traveling expenses incurred while on any service that requires him to go outside the county. Said expenses shall not exceed the sum of fifty dollars in any calendar year and be a county charge against the county wherein said sealer of weights and measures is employed and the board of supervisors shall allow and pay the same out of the general fund of the county in the same manner as other claims against said fund are allowed and paid.

Traveling
expenses.

CHAPTER 527.

An act relating to the acquisition of land, water or land and water within the State of California by the United States for migratory bird reservations.

[Approved by the Governor May 28, 1929. In effect August 14, 1929]

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

SECTION 1. The people of the State of California, through their legislative authority, do hereby accept the provisions and benefits of that certain act of congress known as the "Migratory bird conservation act," approved February 18, 1929, and do hereby consent to the acquisition by the United States by purchase, lease, gift or devise of such areas of land, water or land and water, within the State of California, as the United States or its properly constituted officers or agents may deem necessary for migratory bird reservations in carrying out the provisions of said act of congress; saving and reserving, however, to the State of California such full and complete jurisdiction and authority over all such areas as are not incompatible with the administration, maintenance, protection and control thereof by the United States under the terms of said act of congress, and saving and reserving to all persons within such areas all rights, privileges and immunities under the laws of the State of California in so far as the same are compatible with the administration, maintenance, protection and control of such areas by the United States under the terms of said act of congress.

Acceptance of federal "Migratory bird conservation act."

SEC. 2. The people of the State of California, through their legislative authority, do hereby further consent to the declaration, withdrawal or determination of any part of any national forest or power site as a migratory bird reservation under any of the provisions of said act of congress.

Consent to establishment of reservation

SEC. 3. The director of the department of natural resources is hereby authorized and empowered to be and become a member ex officio of the migratory bird conservation commission created by said act of congress.

Director of natural resources.

CHAPTER 528.

An act to amend section 1 of an act entitled "An act to authorize the transportation of certain dependent children for whom proper homes are offered outside the state," approved May 12, 1927, and making an appropriation therefor.

[Approved by the Governor May 28, 1929. In effect August 14, 1929]

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

SECTION 1. Section 1 of an act entitled "An act to authorize the transportation of certain dependent children for whom

Stats 1927, p. 732, amended.

proper homes are offered outside the state," approved May 12, 1927, is hereby amended to read as follows:

Transportation of dependent children.

Section 1. The department of social welfare is authorized to transport to proper homes without the state, when such homes are offered, minor orphans, half-orphans, abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or who is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation; *provided*, that the county from which the children are removed shall pay one-half of the total expense necessarily incurred by the state in effecting such transportation.

Appropriation state's share of expenses.

SEC. 2. The sum of four thousand dollars (\$4,000) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the state's share of expenses necessarily incurred in the transportation of dependent children for whom proper homes are offered outside the state under the provisions of section 1 of said act.

CHAPTER 529.

An act to provide for needy blind persons, not inmates of any institution supported in whole or in part by the state or any of its political subdivisions, making appropriation therefor and prescribing penalties for the violation of the provisions of the act.

[Approved by the Governor May 28, 1929. In effect August 14, 1929.]

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

Appropriation to counties

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated to each and every county, or city and county, in the state, maintaining, supporting, and caring for, as hereinafter provided in this act, any needy blind person, resident of such county, or city and county, and not an inmate of any institution supported in whole or in part by the state or any of its political subdivisions, aid not in excess of three hundred dollars per annum for each such needy blind person maintained, supported and cared for by such county, or city and county.

"Needy blind person" defined.

SEC. 2. As used in this act, the term "needy blind person" shall be construed to mean any person who by reason of loss or impairment of eyesight is of such condition that he can not be rehabilitated for self-support through the facilities offered by the department of education or the department of institutions or who is unable to provide himself with the necessities of life and who has not sufficient means of his own to maintain himself as further set forth in section 5 of this act.

SEC. 3. In order that any person who may have become blind while a resident of the State of California, may be entitled to aid under the provisions of this act, such person must be sixteen years of age and a resident of the county, or city and county, in which his application is filed for one year prior to the application; and that in order that any person, whose blindness originated while he was not a resident of the State of California, may be entitled to aid under the provisions of this act, such person must be sixteen years of age and a resident of the county, or city and county, in which the application is filed for a period of one year and a resident of the State of California for a period of ten years immediately preceding the filings of his application; *provided, however*, that no applicant shall receive such aid while he is an inmate of any institution supported in whole or in part by the state or any of its political subdivisions; *and provided*, that no one shall receive aid under this act who has any relatives, responsible for his support under the laws of this state, who have sufficient income to pay a tax under the provisions of the federal income tax law; *and provided, further*, that no person shall be eligible to receive aid under this act who publicly solicits alms in any part of the state. The term "publicly solicits" shall be construed to mean either the wearing, carrying or exhibiting of signs denoting blindness for the securing of alms, or the carrying of receptacles for the purpose of securing alms, or the doing of the same by proxy; or stationary or house to house begging; or any other means of publicly seeking alms.

Who may receive benefits of the act

Term "publicly solicits" defined

SEC. 4. To receive aid under this act, the applicant shall file his application with the county clerk of the county, or city and county, in which he resides, accompanied by an affidavit, signed by himself, stating his age, sex, places of residence during the preceding ten years, his financial resources and income, the name and address of his next of kin, degree of blindness, how long blind, what employment he has had, his general physical condition and such other data as the state department of social welfare may designate. The county clerk shall forthwith transmit said application to the county board of supervisors of such county or city and county.

Applications for aid.

SEC. 5. No certificate of qualification for aid under this act shall be granted until the county board of supervisors shall be satisfied, from the evidence of at least two reputable citizens of said county or city and county that they know the applicant to be blind, and that he has the residential qualifications to entitle him to the aid asked for, and from the evidence of a duly licensed and practicing physician whose duty it shall be to describe the condition of the applicant's eyes and to testify to his blindness, which evidence shall be in writing, subscribed to by such witnesses, subject to the right of cross-examination by the county board of supervisors or other persons. If the county board of supervisors is satisfied upon such testimony that the applicant is entitled to aid hereunder, it shall, without delay, issue an order therefor, in such sum as it finds needed,

When aid shall be granted

Procedure

not to exceed six hundred dollars per annum, to be paid monthly in advance, out of such county funds as may be designated by the board of supervisors, on warrant of the county auditor of the county, or city and county; *provided, however*, that the yearly income of the applicant from all sources taken together with the aid granted by the county board of supervisors shall not exceed one thousand dollars per annum. The board of supervisors of each county or city and county shall transmit to the state department of social welfare a record of the action of such county or city and county in granting or refusing to grant aid to each blind applicant. Any blind applicant, who is dissatisfied with the action of the county board of supervisors regarding his application for aid, may appeal to the state board of social welfare. The state board of social welfare shall then reconsider the application and, if said board finds that the applicant is entitled to aid under the provisions of this act, it shall award such aid as it deems proper; *provided, however*, that said award shall not exceed six hundred dollars per annum; *and provided*, that the total yearly income of the applicant together with the award shall not exceed one thousand dollars. The county board of supervisors shall then pay to such blind person the sum awarded by the state board of social welfare.

Appeal to
social
welfare
board.

Increasing
and
decreasing
of aid
allowance.

SEC. 6. The county board of supervisors shall investigate, annually or oftener, the qualifications of the blind persons receiving aid hereunder, and may increase or decrease the allowance within the limits prescribed in this act, or if said board is satisfied that any person so on the list is not entitled to aid hereunder, said board shall entirely remove him from said list and shall forthwith notify the county auditor and the state department of social welfare of such action; *provided, however*, that the person receiving aid may make an appeal to the board of social welfare from such action as if it were an original application for aid.

Tax.

SEC. 7. The board of supervisors of each county or city and county in this state is hereby authorized and empowered to levy, in addition to the taxes now levied by law for other purposes than these herein provided, a tax not exceeding two-tenths of one mill per dollar on the assessed value of the property of their respective counties and cities and counties, to be levied and collected as now provided by law for the assessment and collection of taxes, for the purpose of creating a fund for the aid of the needy blind of their respective counties or cities and counties.

Change of
residence.

SEC. 8. Any person qualified for and receiving aid hereunder, in any county, or city and county, of the state, and who removes to another county, or city and county, in the state, shall be entitled to aid under the provisions of this act after ninety days residence in the county, or city and county, to which he has removed; and the removal of any person receiving aid hereunder from one county, or city and county, to another within this state shall not work a forfeiture during

such ninety day period of the state aid previously awarded under this act.

SEC. 9. The board of supervisors of each county or city and county shall, at times to be named by the state department of social welfare, certify to said department the sums of money paid out to blind persons under the provisions of this act during the preceding six months. Such certified claims shall be audited by the state department of social welfare and the state controller and when approved, the state controller shall draw warrants therefor in the sum of one-half the amount paid out by said county or city and county to blind persons under the provisions of this act during the period for which the claim is made, and the amount of such warrants shall be paid by the state treasurer to the treasurer of said county or city and county.

Certification
of claims

SEC. 10. The department of social welfare is hereby authorized on behalf of the state at any time to inquire in such manner as it may deem fit into the management by any county or city and county of aid to blind persons hereunder. Any county or city and county refusing, upon due demand, to permit such inquiry or refusing to comply with the provisions of section 5 of this act, shall not thereafter receive any aid or reimbursement from the state under the provisions of this act until it has complied with all the requirements hereof.

Investigation
by depart-
ment of
social
welfare.

SEC. 11. The department of social welfare is hereby authorized and directed to enforce the provisions of this act and said department shall have the power to make and enforce all proper rules and regulations therefor. Said department shall create a new division which shall be devoted exclusively to carrying out the provisions of this act and shall be headed by a chief, appointed by the governor, who is a trained social worker experienced in work for the blind.

Enforce-
ment

SEC. 12. The sum of fifteen thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be expended by the state department of social welfare in carrying out the provisions of this act during the eighty-first and eighty-second fiscal years.

Appropriation:
department
of social
welfare

SEC. 13. Any person who, in order to secure for himself or another the aid provided in this act, makes a false statement under oath, shall be deemed guilty of perjury.

Falsifying
statements

SEC. 14. The provisions of this act are to be liberally construed to effect its objects and purposes. If any section, subsection, or subdivision of this act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Construction.

Constitu-
tionality.

CHAPTER 530.

An act to provide for the protection, welfare and assistance of aged persons in need and resident in the State of California, providing the method therefor, making an appropriation therefor and prescribing penalties for the violation of the provisions of this act.

[Approved by the Governor May 28, 1929 In effect August 14, 1929]

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

Persons
entitled
to aid

SECTION 1. Subject to the provisions of this act, every person residing in the State of California, if in need, shall be entitled to aid in old age from the state.

SEC. 2. Aid may be granted under this act to any person who:

(a) Has attained the age of seventy years.

(b) Has been a citizen of the United States for at least fifteen years before making application for aid;

(c) Resides in the State of California and has so resided continuously for at least fifteen years immediately preceding the date of application, but continuous residence in the state shall not be deemed to have been interrupted by period of absence therefrom if the total of such periods does not exceed three years; or has so resided forty years at least five of which have immediately preceded this application;

(d) Resides in the county or city and county in which the application is made and has so resided continuously for at least one year immediately preceding the date of application;

(e) Is not at the date of making application for aid an inmate of any prison, jail, infirmary, insane asylum or any reform or correctional institution;

(f) If married, has not, during the fifteen years preceding the date of application deserted the other spouse or without just cause failed to provide legal support for such other spouse and the minor children, if any, of such applicant;

(g) Has no children or other person able to support him and responsible under the law of this state for his support.

Amount

SEC. 3. The amount of aid to which any such person shall be entitled shall be fixed with due regard to the conditions existing in each case, but in no case shall it be an amount which, when added to the income of the applicant from all other sources, including income from property as computed under the terms of this act, shall exceed a total of one dollar per day.

Persons not
entitled
to aid

SEC. 4. Aid under this act shall not be granted or paid to any person the value of whose property, or, if married, the value of the combined property of husband and wife, at the time of such application exceed three thousand dollars.

Income of
applicant.

SEC. 5. The income of the applicant at the time of such application shall be computed on the basis of an average

income during the twelve months next preceding the date of such application; the annual income of any property of applicant which does not produce a reasonable income shall be computed at five per cent of the value of such property.

SEC. 6. (a) There is hereby created in the state department of social welfare a division to be known as the division of state aid to the aged. The duties of this division shall be to supervise and pass upon the measures taken by county or city and county boards of supervisors for the care of needy aged citizens, to the end that they may receive suitable care in their old age and that there may be, throughout the state, a uniform standard of record and method of treatment of aged persons based upon their individual needs and circumstances.

Division of state aid for the aged created.

Duties of division

The state department, through the division of state aid to the aged, and the board of supervisors of each and every county and city and county in the state shall follow the policy of giving the aid provided for under this act to each and every applicant in his own or in some other suitable home, in preference to placing him in an institution.

Policy

(b) The board of supervisors of each and every county and city and county in the state, in addition to their other powers and duties in relation to the care and support of the poor, as provided by law, are hereby authorized and empowered, and it shall be their duty, to receive and act upon applications for aid under and in accordance with this act, and to provide funds in their respective county or city and county treasury, and to do all other acts and things necessary in connection with the same, for the purpose of carrying out the provisions of this act in so far as such provisions relate to such county or city and county.

Additional powers and duties of board of supervisors.

SEC. 7. The division of state aid to the needy aged shall be administered by a chief. The director of social welfare, with the approval of the governor and the members of the social welfare board of the state department of social welfare, shall appoint and fix the compensation of the chief of the division of state aid to the aged, who shall be a person with training and experience in relief work and familiar with the social and economic conditions in California. The chief of the division shall be responsible for the investigation, determination and supervision of state aid given under this act and for the performance of such other duties as may be assigned to the division by the director of social welfare.

Organization of the division.

SEC. 8. The chief of the division, with the approval of the director of social welfare, may appoint in each county and city and county an advisory board of citizens whose duty it shall be to cooperate with the proper state and county authorities in the investigation and supervision of aid given to the aged under this act and to make report upon the same with recommendations to the board of supervisors and to the department of social welfare. In counties or in any city and county where there is an existing county or city and county department of public welfare or board with similar functions

Appointment of advisory boards.

in public relief, this body shall be appointed as the advisory board.

Transfer of
property to
board of
supervisors

SEC. 9. If the board of supervisors shall deem it necessary, it may, with the consent of the state department, require as a condition to the grant or continuance of aid in any case, that all or any part of the property of a person applying for aid be transferred to said board of supervisors. Such property shall be managed by said board of supervisors which shall pay the net income thereof to such person; said board of supervisors shall have power to sell, lease, or transfer such property or defend and prosecute all suits concerning it and to pay all just claims against it and to do all things necessary for the protection, preservation and management thereof. If, in the event such aid is discontinued during the life time of such person, the property thus transferred to the board of supervisors exceeds the total amount paid as aid under this act, the remainder of such property shall be returned to such person; and in the event of his death such remainder shall be considered as the property of the deceased for proper administration proceedings. The board shall execute and deliver all instruments necessary to give effect to this section.

Increase of
income of
person
aided

SEC. 10. (a) If, at any time during the continuance of aid, the recipient thereof or the husband or wife of the recipient, become possessed of any property or income in excess of the amount allowed by law in respect to the amount of aid granted, it shall be the duty of the recipient immediately to notify the board of supervisors of the receipt and possession of such property or income and the board may, on inquiry and with the approval of the state department, either cancel the aid or vary the amount thereof in accordance with circumstances, and any excess aid theretofore paid shall be returned to the State of California and be recoverable as a debt due the State of California.

Discontin-
uance or
modification
of aid.

Recovery
from
estate of
aided
person.

(b) If, on the death of recipient of aid under this act, it is found that he was possessed of property or income in excess of the amount allowed by law in respect to the amount of aid, double the amount of the aid paid in excess of that to which the recipient was legally entitled may be recovered by the department of social welfare as a preferred claim from his estate and upon recovery shall be paid into the treasury of the State of California.

Aid
inalienable

SEC. 11. All aid given under this act shall be absolutely inalienable by any assignment, sale, attachment, execution, or otherwise and in case of bankruptcy the aid shall not pass through any trustee or other person acting on behalf of creditors.

Effect of
subsequent
legislation
rights of
aided.

SEC. 12. Any and all aid granted under the provisions of this act shall be deemed to be granted and held subject to the provisions of any law that may hereafter be enacted amending or repealing in whole or in part the provisions of this act, and no recipient under this act shall have any claim for com-

pensation or otherwise by reason of his aid being affected in any way by any such amending or repealing act.

SEC. 13. Every applicant for aid shall file his application in writing with the board of supervisors of the county or city and county in which he resides, in the manner and form prescribed by the state department. All statements in the application shall be verified, under oath, by the applicant.

Applications

SEC. 14. The board of supervisors, directly or through the advisory board or other authorized investigator, shall upon the receipt of an application for aid promptly make the necessary investigation. It shall, upon receipt of the report of the investigation, decide upon the amount of aid, if any, and such decision shall be final; *provided, however*, that in any case where such application is denied by the board of supervisors, the applicant, upon filing a petition with the department of social welfare setting forth the facts in full as to the necessity of such aid, verified by five reputable citizens of the county, shall have the right of appeal direct to said department of social welfare, and if the appeal is sustained by said department the payments of aid in the amounts determined by said department must be paid by the county or city and county as herein provided. An applicant whose application for aid under this act has been rejected may not again apply for such aid until the expiration of one year from the date of the previous application. If the application for aid be granted, the clerk of the board of supervisors shall report the fact to the auditor of the county or city and county.

Granting and denial of application.

Appeal from board's decision

All payments of aid under this act shall be made monthly by the treasurer of the county or city and county in the manner provided by law for payment of claims against the county or city and county. All aid under this act shall be renewed annually on verified applications and after such further investigations as the board may deem necessary, and the amount of aid may be changed if the board finds that the recipient's circumstances have been changed. It shall be within the power of the board of supervisors to cancel and revoke aid for cause and it may for cause suspend payments for aid for such periods as it may deem proper.

Renewing applications

Payments.

Aid renewed

Revocation

SEC. 15. The clerk of the board of supervisors of each county and city and county shall report monthly to the said state department in such manner and form as the latter may prescribe, the number of applications granted, and the grants of aid changed, revoked or suspended under this act by the board during the preceding calendar month, together with copies of all applications received and a statement of the action of the board thereon, and shall report the amount of aid to aged paid out under this act by said county or city and county during said period. Claims for state aid granted under this act shall be presented by the respective counties and city and county semiannually in January and July of each year. Such claims shall be audited by the state department of social welfare and the state controller and, when

Reports

Claims.

approved, the state controller shall draw the necessary warrants and the state treasurer shall pay to the treasurer of said county or city and county a sum equal to one-half of the total amount of payments made by said county or city and county to aged citizens as aid under the provisions of this act during the period for which said claim is made.

Powers of
department

SEC. 16. The state department of social welfare shall have power to and shall prescribe the form of application, the manner and form of all reports and such additional rules and regulations as are necessary for the carrying out of the provisions of this act.

Expenses

SEC. 17. All necessary expense incurred by county or city and county boards of supervisors and advisory boards, in carrying out the provisions of this act, shall be paid by the county or city and county in the same manner as other expenses of such county or city and county are paid.

Aid
improperly
obtained

SEC. 18. If at any time the state department has reason to believe that aid to the aged has been obtained improperly, it shall cause special inquiry to be made and may suspend payment of any installment pending the inquiry. It shall notify the board of supervisors and advisory board of such suspension. If it appears upon inquiry that the aid was obtained improperly, it shall be canceled by the state department, but if it appears that aid was obtained properly, the suspended payments shall be payable.

Obtaining
aid
fraudulently.

SEC. 19. Any person who by means of a false statement or representation or by impersonation or other fraudulent device obtains or attempts to obtain or aids or abets any person to obtain under this act:

(a) Old age aid to which he is not entitled;

(b) A larger amount of aid than that to which he is justly entitled;

(c) Payment of any forfeited installment grant;

(d) Or knowingly aids or abets in buying or in any way disposing of the property of an applicant without the consent of the board of supervisors, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months or both such fine and imprisonment.

Penalties

Violation
of act

SEC. 20. Any person who knowingly violates any provision of this act for which no penalty is specifically provided shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars or imprisoned for not more than six months or by both such fine and imprisonment.

Appropriation
county
apportionment

SEC. 21. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to each and every county and city and county maintaining or supporting aged persons who come within the provisions of this act, aid not in excess of one hundred and eighty dollars per annum for each such aged person maintained or supported by such

county or city and county. Payments of such aid shall be made in the manner provided in section 15 of this act.

SEC. 22. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of twenty thousand dollars for the expenses of the state department of social welfare in the administration of this act during the eighty-first and eighty-second fiscal years.

Appropriation department of social welfare

SEC. 23. Nothing in this act shall be construed as repealing any other act or part of an act providing for the support of the poor except in so far as inconsistent therewith, and the provisions of this act shall be construed as an additional method of supporting and providing for the aged poor. This act shall be liberally construed. If any portion of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such judgment shall not affect, impair or invalidate the remainder of this act.

Construction

Constitutionality

SEC. 24. No aid granted under the provisions of this act shall be available or made payable before January 1, 1930.

Effective

CHAPTER 531.

An act to create a fish and game refuge; relating to the propagation, conservation and protection of fish and game and providing penalties for violations of the act.

[Approved by the Governor May 28, 1929. In effect August 14, 1929.]

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

SECTION 1. For the protection, conservation and propagation of game animals and fish there is hereby set apart and established a district to be known as the "General Grant national park game refuge," the boundaries of which are hereby determined to be as follows, to wit:

"General Grant national park game refuge" created.

Commencing at the point of intersection of the main hydrographic divide between the headwaters of Mill creek and Mill Flat creek with the west boundary of section twelve, township fourteen south, range twenty-seven east, Mount Diablo base and meridian; thence south along the west boundary lines of sections twelve and thirteen of the township and range aforesaid to the southwest corner of section thirteen; thence east along the south boundary of said section thirteen to the northwest corner of section nineteen, township fourteen south, range twenty-eight east, Mount Diablo base and meridian, being on the township line forming the boundary between the counties of Fresno and Tulare, California; thence south along the township line aforesaid to the point of intersection with the center line of the road known as the Hart Mill-Whitaker Grove road (Tulare county plat); thence easterly along the center line of said road to the point of intersection with the hydrographic divide between Eshom creek and Redwood creek at Redwood

Metes and bounds description.

gap; thence northerly along the hydrographic divide to the summit between the drainage of Log Corral meadow and creek and the headwaters of Redwood creek (United States Geodetic Survey altitude seven thousand five hundred sixty-three feet); thence northerly along a secondary divide to the point of intersection with the center line of the main channel of the principal stream draining Log Corral meadow, near the southeast corner of the southwest quarter of section thirty-four, township thirteen south, range twenty-eight east, thence north to the point of intersection with the north boundary of section twenty-seven, township thirteen south, range twenty-eight east; thence west along section lines to the point of intersection with the hydrographic divide of Park ridge; thence northwesterly following the main hydrographic divide between the headwaters of Abbott creek and the headwaters of Converse and Indian creeks to the summit at six thousand six hundred forty feet altitude (United States Geodetic Survey); thence southwestwardly along the hydrographic divide next west of a fork of Abbott creek, unnamed, to the point of intersection with the center line of the main channel of Abbott creek; thence southwestwardly along the principal secondary divide to the summit on the main hydrographic divide between Abbott creek and the headwaters of Mill Flat creek (United States Geodetic Survey altitude approximately four thousand eight hundred fifty feet); thence westerly along the hydrographic divide next north of a fork of Mill Flat creek misnamed upon the map "Abbott Creek" (United States Geodetic Survey quadrangle Dinuba, edition of 1924) to the point of intersection with the center line of the main channel of Mill Flat creek; thence southerly along the main hydrographic divide between the main channel of Mill Flat creek and a branch of that stream having its source on McKenzie ridge to the point of intersection with the main hydrographic divide of McKenzie ridge; thence southeasterly along the main hydrographic divide between the headwaters of Mill creek and Mill Flat creek to the point of beginning.

Law governing protection of fish and game animals

SEC. 2. The provisions of law for the protection of fish and game in this state shall be enforced within said game refuge and there shall be no open season therein for any game animals.

SEC. 3. It shall be unlawful within such territory at any time:

(a) To hunt, pursue, take, kill or destroy any game, birds or animals, except to capture the same to be set at liberty elsewhere as hereinafter provided;

(b) To hunt, pursue, take, kill or destroy any wild birds or animals, except as hereinafter provided;

(c) For any person to have in his possession any firearms, trap or other contrivance designed to be used to kill, destroy or capture game animals without first having obtained a permit so to do from the department of natural resources of this state; *provided*, that nothing in this act contained

shall prohibit the lawful occupant of any privately owned land within such refuge, or his employees at the direction of such applicant, from killing ground squirrels, gophers, owls, hawks, blue jays, skunks and other destructive animals which are not game animals as hereinafter defined, that may be on the land of such occupant; *and provided, further*, that nothing in this subdivision (c) shall apply to persons traveling upon public highways within such refuge or to persons of the organized militia while on the state rifle range, or to members of any high school militia while on the grounds of the high schools at which time they may be enrolled.

The term game animals as used herein is intended to include all birds and animals which are protected or fostered by any of the laws of this state. The term fish as used herein is intended to include all fish which are protected or fostered by any of the laws of this state.

SEC. 4. The department of natural resources shall have power:

Additional
powers
granted
department
of natural
resources

(a) To exercise control over all game animals and fish within the boundaries of said game refuge;

(b) To accept, on behalf of the state, donations of ownership or leasehold interest of any lands within the boundaries of said game refuge, to be used for the furtherance of the object of protecting, feeding or propagating game or fish;

(c) To accept, on behalf of the state, donations of game animals and fish and of money given or appropriated for protecting, feeding or propagating of game animals and fish in said game refuge, and to use the same for such purposes and, as nearly as may be, for any purpose indicated by the donor;

(d) To make additional rules and regulations not in conflict with this act or the statutes of the state, for the protection and propagation of game in such refuge;

(e) To issue in its discretion and under such restrictions as it may deem best, permits for carrying, using or having in possession within such refuge, firearms, traps or other instruments or means for killing or taking animals or fish; but no such permits shall allow any person to hunt, kill, destroy or take any game animal; and no hunting, killing or destruction of game animals within said game refuge shall be allowed by game wardens or by persons holding special permits for the purpose; the lawful occupants of lands included in said game refuge and their employees shall not be required to obtain permits for the purpose of killing ground squirrels, gophers, owls, hawks, blue jays, skunks or other destructive animals which are not game animals as in this act defined.

SEC. 5. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding one hundred fifty days, or by both such fine and imprisonment.

Offenses and
penalties

Enforcement SEC. 6. It shall be the duty of the department of natural resources and its deputies and employees and also of the district attorney, sheriff, and all other peace officers of the county in which said game refuge is situated, to enforce all of the provisions of this act, and to institute and assist in prosecutions for violations thereof.

CHAPTER 532.

An act to amend sections 737nn and 737pp of the Political Code, relating to the salaries of judges of the superior court.

[Approved by the Governor May 28, 1929 In effect August 14, 1929]

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

Stats 1927, SECTION 1. Section 737nn of the Political Code is hereby
p. 562,
amended amended to read as follows:

San Luis 737nn. The annual salary of the judge of the superior
Obispo court in and for the county of San Luis Obispo is six thousand
county dollars.

Stats 1927, SEC. 2. Section 737pp of the Political Code is hereby
p. 563,
amended amended to read as follows:

Santa 737pp. The annual salary of the judge of the superior
Barbara court in and for the county of Santa Barbara is six thousand
county five hundred dollars.

CHAPTER 533.

An act making an appropriation for printing and binding copies of the report of the state park commission made and prepared pursuant to the provisions of chapter seven hundred sixty-four, statutes of 1927, and declaring the urgency of the same.

[Approved by the Governor May 28, 1929. In effect immediately.]

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

Appropriation department of natural resources SECTION 1. Out of any moneys in the state treasury not otherwise appropriated the sum of one thousand fifty dollars is hereby appropriated to be expended in accordance with law by the state department of natural resources for printing and binding copies of a report made and prepared under and pursuant to the provisions of chapter seven hundred sixty-four of the statutes of 1927.

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

Urgency
measure

CHAPTER 534.

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

[Approved by the Governor May 28, 1929 In effect immediately]

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

SECTION 1. The sum of forty-five thousand dollars (\$45,000.00) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to meet the deficiency in the appropriation for legislative printing, binding, etc., for the seventy-ninth and eightieth fiscal years.

Appropriation legislative printing

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

Urgency
measure.

CHAPTER 535.

An act to amend the title and sections 1, 3, 4, 7, 8, 9, 16, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 46, 48, 50, 51 and 53 and to repeal sections 2, 25 and 31 of an act entitled "An act establishing and creating a department of the state mining bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a state oil and gas supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employes; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act," approved June 10, 1915, as amended, and to add

eight new sections thereto to be numbered 8a, 8b, 8c, 8d, 14a, 14b, 16a and 17a, relating to a division in the department of natural resources for the supervision of petroleum and gas, relating to the appointment of agents for service of orders and notices, declaring the unreasonable waste of natural gas to be opposed to the public interest, permitting and authorizing agreements in the interests of conservation and providing for their specific enforcement, relating to the filing and the hearing of complaints concerning the waste of gas, or the drilling operations or abandonment of wells; providing for the hearing of appeals from orders and decisions of the supervisor, his deputies and district boards of commissioners and for oaths, subpoenas and depositions; relating to proceedings instituted by the waste of gas, relating to proceedings instituted by the the unreasonable waste of gas, relating to certain requirements concerning removal of operating structures and casing from wells, and relating to certain requirements concerning the sale, exchange or other transfer of wells and land, creating a fund for the purposes of the act, providing for assessment of charges to be paid by operators and providing for the collection thereof, making an appropriation for the purposes of this act prescribing penalties for violations of the act, and generally providing for the protection of the natural resources of petroleum and gas from waste and destruction, and declaring the same to be an urgency measure to take effect immediately.

[Approved by the Governor May 28, 1929 In effect immediately.]

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

Stats 1915,
p 1404,
amended

SECTION 1. The title of an act entitled "An act establishing and creating a department of the state mining bureau for the protection of the natural resources of petroleum and gas from waste and destruction through improper operations in production; providing for the appointment of a state oil and gas supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act." approved June 10, 1915, as amended, is hereby amended to read as follows:

Title
amended.

An act to protect the natural resources of petroleum and gas from waste and destruction; relating to the creation of a division in the department of natural resources for the prevention of such waste and destruction; providing for the

appointment of a state oil and gas supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; permitting and authorizing agreements in the interests of conservation; providing for suits by the director of the department of natural resources in the name of the people of the State of California; providing procedure for arbitration of departmental rulings; creating a fund for the purposes of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act.

SEC. 2. Section 1 of said act is hereby amended to read as follows: Stats 1919,
p 1166,
amended.

Section 1. The division of the department of natural resources now or hereafter created for the supervision of petroleum and gas shall be in charge of a chief to be known as "state oil and gas supervisor." State oil
and gas
supervisor

SEC. 3. Sections 2, 25, and 31 of said act are hereby repealed. Repeated

SEC. 4. Section 3 of said act is hereby amended to read as follows: Stats 1915,
p 1405,
amended

Sec. 3. It shall be the duty of the state oil and gas supervisor so to supervise the drilling, operation and maintenance and abandonment of petroleum or gas wells in the State of California, as to prevent, as far as possible, damage to underground petroleum and gas deposits from infiltrating water and other causes and loss of petroleum and natural gas. It shall be the duty of any person, firm or corporation engaged in operating any petroleum or gas well in this state wherein high pressure gas is known to exist, and any person, firm or corporation drilling for petroleum or gas in any district in this state where the pressure of petroleum or gas is unknown, to equip any such well with casings of sufficient strength, and such other safety devices as may be necessary, in accordance with methods approved by the state oil and gas supervisor, and to use every effort and endeavor to effectually prevent blow-outs, explosions and fires. Duty of oil
and gas
supervisor.

Duty
imposed
on well
operators
and drillers

SEC. 5. Section 4 of said act is hereby amended to read as follows: Stats 1921,
p 1725,
amended.

Sec. 4. It shall be the duty of the state oil and gas supervisor to appoint one chief deputy and five field deputies, one for each of the districts hereinafter provided for, and prescribe their duties and fix their compensation. Such deputies shall serve during the pleasure of the supervisor. The director of natural resources shall have power to appoint two attorneys; one attorney so appointed shall receive a salary to be fixed by the director not exceeding three thousand dollars per annum and the other shall receive a salary to be fixed by the director of natural resources subject to the approval of the governor. Deputies.

Attorney

The supervisor, the deputies and the attorneys shall not be subject to the civil service act.

Stats 1915,
p 1588,
amended.
Records.

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

Sec. 7. The records of any and all operators, when filed with the deputy supervisor, as hereinafter provided, shall be open to inspection to those authorized in writing by such operators, to the state officers, and to the board of commissioners hereinafter provided for. Such records shall in no case other than those hereinafter and in this section provided, be available as evidence in court proceedings, and no officer or employee or member of any board of commissioners shall be allowed to give testimony as to the contents of said records, except at such court proceedings as are hereinafter provided for in the review of the decision of the state oil and gas supervisor, or a board of commissioners, or in any proceedings initiated for the enforcement of an order of the supervisor, or any proceeding initiated for the enforcement of a lien created by this act, or any proceeding for the collection of the assessment levied under and pursuant to the provisions of this act or in criminal proceedings arising out of such records, or the statements upon which they are based. Copies of all documents, orders, requisitions or decisions made, executed or issued by the supervisor, or his deputy, when certified by the supervisor or his deputy to be true copies of the original thereof, shall be received in evidence in all proceedings herein provided, in like manner and with the same effect as the originals.

Stats 1919,
p 1167,
amended.
Tests and
remedial
work.

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

Sec. 8. It shall be the duty of the supervisor to order such tests or remedial work as in his judgment are necessary to protect the petroleum and gas deposits from damage by underground water, or to prevent the escape of water into underground formations, to the best interests of the neighboring property owners, and the public at large. The order shall be in written form, signed by the supervisor, and shall be served upon the owner of the well, or the local agent appointed by such owner, either personally or by mailing a copy of said order to the post-office address given at the time the local agent is designated, or if no such local agent has been designated, by mailing a copy of said order to the last known post-office address of said owner, or if the owner be unknown by posting a copy of said order in a conspicuous place upon the property, and publishing the same in some newspaper of general circulation throughout the county in which said well is located, once a week for two successive weeks. Said order shall specify the conditions sought to be remedied and the work necessary to protect such deposits from damage from underground water.

Whenever the supervisor or any deputy makes or gives any written direction concerning the drilling, testing or other operations in any oil or gas well drilled, in process of drilling

or being abandoned, and the operator, owner or representative of either, serves written notice either personally or by mail, addressed to the supervisor or his deputy at his office in the district, requesting that a definite order be made upon such subject, the supervisor or his deputies shall, within five days after such notice, deliver a final written order on such subject matter in such manner and form that an appeal may be taken at once therefrom, to the board of oil and gas commissioners of the district created under this chapter.

SEC. 8. A new section, to be numbered 8a, is hereby added to said act, to read as follows:

Stats 1915,
p. 1406,
amended

Sec. 8a. It shall be the duty of every owner or operator of any well referred to in this act, to designate an agent, giving his post-office address, who resides within the county where the well is located, upon whom all orders and notices provided in this act may be served. Every person, firm, association or corporation appointing an agent as herein provided, shall, within five days after the termination of such agency, notify the supervisor, or his deputy, in writing, of such termination, and unless operations within the district are discontinued, shall appoint a new agent upon request of the supervisor.

Agent of
well owner
or operator.

SEC. 9. A new section to be numbered 8b is hereby added to said act, to read as follows:

Stats 1915,
p. 1406,
amended

Sec. 8b. The unreasonable waste of natural gas by the act, omission, sufferance or insistence of the lessor, lessee or operator of any land containing oil or gas, or both, whether before or after the removal of gasoline from such natural gas, is hereby declared to be opposed to the public interest and is hereby prohibited and declared to be unlawful. The blowing, release or escape of natural gas into the air shall be prima facie evidence of unreasonable waste.

Unreasonable
waste

SEC. 10. A new section, to be numbered 8c, is hereby added to said act, to read as follows:

Stats 1915,
p. 1406,
amended.

Sec. 8c. Whenever the state oil and gas supervisor shall find that it is in the interest of the protection of oil or gas from unreasonable waste, it is declared to be lawful for the lessor, lessee, operator or other persons, firms and corporations owning or controlling royalty or other interests in the separate properties of the same producing or prospective oil or gas field, to enter, with the approval of the state oil and gas supervisor, into agreements for the purpose of bringing about the cooperative development and operation of all or a part or parts of such field, or for the purpose of bringing about the development or operation of all or a part or parts of such field as a unit, or for the purpose of fixing the time, location and manner of drilling and operating of wells for the production of oil or gas, or providing for the return of natural gas into the sub-surface of the earth for the purpose of storage or the repressuring of an oil or gas field. Any such agreement shall bind the successors and assigns of the parties thereto in the land affected thereby and shall be enforceable in an action for specific performance.

Agreements
for develop-
ment of
field

Stats 1915,
p 1406,
amended.

Procedure
upon com-
plaint of
undue waste

SEC. 11. A new section, to be numbered 8*d*, is hereby added to said act, to read as follows:

Sec. 8*d*. Upon complaint being made to the director of natural resources by any person operating in any oil field that there is occurring or threatened an unreasonable waste of gas in any field or fields and a petition is filed with said director requesting that a hearing be held to consider whether such waste is occurring or threatened, and it appearing to the director of natural resources that there is probable cause for such complaint, he shall order the state oil and gas supervisor to hold such a hearing and to fix a time and place therefor; such a hearing may also be ordered by the said director on the application of the state oil and gas supervisor. Notice of the time and place of said hearing shall be given by publication in a newspaper printed and published in the county in which the unreasonable waste of gas is alleged to be taking place or to be threatened. Said notice shall also specify the commonly accepted name or a general description of the field or locality in which the unreasonable waste of gas is alleged to be taking place or to be threatened. The place of hearing shall be in the county or in any of the counties in which the unreasonable waste of gas is alleged to be taking place or to be threatened. Such publication shall be daily for five (5) days prior to the time of the hearing. The state oil and gas supervisor shall also send notice by mail to each lessor, lessee or operator of any oil and gas well in said field so far as the same may be known to him. No failure to send such written notice shall affect the validity of the proceeding. At such hearing all persons interested shall be entitled to be heard and may present testimony either oral or written. All witnesses shall be sworn and a transcript of the proceedings shall be kept by a stenographic reporter. All the provisions of this act in reference to the subpoenaing of witnesses and the taking of depositions shall be applicable to the hearing before the state oil and gas supervisor. Upon the conclusion of said hearing the state oil and gas supervisor shall determine whether or not there is an unreasonable waste of gas in said field, in existence or threatened, and shall also determine the extent to which the waste of gas therein occurring or threatened is unreasonable. If it shall appear that gas is being produced from any oil well or wells in quantities exceeding a reasonable proportion to the amount of oil produced from the same well or wells, even though it is shown that such excess gas is being used in the generation of light, heat, power or other industrial purpose and that there is sufficient other gas available for such uses from other wells in the same or other fields in which the gas produced is not in excess of the amount which bears a reasonable proportion to the amount of oil produced from such other wells and that there are adequate gas-pipe-line connections between such other wells and the place of utilization of such gas the state oil and gas supervisor shall hold that such excess production of gas is unreasonable waste thereof if such holding

Hearing.

Notice.

Findings.

will not cause an unreasonable waste of gas in any other field. If the waste of gas be found unreasonable an order shall be made directing that such unreasonable waste of gas shall be discontinued or refrained from to the extent stated in said order. The sale or delivery of gas to another by a lessor, lessee or operator shall be no defense, excuse or reason for any lessor, lessee or operator disobeying an order of the state oil and gas supervisor directing the discontinuance or curtailment of the production of the well or wells from which said gas is being produced where such gas is being unreasonably wasted by such buyer or by the person to whom deliveries are being made. A copy of said order must be posted in a conspicuous place upon the property affected thereby, and said order shall become final five (5) days after such posting unless appealed from as provided in section 9 hereof.

SEC. 12. Section 9 of said act is hereby amended to read as follows:

Sec. 9. The lessor, lessee, or any operator or any well owner or the owner of any rig, derrick, or other operating structure, or his or its local agent, must within five (5) days from the date of the service of any order from the supervisor or his chief deputy or field deputy, other than the order contemplated by section 8*d* hereof, file with the supervisor or his deputy in the district where the property is located, a written statement that the order is not acceptable, and that appeal from said order is taken to the board of commissioners of said district under the provisions of this act, or comply with such order. Any lessor, lessee, or operator affected by an order made pursuant to section 8*d* hereof may, within five (5) days from the posting of the copy of such order file with the supervisor written appeal therefrom to the board of commissioners of said district under the provisions of this act. Any such appeal shall operate as a stay of any order issued under or pursuant to the provisions of this act. Immediately upon filing of such notice of appeal, the deputy supervisor of the district, as secretary ex officio of the board of oil and gas commissioners, shall call a meeting of said commissioners to hear and pass upon said appeal. No commissioner shall be disqualified from sitting or acting in any appeal from any order of the state oil and gas supervisor involving the unreasonable waste of gas by reason of the fact that he is an employee of a lessor, lessee or operator who is interested in the oil or gas field affected by such order appealed from. The hearing upon said appeal before said district board of oil and gas commissioners shall be de novo and at such place in the district as the commissioners may designate, and within ten days from the taking of such appeal five days' notice in writing shall be given to the appellant of the time and place of such hearing, and for good cause the commissioners may postpone such hearing on the application of appellant, or the state oil and gas supervisor, or the field deputy in said district, for not exceeding five days. The board of commissioners after hearing shall affirm, set aside or modify said order as shall be

Stats 1919,
p 1167,
amended
Owner's
objections

Appeal.

Hearing

Decision

determined by a majority of the whole board. The decision of said board shall forthwith be filed with the oil and gas supervisor and upon such filing shall be final.

Stats 1915,
p 1408,
amended
Proceedings
to enforce
decision

SEC. 13. A new section, to be numbered 14a, is hereby added to said act, to read as follows:

Joining of
parties
defendant

Sec. 14a. When the decision of the state oil and gas supervisor that there is an unreasonable waste of gas occurring or threatened, shall have become final, a certified copy thereof, or, if modified by the order of the board of commissioners, then a certified copy of the order as modified, shall be filed with the director of the department of natural resources. The director, unless said order is complied with voluntarily, shall have proceedings instituted in the name of the people of the State of California to enjoin unreasonable waste of gas. Such proceedings shall be instituted in the superior court for the county in which the property where the wastage is occurring or is threatened or any part thereof may lie. There may be joined in the same proceedings any number of defendants, although their properties and interests may be severally owned and their actual or threatened unreasonable wastage of gas may be separate and distinct; *provided*, the actual or threatened unreasonable waste by all of the defendants are in or with reference to the same producing or prospective oil or gas field. In such suits no restraining order shall be issued *ex parte* but otherwise the procedure shall be conformable with the provisions of chapter three of title seven of part two of the Code of Civil Procedure of the State of California, and no temporary or permanent injunction issued in such proceedings shall be refused or dissolved or stayed pending appeal upon the giving of any bond or undertaking or otherwise. In such proceedings the findings of the oil and gas supervisor, unless set aside or modified by the board of commissioners, or if so modified then except to the extent so modified, shall constitute *prima facie* evidence of the unreasonable wastage of gas therein found to be occurring or threatened. The judgment of the court shall be appealable by any party in the same manner as other judgments rendered under said chapter.

Appeal

Stats 1915,
p 1408,
amended
Injunction

SEC. 14. A new section, to be numbered 14b, is hereby added to said act, to read as follows:

Sec. 14b. Whenever it appears to the director of the department of natural resources that the owners, lessors, lessees or operators of any well or wells producing oil and gas or oil or gas are causing or permitting an unreasonable waste of gas, he may institute, or have proceedings instituted, in the name of the people of the State of California, to enjoin such unreasonable waste of gas regardless of whether proceedings have or have not been instituted under section 8 hereof, and regardless of whether an order has or has not been made therein. Such proceedings shall be instituted in the superior court for the county in which the well or wells from which the unreasonable waste of gas is occurring or any thereof are

situated. The owners, lessors, lessees or operators causing or permitting an unreasonable waste of gas in the same oil or gas field, although their properties and interests may be separately owned and their unreasonable waste separate and distinct, may be made parties to said action. In such suits no restraining order shall be issued ex parte, but otherwise the procedure shall be governed by the provisions of chapter three, title seven, part two of the Code of Civil Procedure of the State of California and no temporary or permanent injunction issued in such proceedings shall be refused or dissolved or stayed pending appeal upon the giving of any bond or undertaking, or otherwise.

SEC. 15. Section 16 of said act is hereby amended to read as follows:

Stats 1917,
p. 1596,
amended

Sec. 16. It shall be the duty of the owner or operator of any well referred to in this act, before abandoning same to use every effort and endeavor in accordance with methods approved by the supervisor, or his deputy, and under his direction, to shut off and exclude all water from entering oil- or gas-bearing strata encountered in the well, and protect any underground water suitable for irrigation from infiltration of any detrimental substances. Before any work is commenced to abandon any well, the owner or operator shall give written notice to the supervisor, or his deputy, of his intention to abandon such well and the date upon which such work of abandonment shall begin. The notice shall be given to the supervisor, or his deputy, at least five days before such proposed abandonment and shall contain information showing the condition of the well and the proposed method of abandonment. The owner or operator shall furnish the supervisor, or his deputy, any additional information that he may request regarding the condition of the well and the proposed method of abandonment at any time between the filing of the notice of intention to abandon such well and the completion of abandonment. The supervisor, or his deputy, shall, before the proposed date of commencing work to abandon such well, furnish the owner or operator (1) with a written report of approval of his proposal or (2) a written report stating what work or tests will be necessary before approval to abandon will be given, or (3) a written request stating what information will be necessary for the owner or operator to furnish the supervisor, or his deputy, before approval to commence work to abandon or before approval to abandon, will be given. If the supervisor, or his deputy, shall fail within the specified time to give the owner or operator a written report or request, such failure shall be considered as an approval of the owner's or operator's proposal to abandon such well, and such proposal shall, for the purposes and intents of this act, be deemed a written report of the supervisor or his deputy. Within five days after the completion of abandonment of any well referred to in this act, the owner or operator of the well

Abandonment
of well

Notice.

Approval

abandoned, shall make in such form as the supervisor, or his deputy may direct, a written report, in duplicate, of all work done in connection with the abandonment. The supervisor or his deputy shall, within ten days after the receipt of such written report of completion, furnish the owner or operator with a written final approval of abandonment or a written disapproval of abandonment setting forth the conditions upon which such disapproval is based. Failure to abandon in accordance with the approved method of abandonment; failure to notify the supervisor or his deputy to witness any and all tests provided to be witnessed by the supervisor, his deputy or his inspector, in such approved proposal; failure to furnish the supervisor, or his deputy, at his request, any information regarding the condition of the well, or any or either of such failures, shall be deemed sufficient grounds for disapproval of such abandonment.

Stats 1915,
p 1409,
amended

Removal of
operating
structure.

SEC. 16. A new section, to be numbered 16a, is hereby added to said act, to read as follows:

Notice.

SEC. 16a. No person, firm, association, corporation, trust or syndicate, whether as principal, agent, servant, employee or otherwise, shall remove any rig, derrick or other operating structure, or the casing or any portion thereof, from any well referred to in this act, without first giving written notice to the supervisor, or his deputy, of his intention to remove said rig, derrick, structure or casing from such well. The notice shall be given to the supervisor, or his deputy, at least five days before such proposed removal. The supervisor, or his deputy, shall, before the proposed date of removal, furnish the person, firm, association, corporation, trust or syndicate with a written report of approval of his proposal, or a written report stating what work must be done before approval to remove will be given. If the supervisor, or his deputy, shall fail within the specified time to give the person, firm, association, corporation, trust or syndicate, a written report, such failure shall be considered as an approval of the person's, firm's, association's, corporation's, trust's or syndicate's proposal to remove the rig, derrick, structure or casing therefrom, and such proposal shall, for the purposes and intents of this act, be deemed a written report of the supervisor, or his deputy. Within five days after the completion of said removal, said person, firm, association, corporation, trust or syndicate shall make, in such form as the supervisor, or his deputy, may direct, a written report, in duplicate, of all work done in connection with such removal.

Report

Stats 1915,
p. 1409,
amended.

Notice of
sale or
exchange
of well.

SEC. 17. A new section, to be numbered 17a, is hereby added to said act, to read as follows:

SEC. 17a. It shall be the duty of the owner or operator of any well referred to in this act to notify the supervisor, or his deputy, in writing, in such form as the supervisor, or his deputy, may direct, of the sale, assignment, transfer, conveyance or exchange, by such owner or operator, of such well, and the land, owned or leased, upon which the well is located,

within five days after such sale, assignment, transfer, conveyance or exchange. Said notice shall contain the following: (1) the name and address of the person, firm, association, corporation, trust or syndicate to whom such well was sold, assigned, transferred, conveyed or exchanged; (2) the name and location of such well; (3) the date of the sale, assignment, transfer, conveyance or exchange; (4) the date when possession was relinquished by the owner or operator; (5) a description of the land upon which such well is situated.

*Contents
of notice.*

Every person, firm, association, corporation, trust or syndicate acquiring the ownership of any well referred to in this act, whether by purchase, transfer, assignment, conveyance or exchange, or otherwise, shall, within five days after acquiring such well, and the land, owned or leased, upon which the well is located, notify the supervisor, or his deputy, in writing, of such ownership. Said notice shall contain the following: (1) the name and address of the person, firm, association, corporation, trust or syndicate from whom said well was acquired; (2) the name and location of said well; (3) the date of acquisition; (4) the date when possession was acquired; (5) a description of the land upon which such well is situated.

*Notice of
acquiring
ownership*

*Contents
of notice*

SEC. 18. Section 18 of said act is hereby amended to read as follows:

*Stats 1917,
p. 1597,
amended*

Drilling log

Sec. 18. It shall be the duty of the owner and operator of any well referred to in this act to keep a careful and accurate log, core record and history, of the drilling of such well, such log to show the character and depth of the formation passed through or encountered in the drilling of such well, and particularly to show the location and depth of the water-bearing strata, together with the character of the water encountered from time to time (so far as ascertained) and to show at what point such water was shut off, if at all, and if not, to so state in such log, and show completely the amounts, kinds and size of casing used, and show the depth at which oil-bearing strata are encountered, the depth and character of same, and whether all water overlying and underlying such oil-bearing strata was successfully and permanently shut off so as to prevent the percolation or penetration into such oil-bearing strata; such core record to show depth, character, and fluid content of cores obtained, so far as determined; such history to show location and amount of sidetrack casings, tools or other material, depth and quantity of cement in cement plugs, shots of dynamite or other explosives, results of production, and other tests during drilling operations; such log shall be kept in the local office of the owner or operator, and, together with the tour reports of said owner or operator, shall be subject, during business hours, to the inspection of the supervisor, or any of his deputies, or any of the commissioners of the district, except in the case of a prospect well as hereafter defined. Upon the completion of any well, or upon the suspension of operations upon any well, for a period of six months, if it be a prospect well, or for thirty days, if it be in

proven territory, a copy of said log, core record and history, in duplicate, and in such form as the supervisor may direct, shall be filed within ten days after such completion, or after the expiration of said thirty day period, with the field supervisor, and a like copy shall be filed upon the completion of any additional work in the deepening of any such well. The owner or operator of any well referred to in this act, or his local agent, shall file with the supervisor a copy of such log, history, and core record, or any portion thereof, at any time after the commencement of the work of drilling any such well, except a prospect well, upon written request of the supervisor, or his deputy. Such request shall be signed by the supervisor, or his deputy, and served either personally upon, or by mailing a copy of said request, by registered mail, to the last known post-office address of such owner or operator or agent.

Filing
of log

A well shall be deemed completed, for the purposes of this act, thirty days after the well has commenced to produce oil, water, or gas, unless drilling operations are resumed before the end of the thirty-day period.

Well
deemed
complete.

The state oil and gas supervisor shall determine and designate what wells are prospect wells within the meaning of this act, and no reports shall be required from such prospect wells until six months after the completion thereof.

Prospect
wells.

The owner or operator of any well drilled previous to the enactment of this act shall furnish to the supervisor or his deputy, a complete and correct log, in duplicate, and in such form as the supervisor may direct, or his deputy, of such well, so far as may be possible, together with a statement of the present condition of said well.

Stats. 1915,
p 1597,
amended

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

Notice of
shut-off test.

Sec. 19. It shall be the duty of the owner or operator of any well referred to in this act to test the shut-off of water by any casing which has been cemented or landed in a stratum overlying an oil or gas-bearing stratum, with not more than five feet of hole open below the bottom of said casing and to notify the deputy supervisor of the time at which the owner or operator shall test the shut-off of water in any such well. Such notice shall be given at least five days before such test. The deputy supervisor or an inspector designated by the supervisor shall be present at such test, and shall render a report in writing of the result thereof to the supervisor, a duplicate of which shall be delivered to the owner. If any test shall be unsatisfactory to the supervisor, he shall so notify the owner or operator in said report and shall within five days after the completion of such test, order additional tests of such work as he deems necessary to properly shut off the water in such well and in such order shall designate a day upon which the owner or operator shall again test the shut-off of water in any such well, which day may, upon the application of the owner, be changed from time to time in the discretion of the deputy supervisor.

SEC. 20. Section 20 of said act is hereby amended to read as follows:

Stats 1917,
p 1598,
amended

Sec. 20. It shall be the duty of every person, association or corporation producing oil in the state of California, to file with the supervisor, on or before the tenth day of each month, for the last preceding calendar month, a statement showing amount of oil and gas produced during the period indicated from each well, together with its gravity and the amount of water produced from each well, estimated in accordance with methods approved by the supervisor, and the number of days during which fluid was produced from each well, the number of wells drilling, producing or idle, owned or operated by said person, association or corporation; also what disposition was made of the gas produced from each well, including the names of persons, if any, to whom said gas was delivered, and such other information regarding the gas and the disposition thereof as the state oil and gas supervisor may require; *provided*, that, upon request and satisfactory showing a longer interval may be fixed by the state oil and gas supervisor as to such reports in the case of any specific owner or operator.

Statements
of oil
produced.

This information shall be in such form as the supervisor may designate.

SEC. 21. Section 21 of said act is hereby amended to read as follows:

Stats. 1915,
p. 1410,
amended

Sec. 21. Any owner or operator of any well referred to in this act, or employee thereof, who refuses to permit the supervisor, or his deputy, or his inspector, to inspect the same, or who wilfully hinders or delays the enforcement of this act, and every person, firm, association, corporation, trust or syndicate, whether as principal, agent, servant, employee or otherwise, violating or failing, neglecting or refusing to comply with any of the provisions of this act, or failing or neglecting or refusing to furnish any report or record which may be required pursuant to the provisions of this act, or who wilfully renders a false or fraudulent report, is guilty of a misdemeanor, and shall be punishable by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment, for each such offense.

Offenses and
penalties.

SEC. 22. Section 22 of said act is hereby amended to read as follows:

Stats 1917,
p 1598,
amended

Sec. 22. Charges levied, assessed and collected as hereinafter provided upon the properties of every person, firm, corporation or association operating any well or wells for the production of petroleum in this state, or operating any well or wells for the production of natural gas in this state which gas wells are situate on lands situate within two miles, as near as may be, of any petroleum or gas well the production of which is chargeable under this act, shall be used exclusively for the support and maintenance of the division of the depart-

Charges for
support of
division

ment of natural resources charged with the supervision of petroleum and gas, and shall be assessed and levied by the department of natural resources and collected in the manner hereinafter provided.

Stats 1921,
p 1725,
amended.

SEC. 23. Section 27 of said act is hereby amended to read as follows:

Estimate of
money
required

Sec. 27. The department of natural resources shall annually, on or before the first Monday in March, acting in conjunction with the state board of control, make an estimate of the amount of moneys which shall be required to carry out the provisions of this act.

At the time of making such estimate, the department of natural resources shall report to the state board of control the amount of money in the petroleum and gas fund on the day such estimate is made, less the amount of money necessary for the support of the department of petroleum and gas for the remainder of the fiscal year, and the amount of such estimate shall in no event exceed the difference between the amount thus determined as remaining in the petroleum and gas fund at the end of the fiscal year and the sum of two hundred seventy-five thousand dollars.

Stats. 1915,
p 1411,
amended

SEC. 24. Section 28 of said act is hereby amended to read as follows:

Department
to prescribe
form of
reports.

Sec. 28. The department of natural resources shall prescribe the form and contents of all reports for making the charge or other purposes to carry out the intent and provisions of this act, which form shall be mailed in duplicate to the person, firm, corporation or association owning property or assessed under the provisions of this act.

Stats 1915,
p. 1411,
amended.

SEC. 25. Section 29 of said act is hereby amended to read as follows:

Annual
reports.

Sec. 29. Every person, firm, corporation or association chargeable under the provisions of this act, shall within ten days after the first Monday in March of each year, report to and file with the department of natural resources a report in such form as said department may prescribe, giving any and all items of information as may be demanded by said report, and necessary to carry out the provisions of this act, which report shall be verified by such person or officer as the department of natural resources may designate.

Stats 1915,
p. 1411,
amended.

SEC. 26. Section 30 of said act is hereby amended to read as follows:

Failure
or refusal
to act

Sec. 30. If any person, firm, corporation or association chargeable under the provisions of this act shall fail or refuse to furnish the department of natural resources within the time prescribed in this act the verified report provided for in this act, the department of natural resources must note such failure or refusal in the record of assessments hereinafter in this act provided for, and must make an estimate of the petroleum or gas production to be assessed of any such person, firm, corporation or association and must assess the same at the amount thus estimated and compute the charge

thereon, which assessment and charge shall be the assessment and charge for such year. And if in the succeeding year any such person, firm, corporation or association shall again fail and refuse to furnish the verified report required by this act, the department of natural resources shall make an estimate as aforesaid, which estimate shall not be less than twice the amount of the estimate made by it for the previous year, and shall note such failure or refusal as above provided, and the said estimate so made shall be the assessment or charge for said year. In case of each succeeding consecutive failure or refusal the department of natural resources shall follow the same procedure until a true statement or report shall be furnished.

SEC. 27. Section 32 of said act is hereby amended to read as follows: Stats 1915, p. 1412, amended

Sec. 32. The department of natural resources may, for good cause shown, by order entered upon its minutes, extend for not exceeding thirty days, the time fixed in this act for filing any report herein provided for. Extension of time of reports.

SEC. 28. Section 33 of said act is hereby amended to read as follows: Stats 1917, p. 1599, amended

Sec. 33. On or before the third Monday before the first Monday in July of each year, the department of natural resources shall determine the rate or rates which shall produce the sums necessary to be raised as provided in section 27 of this act. Within the same time the department of natural resources shall extend into the proper column of the record of assessments hereinafter provided for, the amount of charges due from each person, firm, corporation or association. Determination of rate.

SEC. 29. Section 34 of said act is hereby amended to read as follows: Stats 1915, p. 1412, amended

Sec. 34. Between the first Monday in March and the third Monday before the first Monday in July in each year, the department of natural resources must assess and levy the charges as and in the manner provided for in this act. The assessments must be made to the person, firm, corporation or association owning or operating the property subject to assessment hereunder on the first Monday in March. If the name of the owner is unknown to the department of natural resources such assessment must be made to unknown owners. Clerical errors occurring or appearing in the name of any person, firm, corporation or association whose property is properly assessed and charged, or in the making, or extension of any assessment or charge upon the records, which do not affect the substantial rights of the payer, shall not invalidate the assessment or charge. Assessments.

SEC. 30. Section 35 of said act is hereby amended to read as follows: Stats 1915, p. 1412, amended.

Sec. 35. The director of the department of natural resources and the director of the department of finance and the chairman of the state board of equalization shall constitute a board Board of review.

of review, correction and equalization, and shall have all the powers and perform such duties as usually devolve upon a county board of equalization under the provisions of section 3672 of the Political Code. The director of the department of natural resources shall act as secretary of said board, and shall keep an accurate minute of the proceedings thereof. Said board of review, correction and equalization shall meet at the state capitol on the third Monday before the first Monday in July of each year, and remain in session from day to day until the first Monday in July for the purpose of carrying out the provisions of this section.

Stats 1917,
p 1600,
amended
Publication
of notice of
assessment.

SEC. 31. Section 36 of said act is hereby amended to read as follows:

Sec. 36. On the third Monday before the first Monday in July of each year the department of natural resources shall cause to be published a notice, one or more times, in a daily, or weekly, or semiweekly newspaper of general circulation published in the counties of Fresno, Kern, Los Angeles, Orange, Ventura and Santa Barbara, and such other counties as may contain lands or produce oil or gas charged under and pursuant to the terms and provisions of this act, if one be published therein, otherwise in a newspaper of general circulation published in the county nearest to such county designated herein in which no such paper is published, that the assessment of property and levy of charges under and in pursuance of this act has been completed and that the records of assessments containing the charges due will be delivered to the state controller on the first Monday in July, and that if any person, firm, corporation or association is dissatisfied with the assessment made or charge fixed by the department of natural resources he or it may, at any time before said first Monday in July, apply to said board of review, correction and equalization to have the same corrected in any particular. The said board shall have the power at any time before said first Monday in July to correct the record of assessments and may increase or decrease any assessment or charge therein if in its judgment the evidence presented or obtained warrants such action. Costs of such publication in any county shall be paid from the petroleum and gas fund; *provided, however*, that the omission to publish said notice as hereinbefore and in this section provided, shall not affect the validity of any assessment levied under or pursuant to the provisions of this act.

Power to
correct
assessment.

Stats. 1917,
p 1600,
amended
Record of
assessments
and charges

SEC. 32. Section 37 of said act is hereby amended to read as follows:

Sec. 37. The department of natural resources must prepare each year a book in one or more volumes, to be called the "Record of assessments and charges for the petroleum and gas fund," in which must be entered, either in writing or printing, or both writing and printing, each assessment and levy or charge made by him upon the property provided to be assessed and charged under this act, describing the property

assessed, and such assessments may be classified and entered in such separate parts of said record as the department of natural resources shall prescribe.

SEC. 33. Section 38 of said act is hereby amended to read as follows: Stats 1917,
p 1600,
amended

Sec. 38. On the first Monday in July the department of natural resources must deliver to the state controller the record of assessments and charges for the petroleum and gas fund, certified to by the director of said department which certificate shall be substantially as follows: "I, -----, director of the department of natural resources, do hereby certify that between the first Monday in March and the first Monday in July, 19--, made diligent inquiry and examination to ascertain all property and persons, firms, corporations and associations subject to assessment for the purpose of the petroleum and gas fund as required by the provisions of the act of Legislature approved June 10, 1915, as amended, providing for the assessment and collection of charges for oil protection; that I have faithfully complied with all the duties imposed upon me by law; that I have not imposed any unjust or double assessment through malice or ill will, or otherwise; nor allowed any person, firm, corporation or association or property to escape a just assessment or charge through favor or regard, or otherwise." But the failure to subscribe such certificate to such record of assessments and charges for oil protection, or any certificate, shall not in any manner affect the validity of any assessment or charge. Record
delivered to
controller.

SEC. 34. Section 40 of said act is hereby amended to read as follows: Stats 1917,
p. 1601,
amended

Sec. 40. Within ten days after the receipt of the record of assessments and charges for oil protection, the state controller must begin the publication of a notice to appear daily for five days, in one daily newspaper of general circulation published in each of the counties of Fresno, Kern, Los Angeles, Orange, Ventura and Santa Barbara, and such other counties as may contain lands or produce oil or gas charged under or pursuant to the terms and provisions of this act, if one be published therein, otherwise for at least two times in a weekly or a semi-weekly paper of general circulation published therein, or if there be neither a daily nor weekly nor semi-weekly paper of general circulation published in any one of such counties, then the publication of the notice for such county shall be made in a similar manner in a newspaper of general circulation published in the county nearest such county, specifying: Publication
of con-
troller's
notice

(1) That he has received from the department of natural resources the record of assessments and charges for oil protection; (2) that the charges therein assessed and levied are due and payable on the first Monday in July and that one-half thereof will be delinquent on the sixth Monday after the first Monday in July at six o'clock p.m.; and that unless paid to the state treasurer at the capital prior thereto, fifteen per cent will be added to the amount thereof, and unless paid Contents.

prior to the first Monday in February next thereafter at six o'clock p.m., an additional five per cent will be added to the amount thereof; and that the remaining one-half of said charges will become delinquent on the first Monday in February next succeeding the day upon which they become due and payable, at six o'clock p.m., and if not paid to the state treasurer at the capital prior thereto, five per cent will be added to the amount thereof. Costs of such publication in any county shall be paid from the petroleum and gas fund.

Stats 1917,
p. 1601,
amended

Assessments
constitute
lien

SEC. 35. Section 41 of said act is hereby amended to read as follows:

Sec. 41. The assessments and charges levied under the provisions of this act shall constitute a lien upon all the property of every kind and nature belonging to the persons, firms, corporations and associations assessed under the provisions hereof, and the assessments and charges levied under the provisions of this act upon oil or gas removed from any land in this state shall constitute a lien upon the land from which such oil or gas has been extracted, which lien shall attach on the first Monday in March of each year. Such lien shall be enforced and said charges collected by an action by the state controller as provided in section 44 of this act.

Stats 1917,
p. 1602,
amended

Action to
recover
charges.

SEC. 36. Section 43 of said act is hereby amended to read as follows:

Sec. 43. Any person, firm, corporation or association claiming and protesting as herein provided that the assessment made or charges assessed against him or it by the department of natural resources is void, in whole or in part, may bring an action against the state treasurer for the recovery of the whole or any part of such charges, penalties or costs paid on such assessment, upon the grounds stated in said protest, but no action may be brought later than the third Monday in February next following the day upon which the charges were due, nor unless such person, firm, corporation or association shall have filed with the state controller at the time of payment of such charges, a written protest stating whether the whole assessment or charge is claimed to be void, or if a part only, what part, and the grounds upon which such claim is founded, and when so paid under protest the payment shall in no case be regarded as voluntary.

Procedure

Whenever, under the provisions of this section, an action is commenced against the state treasurer, a copy of the complaint and of the summons must be served upon the treasurer, or his deputy. At the time the treasurer demurs or answers, he may demand that the action be tried in the superior court of the county of Sacramento, which demand must be granted. The attorneys employed by the director of the department of natural resources must defend such action; *provided, however,* the director of the department of natural resources upon the application of the supervisor may employ additional counsel, the expense of which employment shall be paid from the petroleum and gas fund. The provisions of the Code of Civil Procedure

relating to pleadings, proofs, trials and appeals are applicable to the proceedings herein provided for.

A failure to begin such action within the time herein specified shall be a bar against the recovery of such charges. In any such action the court shall have the power to render judgment for the plaintiff for any part or portion of the charge, penalties, or costs found to be void and so paid by plaintiff upon such assessment.

Failure to bring action

SEC. 37. Section 44 of said act is hereby amended to read as follows:

Stats 1917, p 1603, amended

Sec. 44. The state controller shall, on or before the thirtieth day of May next following the delinquency of any charge as provided in this act, bring an action in a court of competent jurisdiction, in the name of the people of the State of California, in the county in which the property assessed is situated, to collect any delinquent charges or assessments, together with any penalties or costs, which have not been paid in accordance with the provisions of this act and appearing delinquent upon the records of assessments and charges for the petroleum and gas fund in this action provided for.

Action to collect delinquent assessments

The attorneys employed by the director of natural resources shall commence and prosecute such action to final judgment and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings herein provided for. The director of the department of natural resources, upon the application of the state oil and gas supervisor, may employ additional counsel and the expense of such employment shall be paid from the petroleum and gas fund.

Procedure

Payments of the penalties and charges, or amount of the judgment recovered in such action must be made to the state treasurer. In such actions the record of assessment and charges for oil protection, or a copy of so much thereof as is applicable in said action, duly certified by the controller showing unpaid charges against any person, firm, corporation or association assessed by the department of natural resources is prima facie evidence of the assessment upon the property, the delinquency, the amount of charges, penalties, and costs due and unpaid to the state, and that the person, firm, corporation or association is indebted to the people of the State of California in the amount of charges and penalties therein appearing unpaid and that all the forms of law in relation to the assessment of such charges have been complied with.

Payments, to whom made.

SEC. 38. Section 46 of said act is hereby amended to read as follows:

Stats 1921, p 1726, amended

Sec. 46. All the moneys heretofore paid to the state treasurer under or pursuant to the provisions of this act and deposited to the credit of the oil protection fund, shall be withdrawn from said fund, which is hereby abolished, and deposited to the credit of the petroleum and gas fund which

Oil protection fund abolished

Petroleum
and gas fund
created

Expenditure
of moneys

Stats 1917,
p. 1604,
amended
Supervisor's
annual
report.

Stats 1915,
p. 1418,
amended.
Words and
phrases
defined.

is hereby created. All of the moneys hereafter paid to the state treasurer under or pursuant to the provisions of this act shall be deposited to the credit of the petroleum and gas fund.

All moneys in such fund shall be expended under the direction of the department of natural resources drawn from such fund for the purpose of this act upon warrants drawn by the controller of the state, upon demands made by the department of natural resources and audited by the state board of control.

SEC. 39. Section 48 of said act is hereby amended to read as follows:

Sec. 48. On or before the first day of October of each and every year the supervisor shall make public, for the benefit of all parties interested therein, a report in writing showing the total number of barrels of petroleum and gas produced in each county in the state during the previous calendar year, together with the total cost of said department for the previous fiscal year and the net amount remaining in the petroleum and gas fund available for the succeeding fiscal year's expense, also the total amount delinquent and uncollected from any assessments or charges levied under or pursuant to the provisions of this act. Such report shall also include such other information as the supervisor may deem advisable. The supervisor may publish any publications, reports, maps or other printed matter relating to oil and gas, for which there may be public demand. Any such publications, reports, maps, or other printed matter which it shall be deemed advisable to sell shall be sold at cost, and the proceeds therefrom shall be deposited to the credit of the petroleum and gas fund.

SEC. 40. Section 50 of said act is hereby amended to read as follows:

Sec. 50. Whenever the term "supervisor" is used in this act it shall be taken to mean the "state oil and gas supervisor," the term "oil" shall include "petroleum," the term "petroleum" shall include "oil," the term "gas" shall mean natural gas coming from the earth, the term "operator" shall mean any person, firm or corporation drilling, maintaining, operating, pumping, or in control of a well in any territory which the supervisor determines to be oil or gas producing territory, the term "owner" shall include "operator" when any oil or gas well is operated or has been operated or is about to be operated by any person, firm or corporation other than the owner thereof, and the term "operator" shall include "owner" when any such well is or has been or is about to be operated by or under the direction of the owner, except that all the provisions of this act relating to assessments for the purposes of this act based upon the annual production of oil or petroleum or sale of gas, as set forth in sections 22 to 45 inclusive of this act, shall apply only to a person, firm or corporation operating an oil or petroleum or gas well, and shall not apply to the owner of such well if some person, firm or corporation, other than such owner, has been actually operating the well during the whole period for which such annual

charge is made, but in the event that the actual operation of any such well changes hands during such period, the charge shall be apportioned upon the basis of the oil or petroleum or gas produced, and the lien provided for in section 41 of this act shall be a lien against the property of each and all such operators. Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; and the neuter, the masculine and feminine; the singular number includes the plural, and the plural, the singular; "writing" includes "printing" and "typewriting."

SEC. 41. Section 51 of said act is hereby amended to read as follows:

Stats 1915,
p 1418.
amended
Appropriation department of natural resources.

Sec. 51. Out of any moneys in the state treasury, not otherwise appropriated, there is hereby appropriated the sum of thirty thousand dollars, which said sum shall be immediately transferred by the state controller on the books of his office from the general fund to the "petroleum and gas fund" created by section 46 of this act.

The above mentioned fund shall be expended by the department of natural resources in carrying out the provisions of this act and for the necessary expenses of the controller in carrying out the provisions of this act.

On or before July 1, 1930, the sum of thirty thousand dollars shall be returned into the general fund from moneys in the "petroleum and gas fund." All the moneys in the petroleum and gas fund at any time and from time to time are hereby appropriated and made available for the purpose of carrying out the provisions of this act.

Certain moneys to be returned

SEC. 42. Section 53 of said act is hereby amended to read as follows:

Stats 1915,
p 1419.
amended

Sec. 53. This act shall be liberally construed to meet its purposes and the director of the department of natural resources and the supervisor shall have all powers which may be necessary to carry out the purposes of this act, and the provisions of this act shall apply to any land or wells situated within the boundaries of an incorporated city where the drilling of oil wells is now or may hereafter be prohibited until all wells thereon have been abandoned as provided in this act.

Construction of act

SEC. 43. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace and safety within the meaning of section 1 of article four of the constitution, and as such shall take effect immediately. The facts constituting such necessity are as follows:

Urgency measure.

At the present time in the oil and gas producing fields within the state there is now being blown into the air and wasted daily on the average approximately five hundred million cubic feet of gas. New fields producing heavily of natural gas are being opened up which will tend to add to the amount of natural gas being blown into the air and wasted and lost.

Effective immediately.

CHAPTER 536.

An act to add new sections, to be numbered 23, 24 and 25 to an act entitled "An act to reserve all minerals in state lands; to provide for examination, classification and report on the mineral and other character of state lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, relating to the withholding and denial of the right or privilege of applying or bidding for, receiving, obtaining or being granted permits or leases to prospect for or take oil, gas or other mineral in, upon or from tide, overflowed or submerged lands and beds of navigable rivers or lakes belonging to the state or any political subdivision thereof.

[Approved by the Governor May 28, 1929. In effect August 14, 1929.]

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

Stats 1921,
p 413,
amended.

SECTION 1. A new section is hereby added to the act entitled "An act to reserve all minerals in state lands; to provide for examination, classification and report on the mineral and other character of state lands; to provide for the granting of permits and leases to prospect for and take any such minerals; to provide for the rents and royalties to be paid, and granting certain preference rights; to provide for the making of rules, regulations and contracts necessary to carry out the purposes of this act; and repealing acts or parts of acts in conflict herewith; providing for an appropriation to defray the cost of administering this act," approved May 25, 1921, as amended, to be numbered 23 and to read as follows:

Application
for permit.

Sec. 23. On and after September 1, 1929, no application for a permit to prospect for oil or gas or minerals other than oil and gas shall be received, nor shall any such permit be granted or issued by the state or any official thereof or by any political subdivision of the state or any official thereof for tide-lands, whether filled or unfilled, submerged lands, overflowed lands or the beds of navigable rivers or lakes; *provided, however*, that nothing contained in this section shall be deemed or construed with reference to an applicant for a prospecting permit who has made application in full accordance and compliance with the provisions of this act on or prior to January 17, 1929, or if a littoral owner on or prior to the last day upon which he can under the provisions of section 4 of this act exercise his preferential rights with respect to an application made on or prior to January 17, 1929, as denying his

right, if any he have, to receive such prospecting permit nor as recognizing, ratifying, or validating any such right so claimed.

SEC. 2. A new section is hereby added to said act, to be numbered 24, and to read as follows:

Stats 1921,
p. 413,
amended.
Leases of
tidelands

Sec. 24. On and after September 1, 1929, no lease for drilling for oil or gas, or for the production or extraction of any minerals other than oil or gas shall be made, executed or delivered by the state or any official thereof or by any political subdivision of the state or any official thereof for tidelands, whether filled or unfilled, submerged lands, overflowed lands or the beds of navigable rivers or lakes; *provided, however*, that nothing contained in this section shall be deemed or construed with reference to the holder of a valid, uncanceled and unforfeited prospecting permit granted upon an application filed in full accordance and compliance with the provisions of this act on or prior to January 17, 1929, or if a littoral owner, on or prior to the last day upon which he can under the provisions of section 4 of this act, exercise his preferential rights with respect to an application made on or prior to January 17, 1929, as prohibiting such permit holder from exercising the right, if any he have, to apply for and receive a lease under the provisions of section 5 of this act, nor as recognizing, ratifying or validating any such right so claimed.

SEC. 3. A new section is hereby added to said act, to be numbered 25 and to read as follows:

Stats 1921,
p. 413,
amended
Phrases
construed

Sec. 25. The words "submerged and overflowed lands" as used in sections 23 and 24, shall be deemed and be construed as applying only to the bed of the ocean or other lands over which the tide of the ocean ebbs and flows.

The words "beds of navigable rivers or lakes" as used in sections 23 and 24 shall be deemed and be construed to apply to arms, inlets and estuaries of said rivers and lakes as well as to the main body thereof from one shore to the other.

CHAPTER 537.

An act to amend section 1 of an act entitled "An act to take title to and thereafter maintain as a state highway, the toll road in Tuolumne and Mariposa counties, known as Big Oak Flat and Yosemite road, also, a section of the Tuolumne county road to connect said toll road with the Sonora lateral of the state highway," approved May 19, 1915, providing for the rerouting of said highway and the improvement and maintenance thereof.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1 of an act entitled "An act to take title to and thereafter maintain as a state highway, the toll road

Stats 1915,
p. 635,
amended.

in Tuolumne and Mariposa counties, known as the Big Oak Flat and Yosemite road, also, a section of the Tuolumne county road to connect said toll road with the Sonora lateral of the state highway," approved May 19, 1915, is hereby amended to read as follows:

Big Oak Flat and Yosemite road declared state highway.

Section 1. That all that certain state highway in Tuolumne and Mariposa counties known as the Big Oak Flat and Yosemite road, beginning on the Sonora lateral, state highway route thirteen, and running thence in a general easterly direction through Big Oak Flat and Buck Meadows to the Yosemite national park boundary at Crane Flat, is hereby declared a state highway, and shall hereafter be improved and maintained by the state under the supervision of the department of public works.

The department of public works shall select from the routes available, the road it deems the most practicable, direct, and easily maintained to make connection with the state highway lateral.

CHAPTER 538.

An act to amend section 596a of the Political Code, relating to the insurance commissioner and the rendering of opinions and the performance of other legal services by the attorney for the insurance commissioner and the attorney general.

[Approved by the Governor May 28, 1929. In effect August 14, 1929.]

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

Stats 1907, p 147, amended
Approval of documents

SECTION 1. Section 596a of the Political Code is hereby amended to read as follows:

Attorney for commissioner

596a. Before the insurance commissioner issues any certificate of authority or any other certificate or gives any permission or authority of any kind, based upon any written instrument or document or certified copy thereof, required by the statutes of the State of California, the commissioner shall submit such instrument, document or certified copy to the attorney for the commissioner, who shall examine the same and return it to the commissioner with his certificate or opinion as to whether such instrument, document or certified copy is in accordance with the requirements of law. If such certificate or opinion of the attorney for the commissioner is not satisfactory to any party in interest, the insurance commissioner, upon the written request of any such dissatisfied party, shall obtain the opinion of the attorney general thereon, and such opinion shall govern and control the commissioner, subject only to review by a court of competent jurisdiction; *provided*, that neither the authority to nor bond of an agent or solicitor, nor the annual statements as to the condition and affairs need, but may, be so submitted (with the same effect) by the com-

Attorney general

missioner to the attorney for the commissioner. Whenever it devolves upon the attorney general to render opinions or perform other legal services for and on behalf of the insurance commissioner by any provision of law heretofore enacted, such duty is hereby transferred and devolves upon the attorney so appointed by the insurance commissioner.

CHAPTER 539.

An act authorizing the department of finance to sell certain property belonging to the State of California, situated in Riverside county, State of California.

[Approved by the Governor May 28, 1929. In effect August 14, 1929]

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

SECTION 1. The department of finance is hereby authorized and empowered to sell all that certain real property of the State of California described as the southeast quarter of section nine, township three south, range two east, San Bernardino base and meridian, situated in Riverside county, State of California. Sale of property

SEC. 2. The director of the department of finance is hereby authorized to take all legal steps and execute all instruments necessary to carry out the provisions of this act. Director of finance

CHAPTER 540.

An act to add a new section to the Penal Code, to be known as section 1046a, relating to jury panels.

[Approved by the Governor May 28, 1929 In effect August 14, 1929]

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

SECTION 1. There is hereby added to the Penal Code a new section to be known as section 1046a, and to read as follows: New section

1046a. In any county having two or more judges of the superior court, a separate panel of jurors may be drawn, summoned and impaneled for each judge, or one panel may be drawn, summoned and impaneled by any one of the judges for use in the trial of cases before any two or more of the judges, as occasion may require. In such counties, when a panel of jurors is in attendance for service before any or more of the judges, whether impaneled for common use or not, the whole or any number of the jurors from such panel may be required to attend and serve in the trial of cases, or to complete a panel, or jury, before any other of the judges. If one of the judges has a separate panel of jurors, no part thereof shall, without his consent, be taken to serve before another judge. Jury panels

CHAPTER 541.

An act to amend section 1 of an act entitled "An act declaring and establishing a state highway from the city of Bakersfield through a portion of the counties of Kern, San Luis Obispo, Santa Barbara and Ventura to the city of San Buenaventura, designated and known as the Bakersfield, Maricopa and Ventura state highway," approved June 16, 1913, relating to state highways.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

Stats 1913,
p. 1134,
amended.

SECTION 1. Section 1 of an act entitled "An act declaring and establishing a state highway from the city of Bakersfield through a portion of the counties of Kern, San Luis Obispo, Santa Barbara and Ventura to the city of San Buenaventura, designated and known as the Bakersfield, Maricopa and Ventura state highway," approved June 16, 1913, is hereby amended to read as follows:

Certain
highway
declared
state
highway.

Section 1. A certain highway now partly constructed and partly in course of construction by the several counties through which the same passes and by joint highway district number six of the State of California, and running substantially along the following lines:

Course.

Commencing at a point in the Cuyama river valley on the state highway running between Santa Maria, Maricopa and Bakersfield, and known as route fifty-seven of the state highway system, and running thence southeasterly up the Cuyama river valley to a point in Ventura county; thence southerly over the Coast Range mountains and through the Santa Barbara national forest to Matilija Hot Springs; thence southerly to the city of San Buenaventura.

The entire length from San Buenaventura (Ventura) to route fifty-seven of the state highway in the Cuyama valley is hereby declared to be, and is hereby constituted, a state highway, and is hereby placed under the supervision and control of the state department of public works; *provided*, that said highway shall not become a state highway and be and become subject to the supervision of the state department of public works until said highway shall have been fully completed.

CHAPTER 542.

An act to amend section 323 of the Political Code, relating to the time when statutes take effect.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

Pol C,
1872, p 64,
amended.

SECTION 1. Section 323 of the Political Code is hereby amended to read as follows:

323. Every statute, unless a different time is prescribed therein, takes effect on the ninety-first day after the final adjournment of the session of the Legislature which passed such statute. When statutes take effect.

CHAPTER 543.

An act making appropriation for the establishment of a water supply and the development of electrical power at the Preston School of Industry, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor May 28, 1929. In effect immediately.]

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

SECTION 1. The sum of seventy thousand dollars heretofore appropriated for the purchase of a dam site and construction of dam and pipe line at Preston School of Industry in and by the provisions of chapter one hundred forty-two of the statutes of 1927 is hereby reappropriated and made available for the establishment of a water supply and the development of electrical power at the Preston School of Industry. Reappropriation Preston School of Industry.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, and inasmuch as it is also necessary for the immediate preservation of the public peace, health and safety, it is hereby declared an urgency measure and shall, under the provisions of section 1, article four of the constitution, take effect immediately. The following is a statement of facts constituting such necessity: The water supply at the Preston School of Industry for domestic use and the development of electrical power is rapidly becoming inadequate to supply the needs of the Preston School of Industry and immediate steps must be taken to provide additional water resources. Unless such additional water supply is immediately developed the health and safety of the inmates will be seriously imperiled. Urgency measure.
Effective immediately

CHAPTER 544.

An act creating the California crime commission, defining its duties and making an appropriation for its expenses, and repealing all acts and parts of acts in conflict with this act.

[Approved by the Governor May 28, 1929 In effect August 14, 1929]

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

SECTION 1. There is hereby created a commission to be known as the California crime commission to consist of a chairman and four other members, all to be appointed by the governor, and to hold office at his pleasure. California crime commission created.

Duties

SEC. 2. It shall be the duty of the California crime commission to make a study of the entire subject of crime, with particular reference to conditions in the State of California, including causes of crime, possible methods of prevention of crime, methods of detection of crime and apprehension of criminals, methods of prosecution of persons accused of crime, the entire subject of penology, and, generally, to make a survey of the entire field of crime, and to report its findings, its conclusions and recommendations annually to the governor, and at such other times as he may require, and to the Legislature of California at each regular session.

Members.

SEC. 3. The members of such commission shall serve without salary, but all members of said commission shall be entitled to their expenses incurred in the performance of their duties. Said commission, with the approval of the governor, shall have power and authority to employ such assistance as in its judgment shall be necessary to the proper performance of its duties. There is hereby reappropriated out of the general fund in the treasury of the state for the expenses of said commission, the unexpended balance remaining in the appropriation made under the provisions of chapter four hundred seven, statutes of 1927.

Reappropriation: expenses

Appropriation support of commission.

In addition to the sums herein made available there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of twelve thousand five hundred dollars (\$12,500) for the support of said commission for the eighty-first and eighty-second fiscal years.

Repealed.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

Duties, powers, etc., transferred

SEC. 5. When, and if, the Legislature of the state creates a department of penology, all of the duties, powers, purposes, responsibilities, and jurisdictions of the commission herein created shall be, and the same are hereby transferred to said department and to the proper division therein to be administered through said commission. The chairman of said commission shall be chief of the division to which the duties, powers, purposes, responsibilities, and jurisdictions of said commission are hereby transferred.

CHAPTER 545.

An act to amend section 2 of an act entitled "An act to provide for the creation of a commission on uniform state laws, the appointment of commissioners thereto and to appropriate money for traveling expenses," approved May 14, 1927, and to provide an appropriation therefor, relating to expenses.

[Approved by the Governor May 28, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 838,
amended.

SECTION 1. Section 2 of an act entitled "An act to provide for the creation of a commission on uniform state laws, the

appointment of commissioners thereto and to appropriate money for traveling expenses," approved May 14, 1927, is hereby amended to read as follows:

Sec. 2. The said commission shall be allowed for traveling Expenses and other expenses and actual disbursements in effectuating the objects of this act a sum not to exceed one thousand dollars, in the aggregate for any one year.

Sec. 2. The sum of two thousand dollars, or so much thereof Appropriation support of commission as may be necessary, not otherwise appropriated in the state treasury and in addition to any other moneys heretofore appropriated, is hereby appropriated for the support of the commission on uniform state laws during the eighty-first and eighty-second fiscal years.

CHAPTER 546.

An act to amend section 5 of an act entitled "An act to be known as the child labor law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the commissioner of the bureau of labor statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, as amended, relating to children employed at agricultural, viticultural or domestic labor and in theatrical pursuits.

[Approved by the Governor May 28, 1929 In effect August 14, 1929]

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

SECTION 1. Section 5 of an act entitled "An act to be Stats 1925, p 294, amended. known as the child labor law, and regulating the employment, hours, kinds and conditions of labor of children; providing for the administration and enforcement of the provisions of this act by the commissioner of the bureau of labor statistics, providing penalties for the violation hereof and repealing all acts and parts of acts inconsistent herewith," approved May 10, 1919, is hereby amended to read as follows:

Sec. 5. Nothing in this act shall be construed to prohibit Agricultural and domestic labor the employment of minors sixteen years of age or over at agricultural, horticultural, or viticultural, or domestic labor for more than eight hours in one day or more than forty-eight hours in one week. Nor shall anything in this act be construed to prohibit the employment of minors at agricultural, horticultural, or viticultural, or domestic labor during the time the public schools are not in session, or during other than school hours; *provided, however*, that this exemption shall not be construed to permit children under school age to work in the said occupations while the public schools are in session. For the purpose of this act, horticultural shall be understood to

include the curing and drying, but not the canning, of all varieties of fruit.

Theatrical
employment.

Nor shall anything in this act be construed to prohibit any minor between the ages of fifteen and eighteen years, who is by any statute or statutes of the State of California, now or hereafter in force, permitted to be employed as an actor, or actress, or performer in a theater, or other place of amusement, previous to the hour of ten o'clock p.m., in the presentation of a performance, play or drama, continuing from an earlier hour till after the hour of ten o'clock p.m., from performing his or her part in such presentation as such employee between the hours of ten and twelve o'clock p.m., provided, the written consent of the commissioner of the bureau of labor statistics

Radio broad-
casting,
churches,
charity
entertain-
ment, etc.

is first obtained. Nor shall anything in this act prevent, or be construed to prohibit, the appearance of any minor in any church, school, radio broadcasting studio, lodge, community or charity entertainment, or performance arranged for the entertainment of children where no admission fee is charged, without the consent of the commissioner of the bureau of labor statistics, or be construed to prevent the employment of any minor, whether resident or nonresident, in the presentation of any drama or legitimate play, with the written consent of the commissioner of the bureau of labor statistics, or be construed to prevent the employment of any minor twelve years of age or over, whether resident or nonresident, in any other performance, concert, or entertainment, with the written consent of the commissioner of the bureau of labor statistics, or any minor over the age of eight years from appearing in any performance, concert or entertainment during the public school vacation, with the written consent of the commissioner of the bureau of labor statistics, but no such consent shall be given at any time unless the officer giving it is satisfied that the environment in which the performance, concert or entertainment is to be produced is a proper environment for the minor, and that the conditions of such employment are not detrimental to the health of such minor, and that the minor's education will not be neglected or hampered by its participation in such performance, concert or entertainment, and the commissioner may require the person charged with the issuance of age and schooling certificates to make the necessary investigation into such conditions; and every such written consent shall specify

Prerequisites
to giving
consent.

What consent
shall specify.

the name and age of the minor together with such other facts as may be necessary for the proper identification of such minor, and the date when, and the theaters and other places of amusement in which such performance, concert or entertainment is to be produced, and shall specify the performance, concert or entertainment in which the minor is permitted to participate and every such consent shall be revocable at the will of the officer giving it. Dramas and plays shall include the production of motion picture plays.

CHAPTER 547.

An act to allow the establishment of an emergency cash fund by the governing board of any school district, high school district, or junior college district, of any kind or class, and providing also for the reduction or discontinuance of such fund.

[Approved by the Governor May 28, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 548.

An act to amend section 19x28 of the juvenile court law approved June 5, 1915, as amended, relating to salary of the probation officer in counties of the twenty-eighth class.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 19x28 of the juvenile court law is hereby amended to read as follows:

19x28. In counties of the twenty-eighth class there shall be one probation officer whose salary shall be one hundred dollars per month.

Stats 1925,
p. 17,
amended.
Counties of
28th class:
salary of
probation
officer.

CHAPTER 549.

An act to amend section 2322x28 of the Political Code, relating to horticultural commissioners in counties of the twenty-eighth class.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 2322x28 of the Political Code is hereby amended to read as follows:

2322x28. In counties of the twenty-eighth class, the commissioner shall receive a salary of two thousand one hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the commissioner, one clerk and three inspectors, to be appointed by said commissioner which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Three inspectors at a compensation of four dollars per diem, during the time actually employed, but the aggregate which may be expended in any year for such inspectors shall not exceed nine hundred dollars.

(b) One clerk at a salary not to exceed three hundred dollars per annum.

Stats 1925,
p. 208,
amended.
Counties of
28th class
salary of
commissioner
and
employees

CHAPTER 550.

An act to amend section 2322x20 of the Political Code, relating to the compensation of the horticultural commissioner in counties of the twentieth class.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

Stats 1925,
p 205,
amended
Counties of
20th class.
salary of
commissioner
and
employees.

SECTION 1. Section 2322x20 of the Political Code is hereby amended to read as follows:

2322x20. In counties of the twentieth class, the commissioner shall receive a compensation of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and assistants to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One inspector at a compensation of one hundred forty dollars (\$140) per month during time actually employed.

(b) One stenographer at a salary of nine hundred dollars per annum.

CHAPTER 551.

An act to amend section 86 of the Code of Civil Procedure, relating to the justices' clerks and their appointees.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

Stats. 1919,
p 1242,
amended
Justices'
clerk in
cities and
counties of
over
400,000
population

SECTION 1. Section 86 of the Code of Civil Procedure is hereby amended to read as follows:

86. The supervisors of such city and county shall appoint a justices' clerk on the written nomination and recommendation of said justices or majority of them, who shall hold office during good behavior. Said justices' clerk shall take the constitutional oath of office and give bonds in the sum of ten thousand dollars for the faithful discharge of the duties of his office and in the same manner as is or may be required of officers of such city and county. A new or additional bond may be required by the supervisors of such city and county and in such amount as may be fixed by said supervisors whenever they may deem it necessary. The said clerk may appoint a chief deputy, a cashier, ten deputies and one messenger deputy. The salaries of the justices' clerk and his appointees shall be fixed by the supervisors of such city and county. Said justices' clerk and each of said appointees shall have authority to administer oaths, take and certify affidavits, and issue and sign writs, summons, and all other processes in any

action, suit or proceedings in said justices' court, and generally to do all the acts specified in sections 102 and 102a of this code.

They shall be at their respective offices for the dispatch of official business daily, except Sundays, holidays and Saturday afternoons, from the hour of nine o'clock a.m. to five o'clock p.m. The salaries of said justices' clerk and his appointees shall be paid out of the treasury of said city and county in the same manner as salaries of officers of such city and county are paid, and shall be in lieu of all fees collected by them. All persons who have been appointed to such positions and who have served a period of six months in their respective positions, and all persons who may be appointed to such positions shall, after they have served a period of six months in their respective positions, be entitled to all the benefits of the civil service laws of the state.

Office hours.

Salaries

CHAPTER 552.

An act to add a new section to an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, and adopting those provisions, not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," as approved May 26, 1927, to be numbered 13a, relating to a revolving fund for the state highway commission.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, and adopting those provisions, not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as amended and approved May 23, 1925," as approved May 26, 1927, to read as follows:

Stats 1923,
p 576,
amended

Revolving
fund for
highway
commission

Sec. 13a. The state highway commission may, without at the time furnishing vouchers and itemized statements, draw from the state highway maintenance fund a sum not to exceed five hundred thousand dollars. The sum or sums so drawn shall be used as a revolving fund where cash advances are necessary.

CHAPTER 553.

An act to add a new section to the Political Code to be numbered 594b, relating to burial contracts and burial certificates.

[Approved by the Governor May 29, 1929. In effect August 14, 1929]

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

New section

SECTION 1. A new section is hereby added to the Political Code to be numbered 594b and to read as follows:

Certificates
of authority
to issue
burial
contracts.

594b. No person, firm, corporation or company shall transact the business of issuing burial contracts or burial certificates in this state without first procuring from the insurance commissioner a certificate of authority. Every such certificate of authority shall expire on the first day of July after its issuance unless sooner revoked. No certificate of authority shall be granted or renewed to any person, firm, corporation or company in arrears to the state or to any county, city and county, city or town in the state, for fees, licenses, taxes, assessments, fines or penalties accrued on business previously transacted in the state nor while said person, firm, corporation or company is otherwise in default for failure to comply with any of the laws of this state regarding governmental control of such person, firm, corporation or company by the state.

Definition.

A "burial contract" or "burial certificate," within the meaning of this section is any instrument in writing whereby any person, firm, corporation, or company, in consideration of the payment of a specified sum of money or for any other valuable consideration, promises or agrees to embalm or inter or otherwise dispose of, or to procure the embalmment or interment or other disposal of the remains of any person who is living at the time of the execution of such instrument in writing; *provided, however*, that said terms shall not include any instrument in writing wherein or whereby any charitable, religious, benevolent or fraternal benefit society, corporation, association, institution or organization not having for its object or purpose pecuniary profit, promises or agrees to embalm or to inter or otherwise dispose of, or to procure, or to pay the expenses or any part thereof, of embalming or interring or otherwise disposing of the remains of any person.

All of the provisions of the laws of this state which pertain to and govern life insurance are hereby made applicable to and same shall govern the issuance of burial contracts or burial certificates.

Laws
applicable

CHAPTER 554.

An act providing for the allowance of traveling expenses of members of the state curriculum commission.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 555.

An act to amend section 70 of the Penal Code and to add a new section thereto to be numbered section 67½, relating to bribery.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the Penal Code to be numbered 67½ and to read as follows:

New section.

67½. Every person who gives or offers any bribe to any ministerial officer, employee, or appointee of the State of California, county or city therein or political subdivision thereof, shall be guilty of a misdemeanor.

Offering
bribe to
state
employee.

SEC. 2. Section 70 of the Penal Code is hereby amended to read as follows:

Code Amdts.,
1873-74,
p. 70,

70. Every executive or ministerial officer, employee or appointee of the State of California, county or city therein or political subdivision thereof, who knowingly asks, receives or agrees to receive any emolument, gratuity or reward, or any promise thereof excepting such as may be authorized by law for doing an official act, is guilty of a misdemeanor.

amended.
Acceptance
of bribe
by state
employee.

CHAPTER 556.

An act to amend section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 170 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1927,
p 1403,
amended.

170. No justice, judge or justice of the peace shall sit or act as such in any action or proceeding:
1. To which he is a party; or in which he is interested other than as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;
2. In which he is interested as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;
3. When he is related to either party, or to an officer of a corporation, which is a party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity within the third degree computed according to the rules of law; *provided, however*, that if the parties appearing in the action and not then in default, or the petitioner in any probate proceeding, or the executor, or administrator of the estate, or the guardian of the minor or incompetent person, or the commissioner, or the referee, or the attorney for any of the above named, or the party or his attorney in all other or special proceedings, shall sign and file in the action or matter, a stipulation in writing waiving the disqualification mentioned in this subdivision or in subdivisions two or four hereof, the judge or court may proceed with the trial or hearing and the performance of all other duties connected therewith with the same legal effect as if no such disqualification existed.
4. When, in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for any party; or when he has given advice to any party upon any matter involved in the action or proceeding; or when he has been retained or employed as attorney or counsel for any party within two years prior to the commencement of the action or proceeding;
5. When it is made to appear probable that, by reason of bias or prejudice of such justice, judge, or justice of the peace a fair and impartial trial cannot be had before him.
- Whenever a judge of a court of record shall have knowledge of any fact or facts which, under the provisions of this section, disqualify him to sit or act as such in any action or proceeding pending before him, it shall be his duty to declare the same in open court and cause a memorandum thereof to be entered in the minutes. It shall thereupon be the duty of the clerk to transmit forthwith a copy of such memorandum to each party, or his attorney, who shall have appeared in such action or proceeding, except such party or parties as shall be present in person or by attorney when the declaration shall be made.
- Whenever a judge of a court of record who shall be disqualified under the provisions of this section, to sit or act as such in any action or proceeding pending before him, neglects or fails to declare his disqualification in the manner hereinbefore provided, any party to such action or proceeding who has appeared therein may present to the court and file with the clerk a written statement objecting to the hearing of such matter or the trial of any issue of fact or law in such action or proceed-

Disqualifica-
tion of
judges
Party or
interest

Stockholder.

Relationship.

Attorney
for party.

Bias or
prejudice.

Establish-
ment of dis-
qualification

ing before such judge, and setting forth the fact or facts constituting the ground of the disqualification of such judge. Same.

Within five days after the presentation and filing of any such statement, the judge alleged therein to be disqualified may file with the clerk his consent in writing that the action or proceeding be tried before another judge, or may file with the clerk his written answer admitting or denying any or all of the allegations contained in such statement and setting forth any additional fact or facts material or relevant to the question of his disqualification. The clerk shall forthwith transmit a copy of the judge's consent or answer to each party or his attorney who shall have appeared in such action or proceeding. Every such statement and every such answer shall be verified by oath in the manner prescribed by section 446 of this code for the verification of pleadings. The statement of a party objecting to the judge, on the ground of his disqualification, shall be presented at the earliest practicable opportunity, after his appearance and discovery of the facts constituting the ground of the judge's disqualification, and in any event before the commencement of the hearing of any issue of fact in the action or proceeding before such judge.

No judge of a court of record, who shall deny his disqualification, shall hear or pass upon the question of his own disqualification; but in every such case, the question of the judge's disqualification shall be heard and determined by some other judge agreed upon by the parties who shall have appeared in the action or proceeding, or, in the event of their failing to agree, by a judge requested to act by the chairman of the judicial council, and, if the parties fail to agree upon a judge to determine the question of the disqualification, within five days after the expiration of the time allowed herein for the judge to answer, it shall be the duty of the clerk then to notify the chairman of the judicial council of that fact; and it shall be the duty of the chairman of the judicial council forthwith, upon receipt of notice from the clerk, to request some other judge, not disqualified, to hear and determine the question.

If the judge admits his disqualification, or files his written consent that the action or proceeding be tried before another judge, or fails to file his answer within the five days herein allowed, or if it shall be determined after hearing that he is disqualified, the action or proceeding shall be heard and determined by another judge not disqualified, who shall be agreed upon by the parties, or, in the event of their failing to agree, appointed by the chairman of the judicial council; *provided, however*, that when there are two or more judges of the same superior court, one of whom is disqualified, the action or proceeding may be transferred from the department of the disqualified judge to the department of another judge who is not disqualified.

A judge who is disqualified may, notwithstanding his disqualification, request another judge, who has been agreed upon by the parties, to sit and act in his place.

Reclamation,
etc., pro-
ceedings.

6. In an action or proceeding brought in the superior court or justices' court by or against the reclamation board of the State of California, or any irrigation, reclamation, levee, swamp land or drainage district, or any public agency, or trustee, officer or employee thereof, affecting or relating to any real property or an easement or right of way, levee, embankment, canal, or any work provided for or approved by the reclamation board of the State of California, the judge of the superior court of the county, or justice of the peace of the township in which such real property, or any part thereof, or such easement or right of way, levee, embankment, canal or work, or any part thereof is situated shall be disqualified to sit or act, and such action, if brought in the superior court, shall be heard and tried by some other judge of the superior court requested to sit therein by the chairman of the judicial council, or if brought in the justices' court, by some other justice of the peace requested to sit therein by the chairman of the judicial council; unless the parties to the action shall sign and file in the action or proceeding a stipulation in writing, waiving the disqualification in this subdivision of this section provided, in which case such judge or justice of the peace may proceed with the trial or hearing with the same legal effect as if no such legal disqualification existed. If, however, the parties to the action shall sign and file a stipulation agreeing upon some other judge of the superior court or justice of the peace to sit or act in place of the judge or justice disqualified under the provisions of this subdivision, the judge or justice agreed upon shall be called by the judge or justice of the peace so disqualified to hear and try such action or proceeding; *provided*, that nothing herein contained shall be construed as preventing the judge of the superior court of such county from issuing a temporary injunction or restraining order, which shall, if granted, remain in force until vacated or modified by the judge designated by the governor as herein provided.

Change
of venue.

Nothing in this section contained shall affect a party's right to a change of the place of trial in the cases provided for in title four, part two of this code.

CHAPTER 557.

An act to amend section 2322x14 of the Political Code, relating to the salaries of the county horticultural commissioner and inspectors in counties of the fourteenth class.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

Stats. 1925,
p. 202,
amended.

SECTION 1. Section 2322x14 of the Political Code is hereby amended to read as follows:

2322x14. In counties of the fourteenth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

Counties of
14th class
salaries of
commissioner
and
employees

(a) Two inspectors at a monthly salary of one hundred fifty dollars during the time actually employed, one of whom may act as clerk, ten inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed ten thousand five hundred dollars.

CHAPTER 558.

An act to add a new section to the Political Code to be numbered 4167a, relating to vacancies in the office of sheriff.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 4167a and to read as follows: New section

4167a. When the office of sheriff is vacant for any cause the coroner is authorized and empowered to act as sheriff and shall continue to discharge the duties of sheriff until the vacancy is filled as provided by law. Vacancies in office of sheriff

CHAPTER 559.

An act to add a new section, to be numbered section 1½, to an act entitled "An act to require employers to pay the cost of bonds and photographs required of and furnished by employees or applicants for employment," approved April 20, 1917, as amended, and to amend section 2 thereof, relating to the protection of cash bonds put up by employees or applicants for employment and providing penalties for violation thereof.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section, to be numbered section 1½ is hereby added to an act entitled "An act to require employers to pay the cost of bonds and photographs required of and furnished by employees or applicants for employment," approved April 20, 1917, as amended, to read as follows: Stats 1917, p 151, amended

Security
furnished by
employee

Sec. 1½. Any money or property put up by any employee or applicant for employment as a cash bond in any case must not be used for any purpose other than liquidating accounts between the employer and his said employee or return to the said employee or applicant for employment, and shall be held in trust for this purpose and not mingled with the money or property of the employer who receives same, any provision of any contract between the employer and employee or applicant for employment to the contrary notwithstanding. Any employer or prospective employer, or agent or officer thereof, who misappropriates any such money or property, mingles it with his own or uses it for any other purpose than that set forth above, shall be guilty of theft and shall be punished, upon conviction thereof, in accordance with the provisions of sections 486, 487, 488, 489 and 490 of the Penal Code.

Stats 1927,
p. 578,
amended.

Offense and
penalties

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

Sec. 2. Any person, firm, association or corporation, or agent or officer thereof, violating any provision of this act, except as otherwise provided in section 1½ hereof, shall be guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars nor exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment. All fines imposed and collected under the provisions of this section shall be paid into the state treasury and credited to the general fund.

CHAPTER 560.

An act to amend section 19x11 of the Juvenile Court Law, approved June 5, 1915, as amended, relating to the salary of probation officer of counties of the eleventh class.

[Approved by the Governor May 29, 1929 In effect August 14, 1929]

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

Stats 1921,
p. 885,
amended

SECTION 1. Section 19x11 of the juvenile court law, approved June 5, 1915, as amended, is hereby amended to read as follows:

Counties of
11th class
salaries of
probation
officer and
assistant

Sec. 19x11. In counties of the eleventh class, there shall be one probation officer whose salary shall be two hundred dollars per month, and in counties of this class, there shall be one assistant probation officer whose salary shall be one hundred dollars per month; *provided, however*, that the said probation officer shall be allowed, in addition to salary the sum of eight cents per mile for the use of his own conveyance while performing the duties of his office.

CHAPTER 561.

An act providing for a water resources commission, defining its duties, and making an appropriation therefor.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

SECTION 1. The governor is hereby authorized and empowered to appoint a water resources commission of not less than five nor more than seven members each of whom shall be conversant with the water problems of the state. It shall be the duty of the commission to cooperate and confer with any board, commission or other agency of the government of the United States, which may be designated by the President of the United States, or by law, to have charge of activities of the United States government in respect to water conservation, flood control or navigation.

Water
resources
commission

Duties and
powers

It shall be the further duty of the commission to confer and cooperate with such legislative water committee if any, as may be provided for by the forty-eighth session of the Legislature of the State of California. The commission is hereby authorized and empowered to call upon any department of the government of the State of California, and particularly the department of public works, for such assistance, cooperation, information, and service as may be legal and appropriately rendered by such department.

SEC. 2. The commission shall report to the governor from time to time and shall file a final report with him not later than December 1, 1930, and a certified copy of the same with the next session of the Legislature.

Reports.

SEC. 3. The commissioners shall serve without compensation and are hereby authorized and empowered to employ a secretary, to fix the compensation of the secretary, to prescribe his duties and powers. The secretary shall serve at the pleasure of the commission.

Compensation and
expenses

The commissioners shall receive their actual and necessary expenses incurred in the performance of their duties and shall serve at the pleasure of the governor.

SEC. 4. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty-five thousand dollars to pay the expenses of the commission authorized by this act. The chairman of the commission is empowered to prepare and sign claims for the payment of such expenses, which claims shall be audited by law and paid upon warrants drawn by the controller, as provided by law.

Appropriation
expenses of
commission

SEC. 5. Nothing in this act contained shall be deemed to authorize the commission herein provided for performing any of the duties or doing any of the things referred to in the act entitled "An act creating the Colorado river commission of California, prescribing its powers, fixing compensation and appropriating funds for its use," approved May 17, 1927.

Construction
of act

CHAPTER 562.

An act to amend section 16x12 of the "Weights and measures act," approved June 16, 1913, as amended, relating to the sealer of weights and measures in counties of the twelfth class.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

Stats 1927,
p 1835,
amended.

SECTION 1. Section 16x12 of the "Weights and measures act," approved June 16, 1913, as amended, is hereby amended to read as follows:

Counties of
12th class
sealer

16x12. The sealer of weights and measures in counties of the twelfth class shall receive a salary of two hundred dollars per month and deputies shall receive one hundred fifty dollars per month each. In counties of this class there shall also be allowed to the sealer of weights and measures, a deputy to be known as clerk, which position is hereby created, to be appointed by the sealer of weights and measures, at a salary of one hundred twenty-five dollars per month, payable at the same time and out of the same fund as other county officers are paid.

CHAPTER 563.

An act to amend section 2322x5 of the Political Code, relating to salaries of county horticultural commissioner, inspectors and clerks in counties of the fifth class.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

Stats 1927,
p 1627,
amended

SECTION 1. Section 2322x5 of the Political Code is hereby amended to read as follows:

Counties of
5th class
horticultural
commis-
sioner

2322x5. In counties of the fifth class the commissioner shall receive a salary of four thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors and clerks, to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

Inspectors

(a) Three inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed; nine inspectors at a monthly salary of one hundred sixty dollars each during the time actually employed; five part-time inspectors at a compensation of five dollars per diem during the time actually employed; but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty-four thousand four hundred fifty dollars.

(b) One clerk at a monthly salary of one hundred fifty ^{Clerk} dollars during the time actually employed, and one clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerks shall not exceed three thousand dollars.

CHAPTER 564.

An act to amend section 19x5 of the "Juvenile court law," approved June 5, 1915, as amended, relating to salaries of probation officers in counties of the fifth class.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 19x5 of the juvenile court law, approved June 5, 1915, as amended, is hereby amended to read as follows: Stats 1927, p. 1382, amended

Sec. 19x5. In counties of the fifth class there shall be one probation officer and eight assistant probation officers. Counties of 5th class probation officer and assistants.

The salaries of said officers shall be as follows:

Probation officer, two thousand seven hundred dollars per annum; and each of said assistant probation officers, two thousand one hundred dollars per annum.

The said probation officer is hereby allowed one stenographer at a salary of one thousand five hundred dollars per annum, three stenographers at salaries of one thousand two hundred dollars each per annum, and one clerk whose salary shall be one thousand two hundred dollars per annum.

CHAPTER 565.

An act to amend section 2322x15 of the Political Code, relating to county horticultural commissioners.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 2322x15 of the Political Code is hereby amended to read as follows: Stats 1927, p. 652, amended

2322x15. In counties of the fifteenth class the commissioner shall receive a salary of four thousand two hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner, the following deputies, inspectors, bookkeepers and stenographers to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit: Counties of 15th class horticultural commissioner and deputies

(a) One superintendent of rodent control at a salary of two thousand one hundred dollars per annum.

(b) One deputy county horticultural commissioner at a salary of two thousand four hundred dollars per annum.

(c) The commissioner is also authorized and empowered to appoint one inspector at a monthly salary of one hundred seventy-five dollars.

(d) The commissioner is also authorized and empowered to appoint not to exceed twelve inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed and three inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be spent in any year for all such inspectors shall not exceed thirty thousand dollars.

(e) The commissioner is also authorized and empowered to appoint not to exceed one bookkeeper at a monthly salary of one hundred fifty dollars per month during the time actually employed, but the aggregate amount which may be expended in any year for such bookkeeper shall not exceed one thousand eight hundred dollars.

(f) The commissioner is also authorized and empowered to appoint not to exceed one stenographer at a monthly salary of one hundred ten dollars per month during the time actually employed but the aggregate amount which may be expended in any year for such stenographer shall not exceed one thousand three hundred twenty dollars.

CHAPTER 566.

An act to amend an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the management and control of the same by the state, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, by amending section 1 thereof.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

Stats 1927,
p 691,
amended
Agricultural
districts

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

Section 1. The several counties of this state are divided and classified into agricultural districts and numbered as follows, to wit:

District 1. The county of Alameda shall constitute agricultural district number one.

District 1a. The counties of San Francisco and San Mateo shall constitute agricultural district number one a.

District 2. The county of San Joaquin shall constitute agricultural district number two. Agricultural
districts.

District 3. The county of Butte shall constitute agricultural district number three.

District 4. The counties of Sonoma and Marin shall constitute agricultural district number four.

District 5. The county of Santa Clara shall constitute agricultural district number five.

District 6. The county of Los Angeles shall constitute agricultural district number six.

District 7. The county of Monterey shall constitute agricultural district number seven.

District 8. The county of El Dorado shall constitute agricultural district number eight.

District 9. The county of Humboldt shall constitute agricultural district number nine.

District 10. The county of Siskiyou shall constitute agricultural district number ten.

District 11. The counties of Plumas and Sierra shall constitute agricultural district number eleven; *provided*, that the first fair held in the eleventh agricultural district after the passage of this act shall be held in Sierra county; the next fair in Plumas county, and thereafter said counties shall so alternate in holding such fairs.

District 12. The counties of Lake and Mendocino shall constitute agricultural district number twelve.

District 13. The counties of Sutter and Yuba shall constitute agricultural district number thirteen.

District 14. The county of Santa Cruz shall constitute agricultural district number fourteen.

District 15. The county of Kern shall constitute agricultural district number fifteen.

District 16. The county of San Luis Obispo shall constitute agricultural district number sixteen.

District 17. The county of Nevada shall constitute agricultural district number seventeen.

District 18. The counties of Mono, Inyo, and Alpine shall constitute agricultural district number eighteen.

District 19. All that portion of Santa Barbara county lying east of Gaviota and south of the Santa Ynez mountains, shall constitute agricultural district number nineteen.

District 20. The county of Placer shall constitute agricultural district number twenty.

District 21. The counties of Fresno and Madera shall constitute agricultural district number twenty-one.

District 22. The county of San Diego shall constitute agricultural district number twenty-two.

District 23. The county of Contra Costa shall constitute agricultural district number twenty-three.

District 24. The counties of Tulare and Kings shall constitute agricultural district number twenty-four.

Agricultural
districts.

District 25. The county of Napa shall constitute agricultural district number twenty-five.

District 26. The county of Amador shall constitute agricultural district number twenty-six.

District 27. The counties of Shasta and Trinity shall constitute agricultural district number twenty-seven.

District 28. The county of San Bernardino shall constitute agricultural district number twenty-eight.

District 29. The county of Tuolumne shall constitute agricultural district number twenty-nine.

District 30. The county of Tehama shall constitute agricultural district number thirty.

District 31. The county of Ventura shall constitute agricultural district number thirty-one.

District 32. The county of Orange shall constitute agricultural district number thirty-two.

District 33. The county of San Benito shall constitute agricultural district number thirty-three.

District 34. The county of Modoc shall constitute agricultural district number thirty-four.

District 35. The counties of Merced and Mariposa shall constitute agricultural district number thirty-five.

District 36. The county of Solano shall constitute agricultural district number thirty-six.

District 37. All that portion of Santa Barbara county not included in agricultural district number nineteen shall constitute agricultural district number thirty-seven.

District 38. The county of Stanislaus shall constitute agricultural district number thirty-eight.

District 39. The county of Calaveras shall constitute agricultural district number thirty-nine.

District 40. The county of Yolo shall constitute agricultural district number forty.

District 41. The county of Del Norte shall constitute agricultural district number forty-one.

District 42. The county of Glenn shall constitute agricultural district number forty-two.

District 43. The county of Lassen shall constitute agricultural district number forty-three.

District 44. The county of Colusa shall constitute agricultural district number forty-four.

District 45. The county of Imperial shall constitute agricultural district number forty-five.

District 46. The county of Riverside shall constitute agricultural district number forty-six.

CHAPTER 567.

An act to amend an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended by adding thereto a new section to be numbered 13, relating to the stocking of lakes and streams with trout by owners of land bordering thereon.

[Approved by the Governor May 29, 1929. In effect August 14, 1929]

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

SECTION 1. An act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended is hereby amended by adding thereto a new section numbered 13 to read as follows:

Stats 1911,
p. 381.
amended

Sec. 13. Any citizen of the State of California who owns land bordering upon any lake or bordering upon or through which there passes any stream, may under the terms of a permit first obtained from the fish and game commission purchase or receive live trout or other fish from any person licensed under this act and may stock said stream or lake with trout or other fish.

Stocking
lakes or
streams.

CHAPTER 568.

An act authorizing the department of natural resources to receive in the name of the State of California gifts of lands and contributions for the purchase or maintenance of such lands for forestry purposes; providing for the acceptance thereof; and repealing an act entitled "An act authorizing the state board of forestry to receive in the name of the State of California gifts or donations of lands for forest and watershed purposes," approved April 5, 1927.

[Approved by the Governor May 29, 1929. In effect August 14, 1929]

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

SECTION 1. The director of the state department of natural resources is hereby authorized to accept in the name of the people of the State of California, gifts of land suitable for forestry purposes or suitable for the purposes of reforestation or afforestation, or to receive contributions from any source for the purchase of or the care and maintenance of such land;

Director to
accept gifts
of lands

provided, that before such gifts of land or contributions can be accepted by the director of the department of natural resources their acceptance must be recommended by resolution duly adopted at a regular meeting of the California state board of forestry.

Conditions of
acceptance

SEC. 2. Such gifts of land or contributions may be accepted by the director of the state department of natural resources subject to such conditions or restrictions as the board of forestry may deem advisable, such conditions or restrictions to be clearly set forth in a resolution recommending the acceptance of such gifts of land or contributions and in the instruments of conveyance.

Title.

SEC. 3. Before accepting the conveyance of such land, the director of the state department of natural resources shall have the title examined and shall not accept title from the grantor or donor unless a good and merchantable title free and clear of all taxes, liens or other financial encumbrances is shown to be vested in said grantor or donor. Such title shall be passed upon and approved by the attorney general of the State of California.

Repealed

SEC. 4. An act entitled "An act authorizing the state board of forestry to receive in the name of the State of California gifts or donations of lands for forest and watershed purposes," approved April 5, 1927, is hereby repealed.

CHAPTER 569.

An act to add a new section to the Code of Civil Procedure to be numbered 1454a, relating to the administration of estates.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

New section

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 1454a, relating to the administration of estates, and to read as follows:

Surviving
spouse,
children,
etc., of
deceased
heir may
collect sum
due

1454a. The surviving spouse, the children, the parent, the brother or sister, of any deceased heir or legatee of any estate in the course of probate in any court of this state, or the guardian of the estate of any minor or insane or incompetent person bearing such relation to said deceased heir or legatee, if such person has a right to succeed to the property of the decedent, may, without procuring letters of administration, collect of the administrator or executor of the estate in probate any sum due said deceased heir or legatee from said estate in probate at the time of his or her death; *provided*, such sum shall not exceed one thousand dollars. Any administrator or executor, upon receiving an affidavit stating that said heir or

Procedure

legatee is dead and that the affiant is one of the persons entitled to succeed to the property of the decedent, and that the amount of money left on deposit in any and all banks of deposit in the state and due from said estate to decedent does not exceed the sum of one thousand dollars, shall present said affidavit to the judge of the superior court in which the estate is being probated and the judge shall direct the executor or administrator to pay to said affiant or affiants, upon distribution, the share of said sum to which he is or they are entitled under the laws of succession of this code. The executor or administrator may then pay to said affiant or affiants the sum or sums so ordered by the court and the receipt of such affiant or affiants is sufficient acquittance therefor.

CHAPTER 570.

An act to amend section 4 of an act entitled "An act to authorize and empower the state director of education, with the approval of the state board of control, to sell and convey the lands and buildings of the San Diego State Teachers College, and from the proceeds of such sale to purchase and improve a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved May 22, 1925, relating to the San Diego State Teachers College building and improvement fund and an appropriation for construction and equipment for said school.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 4 of an act entitled "An act to authorize and empower the state director of education with the approval of the state board of control, to sell and convey the lands and buildings of the San Diego State Teachers College, and from the proceeds of such sale to purchase and improve a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved May 22, 1925, is hereby amended to read as follows:

Stats 1925,
p 547,
amended

Purchase of
new site.

Sec. 4. The state director of education is hereby authorized, directed, and empowered, to examine sites and to select with the approval of the state department of finance, a new and suitable site for said school in the county of San Diego, and to purchase or otherwise acquire for and on behalf of the State of California the necessary lands therefor and the lands so selected and purchased shall be and remain the site of the San Diego State Teachers College unless otherwise provided by law; *provided*, that the purchase price of the new site selected shall not exceed one hundred thousand dollars; *provided, further*, that the moneys in the San Diego State Teachers College building and improvement fund shall be available for the purposes expressed in this act in addition to any moneys heretofore or hereafter appropriated for the same or similar purposes, and in addition to the sum appropriated by chapter thirty-nine, statutes of 1929, for major construction and equipment of new college, San Diego State Teachers College, which sum has been and is appropriated from the general fund in the state treasury.

Funds
available.

CHAPTER 571.

An act to reappropriate the unexpended balance of an appropriation made to augment, develop and improve the water supply and the water system of the Whittier State School.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

Reappropriation
Whittier
State School

SECTION 1. The unexpended balance of the appropriation made under the provisions of an act entitled "An act appropriating money to augment, develop and improve the water supply and the water system at the Whittier State School," approved May 24, 1921, is hereby reappropriated to be used to complete the augmentation, development and improvement of the water supply and the water system at the Whittier State School.

CHAPTER 572.

An act to authorize the State Agricultural Society to acquire property by gift, devise or bequest.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

Empowers
society to
acquire
property.

SECTION 1. The State Agricultural Society is hereby authorized and empowered to accept and receive by gift, bequest or devise any property, real or personal, and administer the same

for the use and benefit of the State Agricultural Society, and in accordance with any lawful conditions attached to such gift, bequest or devise. The title of such property shall vest in the State of California.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

CHAPTER 573.

An act to amend sections 1 and 2 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand," approved March 1, 1911, as amended, relating to pay checks that can not be cashed and providing penalties for violation of the provisions of the act.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1 of an act entitled "An act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand," approved March 1, 1911, as amended, is hereby amended to read as follows:

Stats. 1915,
p 1215,
amended

Section 1. No person, firm, association or corporation, or agent or officer thereof, shall issue, in payment of or as an evidence of indebtedness for wages due an employee, any order, check, memorandum, or other acknowledgment of indebtedness, unless the same is negotiable, and is paid upon demand without discount in cash at some bank or other established place of business in the state; and no person, firm, association or corporation shall issue in payment of wages due, or wages to become due an employee, or as an advance on wages to be earned by an employee, any scrip, coupons, cards or other thing redeemable in merchandise or purporting to be payable or redeemable otherwise than in money. But nothing herein contained shall be construed to prohibit an employer from guaranteeing the payment of bills incurred by an employee for the necessaries of life or for the tools and implements used by such employee in the performance of his duties; *provided, however,* that the provisions of this act shall not apply to counties, cities and counties, municipal corporations, quasi municipal corporations or school districts organized and existing under the laws of this state.

Wage checks
must be
negotiable.

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

Stats 1917,
p 1215,
amended.

Offenses and
penalties.

Sec. 2. Any person, firm, association, or corporation, or agent or officer thereof, who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

CHAPTER 574.

An act relating to the granting of franchises upon, and leases of, certain tidelands heretofore granted to the city of Newport Beach by the State of California.

[Approved by the Governor May 23, 1929. In effect August 14, 1929.]

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

Newport
Beach
authorized
to grant
franchises,
leases, etc

SECTION 1. The city of Newport Beach, and its successors, is hereby authorized to grant franchises for a period not exceeding fifty years for wharves and other public uses and purposes, and to lease for a period not exceeding fifty years for purposes consistent with the trust upon which tidelands are held by the State of California and with the requirements of commerce or navigation. upon, or of, all, or any part of, the tidelands heretofore granted to the city of Newport Beach under the provisions of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the city of Newport Beach, upon certain trusts and conditions," approved May 25, 1919, and under the provisions of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the city of Newport Beach upon certain trusts and conditions," approved April 5, 1927, any limitation of the period of years of such franchises and leases, contained in either of said acts, to the contrary notwithstanding.

CHAPTER 575.

An act to amend section 1 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the county of Orange in said state upon certain trusts and conditions," approved May 25, 1919, relating to the granting of franchises upon, and leases of, the tidelands therein granted to the county of Orange.

[Approved by the Governor May 29, 1929. In effect August 14, 1929.]

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

Stats 1919,
p. 1138.
amended.

SECTION 1. Section 1 of an act entitled "An act granting certain tidelands and submerged lands of the State of Cali-

fornia to the county of Orange in said state upon certain trusts and conditions." approved May 25, 1919, is hereby amended to read as follows:

Section 1. There is hereby granted to the county of Orange and to its successors all of the right, title and interest of the State of California held by said state by virtue of its sovereignty in and to all that portion of the tidelands and submerged lands bordering upon and under Newport bay in the said county of Orange, which are outside of the corporate limits of the city of Newport Beach, a municipal corporation, the same to be forever held by said county and by its successors in trust for the uses and purposes and upon the express conditions following, to wit:

Tidelands granted to Orange county,

(a) Said lands shall be used by said county and by its successors solely for the establishment, improvement and conduct of a harbor and for the establishment and construction of bulkheads or breakwaters for the protection of lands within its boundaries, or for the protection of its harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, ways and streets, and other utilities, structures and appliances necessary or convenient for the promotion or accommodation of commerce and navigation, and the protection of the lands within said county. And said county or its successors shall not at any time grant, convey, give or alien said lands or any part thereof to any individual, firm, or corporation for any purposes whatever; *provided*, that said county or its successors may grant franchises thereon for a period not exceeding fifty years for wharves and other public uses and purposes, and may lease said lands or any part thereof for a period not exceeding fifty years for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor.

Use of lands

(b) Said harbor shall be improved by said county without expense to the state and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays, and other improvements constructed on said lands or any part thereof for any vessel or other water craft or railroad owned or operated by the State of California.

Improvement of harbor and use by state.

(c) In the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a) no discrimination in rates, tolls or charges, or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said county, or by its successors. The absolute right to fish in the waters of said harbor with the right of convenient access to said water over said lands for said purpose is hereby reserved to the people of the State of California.

Rates, tolls, etc.

Rights reserved

CHAPTER 576.

An act to add a new section to the Political Code to be numbered section 2643, relating to powers and duties of supervisors respecting the abandonment of certain roads and providing the method therefor.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

New section SECTION 1. A new section is hereby added to the Political Code to be numbered 2643 to read as follows:

Abandonment of roads 2643. All roads, other than those dedicated to the public by deed or by express dedication of the owner or to which title has been acquired through eminent domain proceedings, which for a period of five consecutive years have been impassible for vehicular travel, and on which during such period of time no public moneys have been expended for maintenance are hereby declared unnecessary roads within the meaning of subdivision three of section 2639 of the Political Code, and it shall be the duty of the board of supervisors upon the written petition of any interested taxpayer of the county in which such unnecessary road is situated to forthwith abolish and abandon the same.

Petition. Notice Upon the filing of such petition, the board of supervisors must by order, fix a day for the hearing of the same, and give notice by posting conspicuously along the line of the road proposed to be abandoned, at distance of not less than five hundred feet apart, but not less than three in all, a notice of the filing of such petition, and of the time and place at which the same shall be heard. The board of supervisors must on the day fixed for the hearing, or on the day to which such hearing may be postponed or continued, hear such petition, and the evidence offered in support thereof, and if it shall appear from such evidence that such road, or some part thereof, is unnecessary within the meaning of this act, such board shall make its order vacating, abandoning and abolishing the same. A certified copy of such order attested by the clerk under the seal of said board of supervisors must be recorded in the office of the county recorder of said county.

CHAPTER 577.

An act to add a new section to the juvenile court law approved June 5, 1915, as amended, to be numbered 19x51 relating to the salary of probation officers in counties of the fifty-first class.

[Approved by the Governor May 31, 1929 In effect August 14, 1929.]

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

Stats. 1915, SECTION 1. A new section is hereby added to the juvenile court law, to be numbered section 19x51 and to read as follows:
p 1225,
amended.

Sec. 19 α 51. In the counties of the fifty-first class there shall be one (1) probation officer whose salary shall be fifty dollars (\$50) per month.

Counties of
51st class
salary of
probation
officer

CHAPTER 578.

An act to amend section 737q of the Political Code, relating to the salary of the judge of the superior court in and for the county of Lake.

[Approved by the Governor May 31, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 737q of the Political Code is hereby amended to read as follows:

Stats 1927,
p 560,
amended
Lake
county.

737q. The annual salary of a judge of the superior court in and for the county of Lake is five thousand dollars.

CHAPTER 579.

An act to amend section 363b of the Political Code, and to add thereto a new section to be numbered 363c, relating to the department of public works.

[Approved by the Governor May 31, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 363b of the Political Code is hereby amended to read as follows:

Stats 1927,
p 460,
amended
Highway
commission

363b. A commission, to be known as the California highway commission, is hereby created, to consist of five members to be appointed by and hold office at the pleasure of the governor. The members shall receive their actual necessary traveling expenses incurred in the discharge of their duties. The governor shall designate the chairman of the commission, the person so designated to hold such office or position of chairman at the pleasure of the governor. The governor shall fill vacancies occurring from any cause, in the membership of the commission.

The commission is hereby granted the power to alter or change the route of any road and to abandon any portion thereof, under the jurisdiction of the department of public works, whenever and wherever in the opinion of the commission such alteration, change or abandonment shall be necessary or advisable by reason of alteration or revision in alignment of portions of routes of state roads or highways or shall be for the best interests of the state.

Changing
routes of
highways.

- Abandonment of lands** The commission may also abandon any lands or parts thereof or rights in lands which have been taken or acquired by the state for state road or highway purposes. Said abandonment shall be by resolution adopted by the California highway commission and a copy of the resolution may be recorded in the office of the county recorder of the county where such route or land to be abandoned is located, without acknowledgment, certificate of acknowledgment or further proof and no fee shall be charged for such recording by said county recorder and thereupon the title to the land so abandoned shall revert to the owner of the fee. The commission is further empowered to relinquish to any county, city or city and county, any portion of any state road or highway within said county, city or city and county, as a county road or city street as the case may be.
- Relinquishment of highways**
- Federal aid funds** All moneys received by the state treasurer from the United States government under project agreements relating to federal aid road work shall be credited by the state controller to such fund or funds for the construction of highways as the California highway commission shall designate.
- Selection of routes.** Except as may be otherwise expressly provided by law the commission shall have power at any time and from time to time, to select, adopt and determine the routes for new state roads and highways and, from the moneys and funds available therefor, to allocate moneys for the construction or repair of the various roads and highways or portions thereof under the jurisdiction of the department of public works and to determine in each case the maximum sum of money that shall be made available therefor and to conduct preliminary surveys for the determination of the advisability of including in or excluding from the state highway system any road or portion thereof.
- Allocation of funds**
- Preliminary surveys**
- New section.** SEC. 2. A new section is hereby added to the Political Code to be numbered 3630, and to read as follows:
- Abandonment of highway grade crossings.** 3630. The department of public works is hereby authorized and empowered by and with the consent and approval of the railroad commission of the State of California, to abandon any portion of a state highway crossing the tracks or right of way of any railroad, or street railroad, and to close said crossing.

CHAPTER 580.

An act to revise an act entitled "An act defining mattresses; regulating the making, remaking, and sale thereof; prohibiting the use of unsanitary and unhealthy materials therein; requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provi-

sions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1915, as amended.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

SECTION 1. The act mentioned in the title is hereby revised to read as follows:

Section 1. (1) The term "mattress," as used in this act, shall be construed to mean any quilted pad, comforter, mattress, mattress pad, hammock pad, box spring, bunk quilt, or cushion, which could be used in any way for sleeping or reclining purposes.

See
Stats 1915,
p 1267,
Stats 1921,
p 1043,
Stats 1927,
p 653
Words
defined

(2) The term "person," as used in this act, shall be construed to include all individuals and all firms or copartnerships.

(3) The term "corporation," as used in this act, shall be construed to include all corporations, companies, associations, and joint stock associations or companies.

(4) Whenever the singular is used in this act, it shall be construed to include the plural; whenever the masculine is used in this act, it shall include the feminine and neuter genders.

Sec. 2. (1) No person or corporation, by himself or by his agents, servants or employees, shall employ or use in the making, remaking or renovating of any mattress, any material of any kind that has been used in, or has formed a part of, any mattress used in or about any public or private hospital, or institution, for the treatment of persons suffering from disease, or for or about any person having any infectious or contagious disease; any material known as "shoddy," and made in whole or in part from old or worn clothing, carpets or other fabric, or material previously used, or any other fabric or material from which shoddy is constructed; or sweepings; *provided, however,* that the word "sweepings" shall not, for the purposes of this act, apply to new materials free from refuse, dirt or other contamination; or any material, not otherwise prohibited by this act, of which prior use has been made; unless any and all of said materials have been thoroughly sterilized, and disinfected by a process approved by the state board of health of the State of California.

Materials
used in
mattresses

(2) No person or corporation by himself or by his agents, servants, or employees, shall sell, offer or expose for sale, deliver, rent or consign, or have in his possession with intent to sell, expose for sale, deliver, rent or consign, any mattress made, remade, sterilized or renovated in violation of this act.

Selling
certain
mattresses
prohibited

Sec. 3. No person or corporation, by himself, or his agents, servants, or employees, shall directly, or indirectly, at wholesale or retail, or otherwise, sell, offer or expose for sale, repair or renovate, deliver, rent or consign, or have in his possession with intent to sell, offer or expose, repair, renovate,

Mattresses
must be
labeled

deliver, rent or consign, any mattress that shall not be plainly and indelibly stamped or printed thereon, or upon a muslin or linen tag, not smaller than three inches square, securely sewed to the covering thereof a statement, in the English language, setting forth the kind or kinds of materials used in filling the said mattress, and whether the materials are in whole or in part, new or old, or secondhand or shoddy, and the name and address of the vendor or manufacturer, which name may be stamped or written on the tag by either the factory or the vendor, together with the serial number of the manufacturer, which serial number shall be assigned by the division of weights and measures; also the quantity of such materials used, expressed in terms of avoirdupois weight; also size of same, expressed in linear measure, clearly indicating the length and breadth thereof, also percentage of each material used. Sizes of comforters may be stated in terms of outsize measurements.

Licenses. Sec. 3a. Every person, firm or corporation manufacturing or selling at wholesale any of the above articles shall obtain annually from the division of weights and measures, a license for which the annual fee shall be thirty dollars. Each and every branch house shall likewise be amenable to this license provision.

Every person, firm or corporation renovating, making over, or sterilizing any of the above articles, unless licensed under the preceding paragraph of this section, shall obtain annually from the division of weights and measures, a license for which the annual fee shall be twenty dollars. Each and every branch house shall likewise be amenable to this license provision. Every person, firm or corporation selling or offering for sale at retail any of the above articles, unless licensed under one of the preceding paragraphs of this section, shall obtain annually from the division of weights and measures, a license for which the annual fee shall be five dollars. Each and every branch house shall likewise be amenable to this license provision.

Disposition of receipts Sec. 3b. All moneys collected under the provisions of this act shall be credited to the department of agriculture fund created by chapter seventy of the statutes of 1929 to be expended in accordance with law in carrying out the provisions of this act.

"Felt " Sec. 4. Whenever the word "felt" is used in any statement said materials in mattress shall be in layers as processed by felting machines, and it shall be indicated whether said felt is "felted staple cotton" or "felted cotton linters," or, if any other material is felted, the name of said material shall be indicated.

"Floss " Sec. 5. It shall be unlawful to use in the said statement concerning any mattress the word "floss" or words of like import, if there has been used in filling said mattress any materials which are not termed as "kapok."

"Hair " Sec. 6. It shall be unlawful to use in said statement concerning any mattress the word "hair" unless the material so named is entirely manufactured of animals' hair.

Sec. 7. It shall be unlawful to use in the description in the said statement any misleading term or designation, or term or designation likely to mislead.

Misleading description

Sec. 8. Any mattress made from new material shall have stamped or printed upon a white linen tag attached thereto as a heading in type not less than twenty-four point condensed gothic type the words, "All new material."

Labels as to materials used

Sec. 9. Any mattress made from any material of which prior use has been made or known as "secondhand material," and/or "shoddy material," and/or sweepings; *provided, however*, that the word "sweepings" shall not, for the purposes of this act, apply to new materials free from refuse, dirt or other contamination; shall have stamped or printed upon a red linen tag attached thereto as a heading, in type not smaller than twenty-four point condensed gothic type the words "secondhand material." Wastes which are by-products of machines at textile mills using new raw materials only are excepted when free from contamination.

New material

"Second-hand material"

Sec. 10. The wording of labels necessary to carry out the provisions of this act shall be approved by the state superintendent of weights and measures.

Approval of labels

Sec. 11. Any person who shall remove, deface, alter, or in any manner attempt the same, or shall cause to be removed, defaced, or altered, any mark or statement placed upon any mattress under the provisions of this act shall be guilty of a violation of this act.

Removing or altering label prohibited

Sec. 12. Any mattress, of which prior use has been made, before it shall be offered for sale, shall be sterilized by a process approved by the state board of public health which board is invested with the power to make regulations covering the processes or methods used in sterilization.

Sterilization prior to sale

Filthy or soiled mattresses shall not be considered sterilized unless the fabric covering such mattresses be replaced by clean and new covering and then subjected to sterilization.

Sec. 13. The right to condemn and/or seize any mattress which is found in violation of this act shall be vested in the division of weights and measures. The right to destroy any mattress found in violation of any of the sanitary provisions of this act shall be vested in the state department of public health.

Condemning and destroying mattresses

Sec. 14. Any person who removes any tag or device placed upon any mattress by an inspector shall be guilty of a misdemeanor.

Removal of inspection tag prohibited

Sec. 15. The unit for a separate and distinct offense in violation of this act shall be each and every mattress made, remade, renovated, sold, exposed or offered for sale, delivered, consigned, rented, or possessed with intent to sell, offer or expose for sale, deliver, consign or rent, contrary to the provisions hereof. No provisions of this act shall apply to merchandise manufactured for use and sale outside of the State of California, excepting section 2, relating to the sterilization of secondhand or shoddy materials.

Unit for separate offense

Offenses and penalties.

Sec. 16. Any person or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not to exceed five hundred dollars for each offense, or by imprisonment for not less than three months and not exceeding six months or by both such fine and imprisonment.

Enforcement

Sec. 17. The enforcement of the provisions of this act shall be under the supervision of the state superintendent of weights and measures.

Right to inspect premises.

Sec. 18. The state superintendent of weights and measures, or any deputy or inspector authorized by him, shall have access to any premises where mattresses are made, remade, sterilized or renovated, sold or exposed for sale or handled commercially in any way and shall have access to any premises or records of parties selling or offering for sale any second-hand or used mattresses or materials which may be used in filling mattresses.

Constitutionality.

Sec. 19. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Repealed

Sec. 20. All acts or parts of acts inconsistent herewith are hereby repealed.

CHAPTER 581.

An act to add new sections to the Civil Code of the State of California, to be known as sections 452b, 452c, 452d, 452e, and 452f, and to amend section 453 of the Civil Code, relative to mutual benefit associations transacting business upon the assessment plan; regulating their method of organization, requiring a bond to be filed with the insurance commissioner providing for the repayment of moneys paid by applicants if any association fails to qualify within one year; fixing the minimum number of applicants necessary to qualify; requiring such associations, whether heretofore or hereafter organized, to maintain a certain membership or to submit to revocation of certificate of authority; permitting merger or reinsurance with other insurance companies; limiting applicants to the age of fifty-five years; exempting associations of employees or other persons which do not pay, directly or indirectly, compensation for solicitation of applicants or members from laws regulating transaction of

insurance except sections 452a and 453 of the Civil Code; and providing for and limiting assessments and annual dues.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section to be numbered 452b is hereby added to the Civil Code, to read as follows:

452b. Any such association hereafter incorporated under the provisions of this chapter shall forthwith file with the insurance commissioner of the State of California, a certified copy of its articles of incorporation, a copy of its by-laws, a bond conditioned as hereinafter provided, copies of any insurance contracts which it proposes to issue, a statement containing the names and addresses of its officers, all of whom must be bona fide residents of the State of California, whereupon at the request of such association, the insurance commissioner shall issue to it a permit to solicit applications for membership and insurance in said association. Said association shall not issue any contract of insurance until it shall have shown to the satisfaction of the insurance commissioner that a minimum of one thousand persons have applied in writing to said association for membership and insurance therein, and have each paid an amount of not less than five dollars nor more than ten dollars on account of their applications for membership or insurance, and that said association has on deposit in a bank or trust company authorized to do business in this state an amount equal to the largest benefit contracted to be paid by it to any one person, whereupon the insurance commissioner shall issue a certificate of authority to said association to transact business under this chapter. The said bond herein provided for shall be executed by sureties approved by the insurance commissioner, in the penal sum of ten thousand dollars and shall be in favor of the said insurance commissioner as trustee for all persons applying for insurance in said association, and shall provide that in the event said association shall fail to qualify as herein provided within one year after the issuance of said permit to solicit applications, that said association shall forthwith repay to each of said applicants the amount of money which said applicant has paid to said association under the provisions of this section.

New section

Filing documents in re organization

Minimum membership.

Capital.

Bond.

SEC. 2. A new section to be numbered 452c is hereby added to the Civil Code, to read as follows:

New section

452c. Every such corporation heretofore or hereafter organized under the provisions of this chapter, except such associations referred to in section 452f, must maintain a minimum membership of one thousand members in good standing, and should said membership at any time fall below said minimum, said association shall immediately notify said insurance commissioner of said fact, and within ninety days thereafter, or

Membership.

such further extension of time as may be granted by said commissioner, increase its membership to the minimum provided in this section, or submit to the revocation of its certificate of authority by the insurance commissioner, whereupon it shall be the duty of said association to liquidate and dissolve the same under the supervision of said commissioner, or to merge or reinsure its business as herein provided; *provided*, existing corporations shall have until June 30, 1930, within which to obtain said membership.

New section SEC. 3. A new section to be numbered 452*d* is hereby added to the Civil Code, to read as follows:

Consolidation of associations 452*d*. Any association organized under the provisions of this chapter shall have the power to merge, consolidate, or reinsure its membership and business, or any part thereof, with any solvent corporation transacting a life insurance business in the State of California, under any plan which may be approved by the insurance commissioner.

New section SEC. 4. A new section to be numbered 452*e* is hereby added to the Civil Code, to read as follows:

Age limit 452*e*. No association organized under this chapter shall accept any member or issue any policy or certificate of insurance to any person who is more than fifty-five years of age.

New section SEC. 5. A new section to be numbered 452*f* is hereby added to the Civil Code, to read as follows:

Associations exempt from law 452*f*. Any association of employees or other persons organized under the provisions of this chapter which does not pay, or agree to pay, directly or indirectly, any money or other compensation for the solicitation of applications for membership or insurance therein, shall not be subject to the laws of this state applying to or regulating the transaction of insurance business except sections 452*a* and 453 of the Civil Code.

New section SEC. 6. Section 453 of the Civil Code is hereby amended to read as follows:

Assessments and annual dues limited 453. Each association provided for in this chapter may, on the death of a member, levy an assessment on the surviving members of not exceeding three dollars for each member, and collect the same, and pay the benefits provided in the contract of insurance issued to said deceased member, to the nominee of such decedent, and may also provide for the payment of such annual dues by members, which annual dues exclusive of membership fees shall not exceed in the aggregate a sum equal to five dollars per one thousand dollars or fraction thereof of insurance written, but no member shall be subject to the payment of any annual dues in excess of that established when he joined the association. The association may make such by-laws not inconsistent with the laws of the state as may be necessary for its government and the transaction of its business; may, by its name, sue and be sued; loan such funds as it may have on hand; and own sufficient real estate for its business purposes and such as it may be necessary to purchase on foreclosure of its mortgages.

CHAPTER 582.

An act to provide for the purchase of school supplies for school districts and defining the powers and duties of superintendents of schools of counties and other officers in relation thereto.

[Approved by the Governor May 31, 1929 In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 583.

An act providing for the certifying to boards of supervisors and county auditors the total cost of educating junior college pupils residing in counties and not in any junior college district.

[Approved by the Governor May 31, 1929 In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 584.

An act to amend section 4071 of the Political Code of the State of California, relating to the incurring of indebtedness by the board of supervisors.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 4071 of the Political Code of the State of California is hereby amended to read as follows:

Stats 1907,
p 377,
amended

4071. The board must not, for any purpose, contract debts or liabilities, in any manner or for any purpose, which exceed in any fiscal year the income and revenue provided for such year, except as permitted by the constitution.

Liabilities
not to
exceed
revenue.

It shall be the duty of the auditor, at the commencement of each regular session of the board, to lay before it a statement prepared by him of the aggregate amount of allowance against each fund, and of salaries and liabilities fixed by law, paid or payable therefrom since the beginning of the fiscal year, together with a statement of receipts of each fund for that portion of the year already elapsed, and an exact estimate of the revenue for the remainder of the year apportioned to the different funds, based upon the receipts for the corresponding portion of the preceding year. Whenever the board shall have levied the state and county tax for the fiscal year, the auditor's estimate for the remainder of the year shall, as to receipts

Duty of
auditor.

from property tax, be based upon the assessment roll and tax levy, deducting ten per cent for the anticipated delinquencies.

Debts contracted contrary to provision are void.

Any debts or liabilities contracted in any manner or for any purpose and any allowances made contrary to the provisions of this section shall be null and void and the auditor shall not draw his warrant therefor nor the treasurer pay the same.

Allowances to be certified in order

When several allowances are made on the same day, they shall be deemed to have been made in the order in which they are entered in the "allowance book," and shall be certified in that order by the auditor.

CHAPTER 585.

An act to provide for the sale and conveyance of certain lands within the abandoned channel of the Guadalupe river lying in the county of Santa Clara, State of California.

[Approved by the Governor May 31, 1929 In effect August 14, 1929]

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

Sale of land in Guadalupe river channel

SECTION 1. The state department of finance is hereby authorized and empowered to sell and dispose of, upon such conditions as to price and terms of sale as a majority of its members may deem to be most advantageous to the state, all that certain lot, piece or parcel of land within the abandoned river channel of the Guadalupe river lying and being within the county of Santa Clara, State of California, and more particularly described as follows:

Description.

Beginning at a point distant south 2.37 chains from the southwest corner of that certain 115.80 acre tract conveyed by James C. Everding et al., administrators, to Continental Salt and Chemical Company by deed dated September 10, 1923, and recorded in volume 33 of official records, page 191, in the office of the county recorder of Santa Clara county, California, said point of beginning being also distant south 89 degrees 45 minutes west 12.617 chains and north 22.28 chains from a 4" x 4" post marked "4½S" standing at the one-quarter section corner between sections 8 and 17, township 6 south, range 1 west, Mount Diablo meridian, and running thence from said point of beginning in a general easterly direction the forty-three following courses and distances: North 82 degrees 12 minutes east 4.44 chains to station, south 87 degrees 10 minutes east 2.60 chains to station, south 69 degrees 20 minutes east 6.00 chains to station, north 88 degrees 40 minutes east 2.462 chains to station north 55 degrees 29 minutes east 3.00 chains to station, north 19 degrees 58 minutes east 2.50 chains to station, north 5 degrees 22 minutes west 3.00 chains to station, north 26 degrees 27 minutes west 7.20 chains to station, north 0 degrees 57 minutes west 2.70 chains to station,

north 35 degrees 13 minutes east 2.65 chains to station, north 68 degrees 21 minutes east 2.58 chains to station, south 88 degrees 31 minutes east 2.39 chains to station, south 48 degrees 13 minutes east 2.72 chains to station, south 28 degrees 00 minutes east 3.88 chains to station, south 12 degrees 10 minutes west 4.90 chains to station, south 41 degrees 34 minutes west 5.45 chains to station, south 20 degrees 49 minutes west 3.00 chains to station, south 17 degrees 25 minutes east 3.00 chains to station, south 45 degrees 03 minutes east 6.80 chains to station, south 55 degrees 23 minutes east 5.10 chains to station, south 83 degrees 05 minutes east 3.90 chains to station, north 73 degrees 30 minutes east 5.50 chains to station, north 60 degrees 00 minutes east 3.00 chains to station, north 44 degrees 00 minutes east 7.32 chains to station, north 0 degrees 24 minutes east 3.20 chains to station, north 11 degrees 26 minutes east 8.30 chains to station, north 2 degrees 47 minutes east 3.00 chains to station, north 32 degrees 32 minutes west 3.20 chains to station, north 89 degrees 17 minutes west 8.70 chains to station, north 15 degrees 42 minutes east 3.00 chains to station, north 61 degrees 03 minutes east 4.70 chains to station, north 72 degrees 59 minutes east 7.30 chains to station, south 78 degrees 19 minutes east 7.00 chains to station, south 67 degrees 03 minutes east 8.10 chains to station, south 31 degrees 31 minutes west 10.10 chains to station, south 4 degrees 35 minutes east 2.40 chains to station, south 58 degrees 46 minutes east 4.90 chains to station, south 75 degrees 17 minutes east 3.10 chains to station, north 55 degrees 54 minutes east 7.00 chains to station, north 44 degrees 24 minutes east 5.60 chains to station, north 3 degrees 18 minutes west 6.30 chains to station, north 26 degrees 23 minutes east 3.20 chains to station, and north 56 degrees 55 minutes east 5.30 chains to station, on the westerly edge of the yacht basin now being used by the South Bay Yacht Club.

Containing 48.58 acres, more or less, and being all of the land occupied by the original channel of the Guadalupe river, and being bounded on the north by a part of swamp and overflowed land survey number 120 granted by the State of California to E. L. Beard by letters patent dated February 28, 1871, and recorded April 8, 1871, in volume "A" of patents, page 310, in said recorder's office; by swamp and overflowed land survey number 133 granted by the State of California to W. J. Rust by letters patent dated February 5, 1904, and recorded May 3, 1904, in volume "G" of patents, page 137, in said recorder's office; and by swamp and overflowed land survey number 31 granted by the State of California to Domingo Marcucca by letters patent dated May 1, 1869, and recorded July 29, 1869, in volume "A" of patents, page 223 in said recorder's office; and being bounded on the south by a part of swamp and overflowed land survey number 35 granted by the State of California to W. B. Agard by letters patent dated May 18, 1872, and recorded August 24, 1899, in volume "F" of patents, page 540, in said recorder's office; by swamp and over-

flowed land survey number 121 granted by the State of California to Ridgway G. Rowley by letters patent dated March 25, 1869, and recorded November 13, 1869, in volume "A" of patents, page 230, in said recorder's office; and by swamp and overflowed land survey number 106 granted by the State of California to J. D. Scott by letters patent dated February 3, 1869, and recorded April 9, 1869, in volume "A" of patents, page 198, in said recorder's office. Courses true, variation 18 degrees 15 minutes east. Surveyed March, 1921, by F. A. Herrmann of Herrmann Bros., surveyors and civil engineers, San Jose, California.

Abutting
land owners
preferred
purchasers

SEC. 2. The owners of lands abutting upon said parcel shall be preferred purchasers for a period of sixty days following the date upon which the board of control shall give notice by publication in one or more newspapers of general circulation published in said county that it has determined the price and conditions of sale of said parcel of land, such publication to be made for not less than five consecutive days. In the event said parcel of land shall remain unsold at the end of said sixty-day period, the board of control shall thereupon proceed to offer the same for sale, and to sell the same, after giving notice of such sale, at public auction, to the highest bidder, for cash, in the manner prescribed by section 1274 of the Code of Civil Procedure; *provided*, that no bid which is less than the sum determined by the board of control to be the value of the tract for which it is offered shall be accepted. The governor is hereby authorized to execute in behalf of the state such deed or other conveyance as may be necessary to pass title to the purchaser or purchasers of such tract, and, upon notice from the board of control that full payment of the purchase price has been made, to deliver such deed or other conveyance to the person or persons entitled thereto.

Sale by
public
auction

Deed
executed by
governor

CHAPTER 586.

An act to amend section 653e of the Penal Code, relating to blacklisting and providing penalties for same.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

Stats 1913,
p 712,
amended
Blacklisting
of former
employees
prohibited

SECTION 1. Section 653e of the Penal Code is hereby amended to read as follows:

653e. Any person, firm or corporation, or officer or director of a corporation, or superintendent, manager or other agent of such person, firm or corporation who, after having discharged an employee from the service of such person, firm or corporation or after having paid off an employee voluntarily leaving such service, shall, by word, writing or any other means whatsoever, misrepresent and thereby prevent or

attempt to prevent such former employee from obtaining employment with any other person, firm or corporation, and any person, firm or corporation or agent or officer thereof, who shall require, as a condition precedent to securing or retaining employment, that an employee or applicant for employment be photographed or fingerprinted by any person, firm or association which desires his photograph or fingerprints for the purpose of furnishing same or information concerning same or concerning the said employee, or applicant for employment, to any other employer or third person, which could be used to the detriment of such employee, or applicant for employment, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment. Any person, firm or corporation who shall knowingly cause, suffer or permit an agent, superintendent, manager or other employee in his or its employ to commit a violation of this section, or who shall fail to take all reasonable steps within his or its power to prevent such violation of this act, shall be guilty of a violation of the provisions of this section and be subject to the penalties herein provided.

Fingerprints
or photo-
graphs

Offense and
penalty

Nothing in this section shall be construed to prevent an employer as hereinbefore defined or an agent, employee, superintendent or manager of such employer from furnishing upon special request therefor, a truthful statement concerning the reason for the discharge of an employee or why an employee voluntarily left the service of the employer; *provided, however*, that if such statement shall in connection therewith furnish any mark, sign or other means whatever conveying information different from that expressed by words therein, such fact, or the fact that such statement or other means of furnishing information was given without a special request therefor, shall be prima facie evidence of a violation of the provisions of this section.

Employer
may furnish
truthful
statement

In addition to and apart from the criminal penalty hereinabove provided, any person, firm, association or corporation, or agent or officer thereof, who shall violate any of the provisions of this act shall be liable to the party or parties aggrieved, in a civil action, to treble damages. Such civil action may be brought by such aggrieved person or persons, or his or their assigns, or successors in interest, without first establishing any criminal liability under this act.

Civil
action by
aggrieved
person.

CHAPTER 587.

An act to amend section 3 of an act entitled "An act to provide for the protection of lands from overflow other than lands recognized as swamp lands," approved April 15, 1880, as amended, relating to the organization of levee dis-

tricts and for the conduct of elections therein, and for the canvass of election returns of such elections and for the compensation of trustees of such districts.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

Stats 1889,
p. 366,
amended.

Hearing of
petition

Election of
trustees

Appointees.

Notice of
election

SECTION 1. Section 3 of an act entitled "An act to provide for the protection of lands from overflow other than lands recognized as swamp lands," approved April 15, 1880, as amended, is hereby amended so as to read as follows:

Sec. 3. Upon the day appointed for the hearing of said petition the board of supervisors shall consider the same, and should they find that any lands are improperly included in, or excluded from, the proposed district, they shall make, upon satisfactory evidence of such fact, such changes in the proposed boundaries as may by them be deemed just and proper. Should the board of supervisors make any changes in said boundaries, they shall note the same on the petition, and organize or reject the district with the boundaries they have fixed, and their action in that respect shall be conclusive; such action shall be entered in the journal of their proceedings, together with the petition, the names of the signers thereto, and the evidence of publication required by the preceding section. If the board shall grant the petition and order the district to be organized, they shall in such order number the same, and direct an election to be held within the boundaries thereof, and within twenty days from the date of such order, for the election of three trustees of said district, each of whom must be a resident landowner within the district, one of whom shall be elected for one year, one for two years, and one for three years; and there shall be an annual election held each year thereafter, at which one trustee shall be elected, whose term of office shall be three years. Should a vacancy occur in such office, the board of supervisors shall fill the same by appointment. Such appointee shall possess the same qualifications as are required by this act for trustees, and shall hold his office until the next annual election after his appointment, or until his successor is elected and qualified. At the time of ordering the election for trustees, the board of supervisors shall establish one or more election precincts within the district, designating the house or place within each precinct where the election must be held, and shall appoint one inspector and two judges for said election for each voting precinct, who shall constitute a board of election for each precinct. Notice of such election shall be given by the board of supervisors in a newspaper published in the county; or if there be none published in the county, then in some newspaper having a general circulation in the district, for two weeks before the time of holding the same, which notice must specify the time and places for holding the election, the offices to be filled, and the terms thereof, and the names of the inspectors and judges of

election in each precinct. At such election the polls shall open at nine o'clock a.m., and close at four o'clock p.m. No person shall be permitted to vote at such election, or at any election held by the district, unless he is a landowner of the district; and every landowner in the district shall have the right to vote, and each qualified voter shall be entitled to cast one vote for each acre of land, and for each town or city lot, the title to which is shown by the proper records of the county in which the district is situated, to be in him. The boards of election shall deposit all ballots cast in a proper ballot-box, and keep a poll list, on which shall be entered the name of each person voting, and the number of votes cast by such person. As soon as the polls are closed, the judges must proceed to canvass the votes given at such election, which canvass must be public. A tally list shall be kept showing the names of the persons voted for and for what office, and the number of votes given for each candidate, which list, when all the votes are canvassed, shall be attested by the signatures of the members of the board of election. In making the canvass the tickets or ballots, as soon as read, must be strung upon a string by one of the judges, and when all are counted and said tally list is prepared, said list and ballots shall be carefully sealed in a strong envelope or wrapper, each member of the board writing his name across the seal, and the same shall be delivered by one of the judges to the county clerk. The board of supervisors of the county shall, on the first Monday succeeding such election, if then in session, or if not, at their next general or special session, canvass said returns and declare the result, and the county clerk shall thereupon issue certificates of election to the persons declared to be elected. The members of the board of election shall receive three dollars per day for their services, and the expenses of all elections held under this act shall be paid by the district. The board of trustees of the district, after the first election herein provided for, shall give notice of all elections in the manner and form hereinbefore provided for the first election. They may change the boundaries of precincts and create new ones to suit the convenience of voters, and establish polling places within the precincts, and shall appoint one inspector and two judges for each precinct. Such elections shall be had and conducted in all other respects the same as the first election. Every trustee within ten days after the receipt of his certificate of election shall take and file with the county clerk the usual oath of office.

The trustees, while sitting as a board or acting under the orders of the board, may each receive not to exceed eight dollars per day and eight cents per mile for each mile actually traveled from their respective places of residence to the office of the board and returning therefrom, and actual and necessary expenses paid while engaged in official business under the orders of the board.

Who
entitled
to vote

Poll list

Tally list.

Canvass of
returns by
supervisors.

Powers of
trustees

Compensa-
tion of
trustees.

CHAPTER 588.

An act to enable counties to purchase, lease, obtain, hold, improve and maintain land for the uses and purposes of public parks and boulevards.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

Counties
may acquire
land for
parks or
boulevards.

SECTION 1. Any county in this state may purchase or lease with the consent of the owner, or obtain by gift and hold, improve and maintain land for the uses and purposes of public parks, or public boulevards, or both.

SEC. 2. The land to be so purchased or leased with the consent of the owner obtained, held, improved and maintained may be within the boundaries of the county, or conveniently adjacent thereto, and in either case it shall be subject to the jurisdiction of the county acquiring it and to the laws, ordinances, rules and regulations thereof.

Lands
situate in
adjoining
county

SEC. 3. The board of supervisors or legislative body of any county may by unanimous vote, determine what lands are necessary and proper to be purchased or leased with the consent of the owner obtained, held, improved and maintained by said county for the uses and purposes aforesaid; *provided*, that when lands to be so purchased or leased with the consent of the owner, obtained, held, improved and maintained for the uses and purposes as in section 1 herein provided, are situate within the boundaries of an adjoining county, before said lands can be so purchased or leased with the consent of the owner, obtained, held, improved and maintained, it shall first be necessary for the county so desiring to purchase or lease with the consent of the owner, obtain, hold, improve and maintain said lands for the uses and purposes aforesaid, to obtain the consent by resolution of the board of supervisors of said adjoining county to so purchase or lease with the consent of the owner, obtain, hold, improve and maintain said lands for the uses and purposes herein set forth.

Consent.

Constitutionality.

SEC. 4. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act, and each section, sentence, clause and phrase thereof, irrespective of the fact that any one or more or other sections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 589.

An act to amend section 4254 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-fifth class.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 4254 of the Political Code is hereby amended to read as follows: Stats 1927,
p 1157,
amended.

4254. In counties of the twenty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Counties of
25th class
officers and
employees

1. The county clerk, four thousand dollars per annum, and when a new register of voters is required by law to be made, he shall receive in addition, fifteen cents per name for each voter registered, which shall be in full for all services required in registering voters and making the great register; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk, two deputies, who shall be appointed by said county clerk, and who shall be paid a salary of two hundred dollars per month each, and one additional deputy, which office is hereby created, who shall be appointed by said county clerk, who shall be paid a salary of one hundred seventy-five dollars per month, said salaries of said deputies to be paid by said county monthly and at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided, further*, that there is hereby allowed to the county clerk such additional deputies to be appointed by said county clerk, as may be necessary to carry on the work of his office for a length of time not to exceed four months in each year for each deputy, and the aggregate compensation to be paid all of said deputies shall not exceed six hundred dollars in any one year; said deputies to be paid at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid. Clerk.

2. The sheriff, four thousand five hundred dollars per annum, and also all fees for service in actions arising out of his county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff one undersheriff, who shall be appointed by said sheriff, who shall be paid a salary of two hundred twenty-five dollars per month, and one deputy who shall be appointed by said sheriff, who shall be paid a salary of two hundred dollars per month, said salaries to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid. Sheriff.

3. The recorder, four thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby Recorder.

allowed to the recorder, one deputy, who shall be appointed by said recorder, who shall be paid a salary of two hundred dollars per month, and one deputy, who shall be appointed by the recorder, who shall be paid a salary of one hundred fifty dollars per month, and two copyists who shall be appointed by said recorder, who shall be paid a salary of one hundred thirty-five dollars per month, each, said salaries of said deputies and of said copyists to be paid by said county, monthly, at the same time and in the same manner and out of the same fund, as the salary of the recorder is paid. He may also appoint such additional copyists as may be required for the recording of all papers, notices, or documents, in his office, who shall receive for their services the sum not to exceed seven cents per folio for typewritten recording of each paper or document so recorded paid out of the fees collected by him, further that said recorder shall file monthly with the county auditor a sworn statement showing in detail the persons and the amounts paid to each for such recording.

Auditor.

4. The auditor, four thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the auditor, clerks and employees, who shall be appointed by said auditor, who shall be paid salaries as follows: Two deputy auditors at a salary of two hundred dollars per month, each, and a sum not to exceed six hundred dollars in any one year for such additional clerk hire as may be necessary, and one additional deputy which office is hereby created, at a salary of one hundred fifty dollars per month; *provided, however*, that the provision for such additional deputy auditor shall become effective only upon the enactment of that certain act known as "An act to amend section 3714 of the Political Code of the State of California, relating to the levy of taxes," introduced at the forty-seventh session of the Legislature and known as Senate Bill No. 298; *provided, further*, that the said salaries of the clerks and employees herein provided for shall be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the county auditor is paid.

Treasurer.

5. The treasurer, four thousand dollars per annum; and such fees as are now or may hereafter be allowed by law; *provided*, that in counties of this class there shall be and is hereby allowed to the treasurer, one deputy, who shall be appointed by said treasurer and who shall be paid a salary of two hundred dollars per month, said salary of said deputy to be paid by said county, monthly, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid.

Tax collector.

6. The tax collector, four thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector, a deputy, who shall be appointed by said tax collector, who shall be paid a salary of two hundred dollars per month, and one deputy who shall be appointed by said tax collector, who shall be paid a salary

of one hundred fifty dollars per month, said salaries to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the tax collector a copyist for the period of time embraced between the first day of August and the thirty-first day of December, both dates inclusive, in each year. Said copyist shall be appointed by said tax collector, and shall be paid a salary of one hundred thirty-five dollars per month during the period of time said copyist shall be employed, to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, further*, that in counties of this class, the said tax collector be allowed a sum not to exceed one thousand dollars per annum for such additional clerk hire as may be necessary, the same to be paid in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, further*, that said tax collector shall be entitled to receive and retain for his own use ten per centum only of all licenses collected by him.

7. The assessor, four thousand five hundred dollars per annum, and also such fees and commissions as are allowed by law; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor, a deputy, who shall be appointed by said assessor who shall be paid a salary of two hundred dollars per month, to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor, a deputy who shall be appointed by said assessor, who shall be paid a salary of one hundred fifty dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the salary of the assessor is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor, a copyist, who shall be appointed by said assessor from the first day of January to the thirty-first day of July, inclusive, during each year. Said copyist shall be paid a salary of one hundred thirty-five dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the salary of said assessor is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the assessors a copyist, who shall be appointed by said assessor from the first day of February to the thirty-first day of August, inclusive, during each year. Said copyist shall be paid a salary of one hundred thirty-five dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the salary of said assessor is paid; *provided, further*, that said assessor shall be entitled to receive and retain for his own use three per centum only in

personal property tax collected by him as authorized by section 3820 of the Political Code of the State of California; *provided, further*, that there is hereby allowed to the assessor such additional deputies, to be appointed by said assessor, as may be necessary to carry on the work of his office, and the aggregate compensation to be paid all of such deputies shall not exceed four thousand five hundred dollars in any one year; said deputies to be paid monthly at the same time out of the same fund and in the same manner as the salary of said assessor is paid.

District
attorney.

8. The district attorney, three thousand six hundred dollars per annum; *provided*, that in counties of this class, the district attorney may appoint a deputy, which office of deputy district attorney is hereby created; said deputy to receive a salary of one thousand eight hundred dollars per annum; *provided, further*, that said district attorney may appoint a stenographer at a salary of one hundred fifty dollars per month. Said deputy and said stenographer shall be paid at the same time and out of the same fund as other county officers are paid.

Superintendent
of
schools

9. The superintendent of schools, three thousand six hundred dollars per annum and actual traveling expenses, while attending to his duties as such superintendent of schools; *provided*, that such traveling expenses shall not in any one year exceed the sum of seven hundred fifty dollars; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools, a deputy, who shall be appointed by said superintendent of schools and who shall be paid a salary of two hundred dollars per month at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid; *provided, further*, that said superintendent of schools may appoint a stenographer, which office is hereby created, at a salary of one hundred twenty-five dollars per month. Said stenographer shall be paid at the same time and out of the same fund as other county officers are paid; and an assistant supervisor of schools, which office is hereby created, and who shall serve as such during the months of February, March, April, May, and June of each year, and who shall be appointed by the superintendent of schools and shall receive a salary of two hundred dollars per month, payable in the same manner and at the same time and out of the same fund as the salary of the said county superintendent of schools is paid.

Coroner.

10. The coroner, such fees as are now or may be hereafter allowed by law.

Public
adminis-
trator.
Surveyor.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

12. The surveyor shall receive the sum of four thousand dollars per annum, for all work performed for the county, and in addition thereto he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county; *provided*, that in counties of this class, the surveyor may appoint five transit men two of whom shall

receive the sum of nine dollars per day each, and three of whom shall receive the sum of eight dollars per day each, while actually engaged in work for the county, said salaries shall be paid in the manner and out of the same fund as the salaries of county officers are paid. The surveyor shall devote his entire time and service to the work of the county, and is prohibited from engaging in private surveying and engineering work. It is hereby found as a fact that the salaries herein provided for do not work an increase in the compensation of said surveyor and same shall apply and become effective immediately.

13. For the purpose of fixing the compensation of justices of the peace and constables according to their duties, townships in counties of this class are hereby classified according to their population as follows: Townships having a population of more than twenty thousand shall belong to and be known as townships of the first class; townships having a population of not less than ten thousand nor more than twenty thousand shall belong to and be known as townships of the second class; townships having a population of less than ten thousand and more than one thousand eight hundred shall belong to and be known as townships of the third class; townships having a population of one thousand eight hundred or less and more than one thousand one hundred shall belong to and be known as townships of the fourth class; townships having a population of one thousand one hundred or less shall belong to and be known as townships of the fifth class. Justices of the peace shall receive the following salaries:

Classification
of townships

In townships of the first and second class the sum of one hundred fifty dollars per month, each; *provided*, that each justice of the peace in townships of these classes shall be an attorney at law admitted to practice before the supreme court of this state;

Justices of
the peace.

In townships of the third class, the sum of one hundred fifty dollars per month; *provided* that nothing contained in this provision as to the salaries of justices of the peace of townships of the third class shall affect the salary of said justice of the peace of townships of the third class or the salary of his clerk prior to January 1, 1931;

In townships of the fourth class the sum of fifty dollars per month;

In townships of the fifth class the sum of twenty-five dollars per month;

Said salaries shall be paid in the same manner, and out of the same fund as the salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. Justices of the peace of the first and second classes shall be allowed their necessary office expenses not to exceed the sum of fifteen dollars per month; *provided, further*, that all justices of the peace shall be allowed their civil and criminal dockets and legal blanks at the

expense of the county; *provided, further*, that the justices of the peace of the townships of the third class when in the trial of criminal cases it becomes necessary to rent a hall to conduct said trial, the said justices of the peace of said townships of the third class shall be allowed the rental paid therefor, but not to exceed the sum of three dollars for any one day; *and provided, further*, that said rental shall not exceed in any one month the sum of fifteen dollars.

Constables. 14. Constables shall receive the following salaries:

In townships of the first class the sum of one hundred dollars per month; *provided, however*, that in the event that only one constable shall be provided in townships of this class, the constable shall receive a salary of one hundred twenty-five dollars per month.

In townships of the second class the sum of eighty dollars per month; *provided, however*, that in the event that only one constable shall be provided in townships of this class, the constable shall receive a salary of one hundred twenty-five dollars per month.

In townships of the third class the sum of one hundred dollars per month.

In townships of the fourth and fifth classes the sum of twenty-five dollars per month.

Population of townships. 15. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors of said county at their regular meeting in the month of December following the election of justices of the peace and constables in said county, by multiplying by three the number of registered voters in said township as shown by the register prepared by the county clerk of said county for the general election next preceding the date of such election. It is hereby found as a fact, that the salaries provided for in subdivisions thirteen and fourteen do not work an increase in the compensation and the same shall apply immediately to incumbents.

Supervisors. 16. Each member of the board of supervisors one hundred dollars per month, and ten cents per mile while traveling on official business from his residence to the county seat, or returning therefrom, and also mileage for his services as road commissioner at the rate of ten cents per mile, for the distance actually traveled in the discharge of his duties as road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of three hundred dollars.

Board of education. 17. Each member of the board of education including the secretary, five dollars per day when the board is in session and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided by law.

Reporter. 18. In counties of this class, the official phonographic reporter of the superior court shall receive the sum of one hundred fifty dollars per month as compensation for the reporting of criminal cases both in the superior court and justice's court

in the county, and for the transcription of the shorthand notes of such cases, he shall receive fifteen cents per folio of one hundred words for the original and seven and one-half cents per folio for each copy thereof as compensation for reporting and for the transcription of his shorthand notes. In civil cases he shall receive the fees now or hereafter authorized by law; *provided*, that he shall receive from the county no fees for the county's share of the cost of reporting in any civil cases in which the county is a party. The salary of the reporter shall be paid out of the county treasury in the same manner as other county officers are paid.

19. In counties of this class the sealer of weights and measures shall receive as compensation the sum of two hundred dollars per month, together with his actual and necessary traveling expenses incurred in the discharge of his duties as such sealer of weights and measures. Sealer of weights and measures.

20. The county librarian, two thousand four hundred dollars per annum. Librarian.

21. In all cases where the mileage of any county officer is not provided by general law, or provided for herein, such mileage shall be the sum of ten cents per mile for each mile actually and necessarily traveled in the performance of his duties. Mileage

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 590.

An act to amend section 540 of the Code of Civil Procedure, relating to writs of attachment.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 540 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1917,
p 933,
amended.

540. The writ must be directed to the sheriff of any county in which property of such defendant may be, and must require him to attach and safely keep all the property of such defendant within his county not exempt from execution, or so much thereof as may be sufficient to satisfy the plaintiff's demand against such defendant, the amount of which must be stated in conformity with the complaint, unless such defendant give him security by the undertaking of at least two sufficient sureties which must first be approved by a judge of the court Writ to whom directed and what to state.

issuing same or if said writ of attachment is from another county then by a judge of a court of similar jurisdiction in the county where the levy shall have been made, or deposit a sum of money with the sheriff, in an amount sufficient to satisfy such demand against such defendant, besides costs, or in an amount equal to the value of the property of such defendant which has been or is about to be attached; in which case to take such undertaking, or sum of money.

If more
than one
defendant.

In the event that the action is against more than one defendant, any defendant whose property has been or is about to be attached in such action may give the sheriff such undertaking or deposit such sum of money, and the sheriff shall take the same, and such undertaking, or the deposit of such sum of money shall not subject such defendant to or be answerable for any demand against any other defendant, nor shall the sheriff thereby be prevented from attaching or be obliged to release from attachment, any property of any other defendant; *provided, however*, that such defendant, at the time of giving such undertaking, to, or depositing such sum of money with the sheriff, shall file with the sheriff, a statement, duly verified under oath, wherein such defendant shall aver and declare that the other defendant or defendants in the action in which said undertaking was given, or such sum of money was deposited, has or have not any interest or claim of any nature whatsoever in or to said property. Such statement must further contain the character of such defendant's title and the manner in which he acquired title to such attached property; *provided, further*, that before said attachment shall be released, the undertaking required by this section must be approved by the judge of the court issuing same or if said writ of attachment is from another county, then by a judge of a court of similar jurisdiction in the county where the levy shall have been made.

Several
writs may
be issued
at the
same time.

Several writs may be issued at the same time, or within a reasonable time thereafter, to the sheriffs of different counties.

CHAPTER 591.

An act to amend section 628 of the Penal Code, relating to fish and game.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 1706,
amended
Protection
of shrimp

SECTION 1. Section 628 of the Penal Code is hereby amended to read as follows:

628. (a) Every person who dries any shrimps caught or taken in the waters of this state, or who takes shrimps from the waters of the state for any purpose other than for fresh market purposes is guilty of a misdemeanor; *provided*, that

in fish and game districts eleven, twelve and thirteen unmarketable shrimps which may be unavoidably taken in fishing for the fresh market, may be dried, but at no time shall more than fifty per cent of the shrimps brought in by any boat be dried.

(b) Every person who, between the first day of March and the fourteenth day of October, inclusive, of any year, takes, catches, kills, has in possession, buys, sells or offers for sale any spiny lobster (*Panulirus interruptus*), or who at any time takes, catches, kills, has in possession, buys, sells, or offers for sale any spiny lobster (*Panulirus interruptus*), of less than ten and one-half inches or more than sixteen inches in length, measured from one extremity to the other and exclusive of legs, claws or feelers, shall be guilty of a misdemeanor. Every person who at any time takes, catches, kills, has in possession, buys, sells, or offers for sale any crab (*Cancer magister*), of less than seven inches in breadth, measured straight across the back from point to point, or any female crab (*Cancer magister*), or who, between the thirty-first day of July and the fourteenth day of November, inclusive, of any year takes, catches, kills, has in possession, buys, sells, or offers for sale any crab (*Cancer magister*), shall be guilty of a misdemeanor; *provided*, that in fish and game districts one and one-half, six, seven, eight and nine every person who between the thirty-first day of August and the fourteenth day of December, inclusive, of any year, takes, catches, kills, has in his possession, buys, sells or offers for sale any crab (*Cancer magister*), shall be guilty of a misdemeanor. Any person who shall at any time, pickle, can, or otherwise preserve any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*), or who shall at any time sell any spiny lobster (*Panulirus interruptus*) meat not in the shell of any such spiny lobster (*Panulirus interruptus*) or who shall bring to shore any part or portion of any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) without the remaining portions of such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) in such condition that the size of any such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) can not be measured, shall be guilty of a misdemeanor; *provided*, that crab (*Cancer magister*) meat from without the state may be imported into the state for sale at any time under regulations to be prescribed by the fish and game commission.

(c) Every person who ships or offers for shipment or who transports or carries any species of crab from fish and game districts one and one-half, two and one-half, five, six, seven, eight and nine, either to a point outside of the state or into any part of the state other than in districts one and one-half, two and one-half, five, six, seven, eight and nine, or who holds any crabs in live cars within said fish and game districts, is guilty of a misdemeanor.

For the purposes of this act a live car shall be any box, crate or pen in which live crabs are kept.

Spiny
lobster
caught below
Mexican
boundary

(d) None of the provisions of this act shall apply to spiny lobster caught or taken without the waters of this state, when said spiny lobster are caught in waters lying south for a distance of ten miles from the international boundary line between the United States and Mexico, extended westerly in the Pacific Ocean, and bearing after inspection such evidence of having been so caught or taken as may be hereafter prescribed by the fish and game commission; *and be it provided*, that all the expenses of such inspection shall be borne by the importer of such spiny lobster; *and be it provided, further*, that all spiny lobster imported into this state shall be of the size prescribed in this section.

CHAPTER 592.

An act relating to the suspension or expulsion of pupils from the public schools.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 593.

An act to add two new sections to chapter seven of title thirteen of part one of the Penal Code to be numbered sections 526 and 527, relating to the making, distribution, and use of written matter resembling processes of courts.

[Approved by the Governor May 31, 1929. In effect August 14, 1929]

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

New section

SECTION 1. A new section is hereby added to chapter seven of title thirteen of part one of the Penal Code, to be numbered 526. and to read as follows:

Use of
documents
resembling
process of
court
prohibited.

526. Any person, who, with intent to obtain from another person any money, article of personal property or other thing of value, shall deliver or cause to be delivered to such other person any paper, document or written, typed or printed form purporting to be order or other process of a court, or designed or calculated by its writing, typing or printing, or the arrangement thereof, to cause or lead such other person to believe it to be an order or other process of a court, when in fact such paper, document or written, typed or printed form is not an order or process of a court, is guilty of a misdemeanor, and each separate delivery of any such paper, document or written, typed or printed form shall constitute a separate offense.

SEC. 2. A new section is hereby added to chapter seven of title thirteen of part one of said code, to be numbered 527, and to read as follows: New section

527. Any person who shall sell or offer for sale, print, publish, or distribute any paper, document or written, typed or printed form, designed or calculated by its writing, typing or printing, or the arrangement thereof, to cause or lead any person to believe it to be, or that it will be used as an order or other process of a court when in fact such paper, document or written, typed or printed form is not to be used as the order or process of a court, is guilty of a misdemeanor, and each separate publication, printing, distribution, sale or offer to sell any such paper, document or written, typed or printed form shall constitute a separate offense, and upon conviction thereof in addition to any other sentence imposed the court may order that all such papers or documents or written, typed or printed forms in the possession or under the control of the person found guilty of such misdemeanor shall be delivered to such court or the clerk thereof for destruction. Publishing and selling of documents resembling process of court prohibited.

CHAPTER 594.

An act appropriating money to pay the claim of Annie Locatelli against the State of California.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

SECTION 1. The sum of two hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Annie Locatelli against the State of California. Appropriation claim of Annie Locatelli

CHAPTER 595.

An act to revise an act entitled "An act providing for the sale of certain state lands," approved May 19, 1915, as amended.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

SECTION 1. The act entitled "An act providing for the sale of certain state lands," approved May 19, 1915, as amended, is hereby revised to read as follows: See Stats 1915, p. 605; Stats. 1919, p. 306.

Section 1. The unsold and unreserved portions of the sixteenth and thirty-sixth sections of school lands, the unsold Sale of school lands authorized.

portions of the five hundred thousand acres granted to the state for school purposes, and the unsold portions of the listed lands selected of the United States in lieu of the sixteenth and thirty-sixth sections and losses to the school grant which are not suitable for cultivation shall be sold to citizens of the United States, or to a municipal corporation, by the surveyor general under rules and regulations prescribed by him, at a price fixed by the department of finance, payment to be made as follows: The full purchase price of the land, or ten per cent thereof and interest to the first day of January following at the rate of six per cent per annum on the unpaid balance of the purchase price, to be paid at the time of sale; the unpaid balance of the purchase price shall bear interest at the rate of six per cent per annum, payable in advance on the first day of each year, at which time the purchaser may pay as many one-tenths of the purchase price as he may desire; *provided*, that timber lands shall be sold for cash; *provided, further*, that the Legislature may require the payment of the unpaid balance of the purchase price within five years after the passage of an act requiring such payment. All payments to be made to the county treasurer of the county in which the land is situated.

Sale of
lands not
used as
bases for
indemnity
selections

Sec. 2. From and after the date upon which this act takes effect, the surveyor general may sell in like manner, for cash, any of the lands reserved from sale by the provisions of section 3408*b* of the Political Code which have not been used as bases for indemnity selections, as provided in section 3406*a* of said code, or otherwise disposed of under any law of this state; *provided, however*, lands which in his judgment contain growth valuable for forest-cover protection to watersheds, or are valuable for reservoir sites, shall not be sold or exchanged under the provisions of this act.

Exchange
for lands of
United
States.

Whenever he shall deem it to the advantage of the state so to do, he may, with the concurrence of the department of finance, exchange for lands of the United States of equal area, pursuant to law, any of said reserved lands in place, and the lands so acquired in exchange may be thereafter sold in the same manner and upon like conditions as to payment and interest as hereinabove set forth. Nothing herein contained shall be construed to affect the right of the surveyor general to use as bases for indemnity scrip, as provided in sections 3406*a*, 3408*b*, 3408*c*, and 3408*d* of the Political Code, any of said reserved lands not otherwise disposed of under the provisions of this act.

Patents

Sec. 3. When the full purchase price of the land has been paid the purchaser shall be entitled to a patent for the land.

Repealed.

Sec. 4. Those parts of all acts in conflict with this act are hereby repealed.

CHAPTER 596.

An act to provide for the alteration of the boundaries of and for the annexation of incorporated and unincorporated territory or incorporated or unincorporated territory to municipal corporations and for the incorporation and consolidation of such annexed territory in and as a part thereof.

[Approved by the Governor May 31, 1929 In effect August 14, 1929.]

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

SECTION 1. Incorporated or unincorporated territory, or both, such incorporated and unincorporated territory of the same or adjoining counties may at any time be annexed to and consolidated with any municipal corporation to which it is contiguous; *provided*, the proceedings of this act are first had and taken; *and provided, further*, that the provisions hereof shall not apply to annexation to, or consolidation with, a city and county.

Annexation
to contiguous
municipal
corporation.

SEC. 2. A petition shall be presented by not less than one-fourth of the number of the qualified electors residing within the territory, whether incorporated or unincorporated, or both, desiring annexation as shown by the registration of voters of the county in which such territory is situated. Such petition shall be presented to the legislative body of the county in which the territory proposed to be annexed is situated. The legislative body of such county shall, within ten days after such presentation, hold a hearing on such petition and if a majority thereof approve of such annexation they shall immediately present such petition with their approval endorsed thereon to the legislative body of the municipal corporation to which it is proposed to annex the territory. The legislative body of such municipal corporation to whom such petition is presented shall immediately thereafter call a special election and submit to the electors residing in the territory proposed by such petition to be annexed to such municipal corporation the question whether such territory shall be so annexed to, incorporated in and made a part of such municipal corporation; *provided, however*, that in cases where the territory proposed to be annexed to such municipal corporation is already incorporated, the legislative body shall first request the legislative body of such incorporated territory proposed to be annexed to call a special election for such purpose. If the legislative body of the incorporated territory proposed to be annexed refuses or unreasonably delays to call such election the municipal legislative body of the corporation to which it is proposed to annex such territory shall proceed to call the election within the incorporated limits of such territory as in other cases hereinbefore provided.

Petition for
annexation

Hearing

Special
election

Procedure if
territory
incorporated

Election in
territory
to be
annexed

SEC. 3. The legislative body calling the election is hereby empowered to, and it shall be its duty to cause notice to be given of such election by the publication of a notice thereof in

Notice of
election

a newspaper of general circulation, if any such there be, printed and published outside of such municipal corporation, but in the county in which the territory so proposed to be annexed is situated, at least once a week for a period of four successive weeks next preceding the date of such election. If there be no such newspaper, then such legislative body shall cause such notice of such election to be given by the posting thereof in three public places within the territory so proposed to be annexed at least four weeks next preceding the date of such election.

Such notice shall distinctly state the date of such election, and the proposition to be submitted, to wit: That it is proposed to annex to, incorporate in, and make a part of such municipal corporation the territory sought to be annexed, specifically describing the boundaries thereof. In addition to said description, such territory shall also be designated in such notice by some appropriate name or other words of identification, by which such territory may be referred to and indicated upon the ballots to be used at any election at which the question of such annexation is submitted as in this act provided. The electors in such territory shall be directed by such notice to vote upon such question in the manner hereinafter set forth in this section.

Such legislative body is hereby empowered, and it shall be its duty to establish, and in such notice of election to designate, the voting precinct or precincts and the place or places at which the polls will be open for such election in such territory so proposed to be annexed, which said place or places shall be that or those commonly used as voting places within such territory, if any such there be.

Election
officers.

The legislative body of each municipal corporation is empowered to, and it shall, appoint the officers of such election, who shall be, for each voting place in such territory, two judges and one inspector, each of whom shall be a qualified elector of the voting precinct in which he is appointed to act as an officer of such election.

Ballots.

Upon the ballots to be used at such election, there shall be printed the words "Shall (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to the city of (stating the name of city) —Yes," and "Shall (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to the city of (stating name of city) —No," and there shall be a voting square to the right of and opposite each such proposition. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," the vote of such elector shall be counted in favor of the annexation of the territory referred to in such proposition to the municipal corporation named therein; and if an elector shall stamp a cross (X) in the voting square after the printed word "No," the vote of such elector shall be counted against such annexation.

The ballots used at such election, the opening and closing of the polls, and the holding and conducting of such election, shall be in conformity, as near as may be, with the laws of this state concerning general elections, except as herein otherwise provided. The judges and inspector of such election for each polling place shall immediately on the closing of the polls, count the ballots, make up, certify and seal the ballots and tally sheets of the ballots cast at their respective polling places, doing so, as nearly as practicable, in the manner provided in the laws of this state relating to general elections, and they shall thereupon deliver the ballots, tally sheets, and returns to and deposit the same with the clerk of the legislative body of such municipal corporation. Regulations.

Such legislative body shall, at the time provided for its regular meeting next after the expiration of three days from and after the date of said election, meet and proceed to canvass said returns; and such canvass shall be completed at such meeting, if practicable, and in any event, as soon as practicable, avoiding adjournment or adjournments, until said canvass is completed. Canvass of returns

Immediately upon the completion of such canvass, said legislative body shall cause a record thereof to be made and entered upon its minutes, stating the proposition submitted and showing the whole number of votes cast thereon in the territory proposed to be annexed, the number of votes cast therein in favor of annexation and the number of votes cast therein against annexation.

SEC. 4. If it shall appear from the canvass of the returns of the election held in the territory proposed to be annexed to any municipal corporation, as provided in section 2 of this act, that a majority of all the votes cast in such outside territory on the question of such annexation are in favor of annexation, such legislative body may, by ordinance, approve such annexation, or, in case of failure to so approve, by ordinance, such annexation, shall then submit to the electors of such municipal corporation the question whether such territory shall be annexed to, incorporated in and made a part of such municipal corporation. Such question may be so submitted at the next general municipal election to be held in such municipal corporation, or it may be so submitted prior to such general election, either at a special election called therein for that purpose, or at any other special municipal election therein, except an election at which the submission of such question is prohibited by law. Whenever such question is submitted at any election in such municipal corporation, such question shall be stated in the notice of such election and on the ballots to be used at such election, and the electors shall vote thereon, in the same manner as hereinbefore provided in the case of the election in the territory proposed to be annexed. And whenever such question is submitted at any such municipal election, general or special, as above provided, it shall be submitted and voted upon as other questions are required by Question submitted to electors of annexing municipal corporation.

Notice, election, etc.

law to be submitted and voted upon at such elections, except in particulars otherwise in this act set forth; and the laws applicable to and governing the time and manner of giving notice, conducting, holding, canvassing the returns, and declaring the result of any such election shall apply to and govern the submission of such question to the electors of such municipal corporation at any such election.

Canvass of
returns,
filing of
record.

SEC. 5. Immediately upon the completion of the canvass of the returns of any election in any municipal corporation at which the question of annexation of new territory thereto was submitted, as in this act provided, the legislative body of such municipal corporation shall cause a record to be made, and entered upon its minutes, showing the total number of votes cast in such municipal corporation upon such question at such election, the number thereof cast in favor of annexation, and the number thereof cast against annexation. If it shall appear from the canvass of the return of such election, that a majority of the qualified electors of such municipal corporation voting on the question of such annexation are in favor thereof, the clerk or other officer performing the duties of clerk of the legislative body of such municipal corporation shall make and certify, under the seal thereof, and transmit to the secretary of state, a copy of the record of the canvass of the returns of the election in such new territory and of the election in such municipal corporation at which the question of the annexation of the said new territory was submitted and entered upon its minutes as aforesaid, together with a statement showing the dates of such elections in said new territory and in said municipal corporation, and the time and the result of the canvass of the returns of such elections, and containing a description of such territory. If such annexation has been approved by ordinance of such legislative body, as herein authorized, a certified copy of such ordinance, giving the date of its passage, shall be substituted in said document in place of the copy of the record of the canvass of the returns of the election in such municipal corporation provided for in case such annexation was not approved by ordinance. Said document, in either case, shall be filed by the secretary of state immediately upon the receipt thereof. From and after the date of the filing of said document in the office of the secretary of state, the annexation of such territory so proposed to be annexed and described therein, shall be deemed to be and shall be complete, and thenceforth such annexed territory shall be, to all intents and purposes, a part of such municipal corporation, except only that no property within such annexed territory shall ever be taxed to pay any portion of any indebtedness or liability of such municipal corporation contracted prior to or existing at the time of such annexation, excepting as hereinafter provided.

When
annexation
approved
by ordinance

Annexation
deemed
complete

Indebtedness
of territory
to be
annexed

SEC. 6. *Provided*, that if any such territory proposed to be annexed to any municipal corporation has incurred or authorized the incurring of any bonded indebtedness for the

acquisition, construction or completion of any improvement or improvements no levy or assessment shall be made against the municipal corporation to which it is proposed to annex such territory unless and until a majority of the electors residing within the boundaries of the municipal corporation before such annexation shall approve a pro rata levy or assessment to pay such bonded indebtedness; *provided, further*, that in case any municipal corporation to which it is proposed to annex territory under the provisions of this act shall have incurred or authorized the incurring of any bonded indebtedness for the acquisition, construction or completion of any municipal improvement or improvements no levy or assessment shall be made against such annexed or incorporated territory unless and until a pro rata levy or assessment be approved by the electors residing within the territory so annexed to the municipal corporation; *provided, further*, that no municipal corporation shall require the approval or the examining of such pro rata share of the bonded indebtedness of any territory to be annexed before undertaking the proceeding for the annexation of such territory as hereinbefore provided.

SEC. 7. From and after the date of the filing in the office of the secretary of state of the document containing a copy of the record of the proceedings for the annexation of such new territory to such municipal corporation, as provided in section 4 of this act, the annexation of such territory so proposed to be annexed, and described therein, shall be deemed, and shall be complete, and thenceforth such annexed territory shall be, for all municipal purposes but for none other, a part of such municipal corporation. The annexed territory, after said annexation, shall remain and be part and parcel, for all purposes, of the county and of every political subdivision, district or corporation whatsoever of which it was part prior to the annexation, except that it shall cease, forthwith upon annexation, to be part of any incorporated or chartered city or town of which it was part prior to said annexation; but said annexed territory shall nevertheless remain and be liable for its pro rata share of all bonded indebtedness, of any such incorporated or chartered city or town, incurred prior to said annexation. Whenever a pro rata levy or assessment to pay any bonded indebtedness of the annexing municipal corporation is approved by a majority of the electors residing within the boundaries of the annexed territory, as provided in section 6 of this act, then in such case the property within such annexed territory shall be taxed to pay the bonded indebtedness or liability of such corporation, specified in said notice, equally with the property within such municipal corporation as it existed prior to the filing of such petition.

The property in any such new territory annexed to any municipal corporation, under the provisions of this act, after twelve o'clock meridian of the first Monday in March, and before the completion of the assessment roll of such municipal

Taxation of
property in
annexed
territory.

corporation, shall be subject to taxation for municipal purposes for the fiscal year following said first Monday in March.

Construction
of act.

SEC. 8. Nothing herein contained shall be construed to repeal, alter or modify that certain act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof, and for the districting, government and municipal control of such annexed territory," approved June 11, 1913, or that certain act entitled "An act to provide for the consolidation of municipal corporations," approved June 13, 1913.

CHAPTER 597.

An act to add a new section to the Code of Civil Procedure, to be numbered 831i, relating to the record of civil actions and recording and entry of judgment and satisfaction of judgment in civil actions in municipal courts.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

New section

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 831i to read as follows:

Record of
civil judgments
of
municipal
courts.

831i. Within the time required in sections 585 and 664 of this code, the clerk shall enter all civil judgments of the municipal court in the minute book of said court and shall certify to a copy thereof, and file said copy in the files of the action and shall subscribe a condensed statement of the judgment with date of entry thereof, on the appropriate page in the register of actions: and shall keep an index of the names of all judgment debtors with the date of entry of judgment and number of the action. A record of all proceedings subsequent to judgment, including the amounts of all credits and accrued costs thereon, shall be kept in the register of actions by the clerk. Sections 668, 671, 672, and 673 of this code, shall not apply to procedure in the municipal court. Satisfaction of judgment may be entered in the register of actions in the same manner and on the same conditions as provided in section 675, of this code.

Record of
proceedings
subsequent
to judgment.

CHAPTER 598.

An act to amend section 19x23 of the "Juvenile court law," approved June 5, 1915, as amended, relating to salaries of probation officers in counties of the twenty-third class.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 19x23 of the "Juvenile court law," approved June 5, 1915, as amended, is hereby amended to read as follows: Stats 1925, p. 301, amended.

Sec. 19x23. In counties of the twenty-third class there shall be one probation officer whose salary shall be two hundred fifty dollars per month and one assistant probation officer whose salary shall be one thousand six hundred twenty dollars per annum, and one assistant probation officer whose salary shall be one thousand five hundred dollars per annum. Counties of 23d class salaries of probation officers.

CHAPTER 599.

An act to amend section 2322x23 of the Political Code, relating to the salary of the county horticultural commissioner, his deputies and inspectors in counties of the twenty-third class.

[Approved by the Governor May 31, 1929 In effect August 14, 1929]

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

SECTION 1. Section 2322x23 of the Political Code is hereby amended to read as follows: Stats 1925, p 208, amended.

2322x23. In counties of the twenty-third class, the commissioner shall receive a salary of three thousand nine hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby, allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit: Counties of 23d class horticultural commissioner, employees and salaries

(a) The commissioner is hereby authorized and empowered to appoint one chief deputy commissioner at a salary of three thousand dollars per annum; one deputy commissioner at a salary of two thousand seven hundred dollars per annum, but the aggregate amount which may be expended in any year for such deputies shall not exceed five thousand seven hundred dollars per annum.

(b) The commissioner is also authorized, and empowered to appoint not to exceed six inspectors at a salary of one thousand nine hundred twenty dollars each per annum during the time actually employed; four inspectors at a yearly salary not to exceed one thousand six hundred eighty dollars each;

two inspectors at a yearly salary not to exceed one thousand five hundred dollars each, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed twenty-one thousand two hundred forty dollars.

(c) The commissioner is also authorized and empowered to employ one mechanic at a salary of one hundred forty dollars per month during the time actually employed; four rodent control supervisors at a monthly salary not to exceed one hundred twenty-five dollars each during the time actually employed; six rodent control supervisors at a daily salary not to exceed five dollars per day each during the time actually employed, but the aggregate amount which may be expended in any year for all such help shall not exceed twelve thousand three hundred sixty dollars.

(d) The commissioner is also authorized and empowered to appoint one clerk at a salary not to exceed one thousand six hundred twenty dollars per annum; one clerk at a salary not to exceed one thousand three hundred twenty dollars per annum, but the aggregate amount which may be expended in any year for all such clerks shall not exceed two thousand nine hundred forty dollars.

CHAPTER 600.

An act providing for the annexation of elementary school districts to high school districts.

[Approved by the Governor May 31, 1929. In effect August 14, 1929]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 601.

An act to add a new section to the Code of Civil Procedure to be numbered section 1778a, relating to the sale of personal property by guardians.

[Approved by the Governor May 31, 1929. In effect August 14, 1929]

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

New section. SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered section 1778a, to read as follows:

When
personal
property
may be
sold by
guardians

1778a. When it appears to the guardian of any estate that it is for the benefit of his ward or of said estate, that the personal property thereof, or some part of it should be sold, and the proceeds thereof put out at interest, or invested in some productive stock or bonds, or in the improvement or

security of any real property of the ward, said guardian may sell the same and apply the proceeds of said sale, or so much thereof as shall be necessary, for such purpose. Said sale may be made at either public or private sale, as the guardian shall determine is for the best interest of said estate, but shall be made subject to the confirmation of the court, except in the sale of stocks or bonds when the court has, upon a verified petition previously presented, made its order authorizing the sale and transfer thereof, and fixing the terms and conditions upon which the same is to be made. All investments or reinvestments of the proceeds of any sale under this section shall be subject to the confirmation of the court either at the time the order confirming the sale is issued or at any time thereafter.

CHAPTER 602.

An act to add a new section to be numbered 24½ to an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, relating to inclusion of outlying territory within the fire limits of unincorporated towns and villages.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section to be numbered 24½ is hereby added to an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, to read as follows:

Stats. 1881,
p. 29,
amended.

Sec. 24½. Territory contiguous to any unincorporated town or village and being in the same county as such town or village may be included in the fire limits thereof in the manner following: A petition signed by the owners of real property in such contiguous territory, which real property represents at least seventy-five per cent of the total assessed valuation of said contiguous territory, as shown by the last equalized assessment book of the county in which such town or village is located, designating specifically the boundaries of such contiguous territory and the assessed valuation thereof, as shown by such last equalized assessment book, and showing the amount of real property owned by each of the petitioners and the assessed valuation thereof, as shown by the last equalized assessment book of the county in which said real property is situated, and stating that such territory is not within the fire limits of any other unincorporated town or village, and asking that such territory

Proceedings
to include
outlying
territory
within fire
limits of
unincorporated towns.

Proceedings. be included in the fire limits of such unincorporated town or village, which said petition shall also be signed by the board of fire commissioners of such unincorporated town or village, shall be presented to the board of supervisors of the county, in which such unincorporated town or village is located. The petition must be verified by the affidavit of one of the petitioners and must be published at least two weeks preceding the hearing thereof, by the board of supervisors, in a newspaper of general circulation published in the county in which the unincorporated town or village is located, together with a notice stating the time when such petition will be presented to the board of supervisors and that all persons interested therein may appear and be heard. At such time the board of supervisors shall hear the petition, and any person interested therein and may adjourn such hearing from time to time. Upon the hearing of the petition the board of supervisors shall have the power to determine whether or not it is for the best interests of such unincorporated town or village and of such contiguous territory that said territory be included in the fire limits of such town or village and such board of supervisors shall have the power to modify the boundaries of such contiguous territory proposed to be included in the fire limits of the unincorporated town or village as set forth in the petition; *provided, however*, that the board of supervisors shall not modify the boundaries of such contiguous territory proposed to be included in the unincorporated town or village as set forth in said petition so as to exclude therefrom any real property which will be benefited by inclusion in the fire limits of such unincorporated town or village, nor shall any real property which will not in the judgment of the board of fire commissioners, be benefited by inclusion in the fire limits of such unincorporated town or village, be included within the boundaries of the territory proposed to be included; *provided, however*, that the board of supervisors of said county shall not include within the fire limits of the unincorporated town or village any areas of land not subdivided or any lots or parcels of property containing more than five acres of land each, if the owners thereof file objections to the inclusion of any such land within a district with said board. If the board of supervisors upon final hearing shall determine that it is for the best interests of such unincorporated town or village and the territory proposed to be included therein that such territory be included, it shall make an order including such contiguous territory within the fire limits of the unincorporated town or village which order shall describe the exterior boundaries of such contiguous territory.

CHAPTER 603.

An act making an appropriation to pay the claim of Lew A. Norton against the State of California.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

SECTION 1. The sum of eighty-three dollars and fifty cents is hereby appropriated out of any money in the fish and game preservation fund in the state treasury, not otherwise appropriated, to pay the claim of Lew A. Norton against the State of California.

Appropriation, claim of Lew A. Norton.

CHAPTER 604.

An act to amend section 14 of an act entitled "An act to regulate the manufacture, sale and use of economic poisons, to prevent the adulteration, misbranding, and misrepresentation of economic poisons; to provide penalties for the violation thereof; to provide means for its enforcement; and creating the division of chemistry fund," approved June 3, 1921 as amended, relative to the registration or cancellation of registration of economic poisons.

[Approved by the Governor May 31, 1929 In effect August 14, 1929]

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

SECTION 1. Section 14 of an act entitled "An act to regulate the manufacture, sale and use of economic poisons, to prevent the adulteration, misbranding, and misrepresentation of economic poisons; to provide penalties for the violation thereof; to provide means for its enforcement; and creating the division of chemistry fund," approved June 3, 1921 as amended, is hereby amended to read as follows:

Stats. 1921, p. 1283, amended.

Sec. 14. The director of agriculture shall have the power, after hearing as provided for in this act, to cancel the registration of, or to refuse to register, any economic poison which is of little or no value for the purpose for which it is intended to be used, or is generally detrimental or seriously injurious to vegetation (except weeds), to domestic animals or to the public health and safety when properly used, and may, before granting such registration, require such practical demonstration as may be necessary to determine that it is or is not of commercial value for the purpose for which it is intended and is or is not generally detrimental or seriously injurious to vegetation (except weeds) to domestic animals or to the public health and safety when properly used. The director shall also have the power, after hearing, to cancel the registration of or to refuse to register any eco-

Cancellation or refusal of registration of economic poison.

conomic poison concerning which false or misleading statements are made or implied by the one so registering such economic poison or by any agent thereof, either verbally or in writing or in the form of advertising literature. The director shall also have the power to cancel the registration of or to refuse to register any manufacturer, or importer, agent of, or dealer in economic poison who repeatedly violates any of the provisions of this act or rules and regulations which shall be made for the carrying out of the provisions of this act.

CHAPTER 605.

An act providing for the burning or removing of grass, brush, or other inflammable matter and debris from public highways.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

Supervisors
to remove
debris from
county roads.

SECTION 1. The board of supervisors of any county may, if deemed advisable, acting separately, or in conjunction with state or federal agencies, or with another or other counties, burn or remove debris, rubbish, brush and grass from the county roads of the county or counties, as the case may be.

Expense.

SEC. 2. The expense incurred by any county shall be paid out of the general road fund, or any road fund of the county, and when any one county is acting in conjunction with other agencies, or with another or other counties, the share of such expenses to be borne by the counties shall be arrived at by agreement between them.

CHAPTER 606.

An act to add a new section to the Penal Code, to be numbered 628l, relating to the protection of fresh water crayfish.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

New section

SECTION 1. A new section is hereby added to the Penal Code to be numbered 628l, and to read as follows:

Protection
of crayfish.

628l. Every person who in fish and game district number four takes, catches, kills, destroys or has in his possession any fresh water crayfish (Ecrevisse) before the first day of January, 1932, is guilty of a misdemeanor.

Offense and
penalty.

Every person violating any of the provisions of this section upon conviction thereof shall be punished by a fine of not

less than twenty-five dollars, nor more than five hundred dollars, or by imprisonment in the county jail in the county in which the conviction shall be had, not less than ten days, nor more than one hundred and fifty days, or by both such fine and imprisonment; and all fines and forfeitures imposed or collected for any violation of the provisions of this section must be paid into the state treasury, to the credit of the fish and game preservation fund.

CHAPTER 607.

An act to amend section 56 of the Civil Code, relating to capability of minors to contract marriage.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 56 of the Civil Code is hereby amended to read as follows:

Stats. 1921,
p. 333,
amended.
Capability
of minors
to contract
marriage.

56. Any unmarried male of the age of twenty-one years or upwards and any unmarried female of the age of eighteen years or upwards, and not otherwise disqualified, is capable of consenting to and consummating marriage; *provided*, that any male under the age of twenty-one years and over the age of eighteen years and any female under the age of eighteen years and over the age of sixteen years, with the consent in writing of the parents of the person under age, or one of such parents, or of his or her guardian, where such written consent is filed by the clerk issuing the marriage license, as provided in section 69 of the Civil Code, is capable of consenting to and consummating marriage; *provided, further*, that any male under the age of eighteen years and any female under the age of sixteen years, with the consent in writing of the parents of the person under age, or one of such parents, or of his or her guardian, where such written consent is filed with the clerk issuing the marriage license, as provided in section 69 of the Civil Code and where, after such showing as the superior court may require an order of said superior court is entered in the minutes of the clerk of said court, granting permission to said person to marry, is capable of consenting to and consummating marriage.

CHAPTER 608.

An act to amend section 1723 of the Code of Civil Procedure, relating to the termination of certain interests in property.

[Approved by the Governor May 31, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 1723 of the Code of Civil Procedure is hereby amended to read as follows:

Stats. 1927,
p. 941,
amended.

Establish-
ment of fact
of death.

1723. When the death of a person terminates a life estate or a homestead right, or vests a homestead, or affects a joint tenancy, or vests with one the title to community property without the necessity of administration, any person whose interest in land is affected by such death may file in the superior court of the county of which the decedent was a resident, or if the decedent be a nonresident then in any county in which any of the land is situated, a verified petition setting forth those facts and particularly describing the land and his interest therein, and naming all persons who claim or might claim an interest therein as personal representative, heir or devisee of the decedent, so far as known to the petitioner.

The clerk must set the petition on for hearing by the court and give notice thereof by causing notice of the time and place of hearing to be posted at the court house in the county where the court is held, at least ten days before the hearing, provided the court may order such further notice to be given as in his judgment may seem proper. Written notice of the time and place of hearing, together with a copy of the petition, must be served upon any person named in the petition as representative, heir or devisee of the decedent, in the same manner as a summons, at least ten days before the time set for the hearing or to which it may have been postponed.

The court shall take evidence in support of the petition and of any issues raised, and may render judgment thereon establishing such termination of estate or investiture of title and determining to whom the property belongs by reason thereof.

All persons so served shall be concluded by the judgment; but the court, in its discretion, may proceed without personal service being made, in which event, as to persons not so served, the decree shall be conclusive only of the fact of such death.

Any inheritance tax which becomes payable by reason of such death must be paid before such decree is made, and one of the inheritance tax appraisers provided for by law must be appointed by the court in every such proceeding to determine what if any inheritance tax is payable unless another proceeding is pending in which the taxability of the transfer involved in such proceeding may be determined. If the said inheritance tax appraiser reports that no inheritance tax is payable he shall be paid by the petitioner or petitioners for his services and expenses a reasonable amount to be fixed by the court in which said proceeding is pending.

A certified copy of the decree shall be recorded in the office of the recorder of each county in which any part of the land is situated.

CHAPTER 609.

An act relating to the apportionment of moneys to elementary school districts.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 610.

An act to add a new section to the Civil Code to be numbered 2924a, relating to sales of trust property.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the Civil Code to be numbered 2924a, and to read as follows: New section.

2924a. Where by the terms of any trust or deed of trust a power of sale is conferred upon the trustee, the attorney for such trustee may conduct the sale and act in such sale as the auctioneer for the trustee. Sale of trust property.

CHAPTER 611.

An act creating the Napa state farm revolving fund and making an appropriation therefor; providing for the expenditure and replenishment thereof, and providing for the disposition of any accrued surplus over and above such appropriation, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor May 31, 1929. In effect immediately.]

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

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be known as the Napa state farm revolving fund, which fund is hereby created; said fund to be used to meet all expenses incurred in the purchasing, fattening and slaughtering of cattle and furnishing meat for the use of state institutions; and for the planting, growing, harvesting and shipping of crops produced on said farm. Appropriation: Napa state farm revolving fund.

SEC. 2. Of the money received from the sale of any goods produced on said farm, so much shall be returned to said revolving fund as shall replenish and keep it intact to the extent of the amount herein appropriated, and any surplus or Replenishment and disposition of surplus.

balance remaining after the replenishment of said revolving fund shall be paid into the general fund of the state, such surplus or balance remaining after such replenishment to be determined or identified as the accrued balance or surplus over and above the amount herein appropriated, as set forth in the books and records of account at the Napa state farm.

Urgency
measure.

SEC. 3. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1 of article four of the constitution of the State of California, take effect immediately.

CHAPTER 612.

An act relating to the employment of librarians in the elementary or secondary schools of this state.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

NOTE —See volume containing School Code and acts supplemental thereto.

CHAPTER 613.

An act to amend section 737gg of the Political Code, relating to the annual salary of judges of the superior court in and for the county of Riverside.

[Approved by the Governor May 31, 1929 In effect August 14, 1929.]

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

Stats 1927,
p. 582,
amended.
Riverside
county.

SECTION 1. Section 737gg of the Political Code is hereby amended to read as follows:

737gg. The annual salary of each of the judges of the superior court in and for the county of Riverside is seven thousand dollars.

CHAPTER 614.

An act to amend sections 1 and 5 of an act entitled "An act to provide for the formation, management, and dissolution, of county fire protection districts, and annexation thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, and to add a new section thereto to be numbered section 5a.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 1572,
amended

SECTION 1. Section 1 of an act entitled "An act to provide for the formation, management, and dissolution, of county fire

protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, is hereby amended to read as follows:

Section 1. Any portion of a county composed of unincorporated territory not included in any other fire protection district and not including any forest land protected by the state board of forestry or in a manner approved by the state board of forestry, may be formed into a county fire protection district in the manner and under the proceedings hereinafter set forth; *provided*, any city of the sixth class adjacent to said fire protection district may be embraced and included therein upon adoption of an ordinance by the board of trustees of such sixth class city declaring and determining their intention and desire to be embraced and included within said district, and the filing of a certified copy of said ordinance with the secretary of state, at Sacramento, and with the clerk of the board of supervisors of the county within which such district is located, from and after which, said municipality shall be deemed a part of said district.

County fire
protection
districts
authorized

SEC. 2. Section 5 of said act is hereby amended to read as follows:

Stats 1925,
p. 671,
amended.

Sec. 5. The board of supervisors of any county wherein any county fire protection district is established shall be the governing body thereof and shall have power to make and enforce all rules and regulations necessary for the administration and government of such district and for the furnishing of fire protection thereto; to appoint agents and employees for such district sufficient to maintain and operate the property acquired for the purposes of the district and to police the district; to acquire real or personal property needful for the purposes of said district and to dispose of the same when no longer needed; to construct any needed structures; and to perform all other acts necessary or proper to accomplish the purposes of this act, and not inconsistent with the provisions thereof.

Powers and
duties of
supervisors

Such board shall have authority to purchase fire hydrants and connect them with the mains of a water distributing company upon terms mutually agreed upon. The board of supervisors may, by resolution or order spread upon its minutes, appoint five commissioners as its agents to manage the affairs of said district and exercise any or all of the powers herein specified. In such case said commissioners shall elect one of their number president and another secretary, and hold stated meetings periodically and as often as the business of the district may require. Said commissioners shall hold office at the pleasure of said board and shall serve without compensation.

Commis-
sioners.

SEC. 3. A new section is hereby added to said act to be numbered 5a and to read as follows:

Stats 1923,
p. 433,
amended.

Supervision
by depart-
ment of
natural
resources

Sec. 5a. The chief of the division of forestry, with the approval of the director of the state department of natural resources shall upon the written request of any county board of supervisors exercise a general supervision over and make and enforce all necessary and proper rules and regulations relating to—

(a) The type and nature of all fire prevention and fire fighting implements and apparatus purchased by any fire district and the location thereof in the district;

(b) The maintenance and upkeep of all such implements and apparatus purchased by such district;

(c) The maintaining and increasing of the efficiency of the fire prevention and fire fighting organization of the district;

(d) The reporting of cause, extent and damage resulting from each fire within the district. The board of supervisors of each county shall upon the request of the chief of the said division of forestry provide him with an accurate description of the boundaries of each county fire protection district within the county and a map wherein such boundaries shall be plainly and accurately delineated.

CHAPTER 615.

An act to regulate the construction and maintenance of auto camps in unincorporated areas, to provide for the inspection and supervision of same and to provide penalties for the violation of the provisions thereof.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

Auto camp
defined.

SECTION 1. For the purpose of this act an auto camp is defined to be any place where tents or buildings are erected or maintained for hire, in an unincorporated area, and used or designed for use primarily by automobile transients, or where space is rented or held out for rent primarily to automobile transients, or free camping is permitted primarily by automobile transients, for the purposes of securing their trade.

Application
for con-
struction.

SEC. 2. It shall be unlawful for any person, firm or corporation to commence the construction of an auto camp or to construct additional buildings in an existing auto camp unless such person, firm or corporation shall first make application in writing to the division of housing and sanitation, department of industrial relations. Such application shall be accompanied by a description of the grounds upon which said auto camp is to be constructed or upon which new buildings are to be erected in an existing auto camp, together with plans and specifications of the proposed buildings and a description of the water supply, ground drainage, and method of sewage disposal.

SEC. 3. Ten days after filing of such application, accompanied by plans and specifications as aforesaid, an inspector of the division of housing and sanitation, department of industrial relations, shall make an inspection and if, in the opinion of the division of housing and sanitation the place selected for such auto camp is satisfactory for such purpose and/or if the plans and specifications of the proposed construction, reconstruction or alteration meet the requirements of this act, then and in that event the division of housing and sanitation shall issue to said applicant or applicants, a permit to construct, reconstruct or alter said auto camp, as the case may be.

Inspection
by division
of housing

SEC. 4. For the purpose of defraying expenses of inspection, checking of plans and other incidental costs, the application referred to shall be accompanied by a fee of twenty-five dollars, which fee shall be in turn deposited in the state treasury to the credit of the division of housing and sanitation, department of industrial relations; *provided, however,* that in the case of any addition, alteration or repair to buildings or equipment in any auto camp heretofore erected, such application need not be accompanied by any fee.

Fee.

SEC. 5. Every living room, sleeping room or kitchen in every building hereafter erected in any auto camp must be provided with windows of an area equal to one-eighth of the floor area of such room and in no event shall the aggregate area of such windows be less than twelve square feet. Every bath or toilet room in any such building shall have a window of at least three square feet in area.

Windows.

All such windows must abut a street, or a yard or court which yard or court shall be of adequate dimensions and shall be open and unobstructed to the sky; *provided,* that bath or toilet room windows may open into a vent shaft eighteen inches in its least dimension and be open and unobstructed to the sky.

All required windows may be measured the full width of the sash and must be arranged so that at least one-half of their aggregate area may be opened unobstructed; *provided,* that French windows or doors, if arranged to open and glazed to give the areas of opening and glass required for windows in rooms, may be used in lieu of windows therein.

SEC. 6. Every sleeping room in any building hereafter erected must have an area of at least eighty square feet and be at least seven feet in width at any point within that portion of the room counted for computing the minimum area of eighty square feet. All such sleeping rooms and kitchens must have a ceiling height of at least eight feet, measured from the finished floor to the finished ceiling, except that in attic rooms and rooms where sloping ceilings occur, ceilings need be eight feet in but one-half of the area of the room.

Specifica-
tions and
general
regulations

SEC. 7. In every building hereafter erected there must be a clear space of at least twelve inches between the ground and the lower edge of the floor joists; and the entire space under the building from the level of the floor to the ground must be enclosed, except that a sufficient number of ventilating screens

or lattices must be provided to properly ventilate underneath the building.

SEC. 8. One toilet must be provided for each sex for every ten units.

SEC. 9. It shall be unlawful to cook and sleep in the same room, and the partitions separating a room used for cooking purposes from a room used for sleeping purposes must extend to the ceiling or to the roof if there is no ceiling.

SEC. 10. The buildings and premises of all auto camps shall be maintained in a sanitary condition.

Applies to
unincorporated
areas
only.
Enforcement.

SEC. 11. This act and all of the provisions thereof shall apply only to unincorporated areas of the State of California.

It shall be the duty of the division of housing and sanitation, department of industrial relations, to enforce all the provisions of this act pertaining to the construction, reconstruction, alteration, maintenance, sanitation, ventilation, use and occupancy of all such auto camps and buildings or structures located therein and for the purpose of securing enforcement of this act the officers and agent of said division of housing and sanitation shall have the right and are hereby empowered to enter upon the premises of and inspect all auto camps now operating or which may be hereafter constructed or operated, and all accommodations connected therewith.

Offense and
penalty.

SEC. 12. It shall be the duty of every person, firm or corporation owning or operating an auto camp located in an unincorporated area of the State of California to comply with all of the provisions of this act and any such person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment.

Constitutionality.

SEC. 13. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 616.

An act to amend an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, as amended, by amending section 1 thereof, relating to vaca-

tions of members of fire departments and extending the provisions of the act to include fire districts, county fire districts and fire protection districts.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1 of an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, as amended, is hereby amended to read as follows:

Stats. 1905,
p. 40,
amended.

Section 1. In every city, city and county, fire district, county fire district and fire protection district of this state where there is a regularly organized paid fire department, the board of supervisors, common council, commissioners or other body having the management and control of the same are authorized and required once in every year to provide for each regular or permanent member thereof, a leave of absence from active duty of not less than ten days in each year and in addition thereto a leave of absence from active duty of four days in every month of such service. Leave of absence so granted, as aforesaid, must be arranged by said board, council, commission, commissioners or other governing body so as not to interfere with or in any way impair the efficiency of said department. No deduction must be made from the salary or pay of any member of such fire department granted such leave of absence under the provisions of this act.

Yearly and
monthly
leaves of
absence

CHAPTER 617.

An act to amend an act entitled "An act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, as amended, by adding certain new sections thereto to be numbered 27, 28, 29, and 30, providing for the organization and reorganization of districts to be formed thereunder.

[Approved by the Governor May 31, 1929. In effect immediately.]

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

SECTION 1. Sections 27, 28, 29, and 30 are hereby added to the act cited in the title hereof, which new sections shall read as follows:

Stats 1909,
p. 1032,
amended.

Sec. 27. Any territory organized or reorganized as a fire district under the act entitled "An act to allow unincorporated cities and towns to equip and maintain a fire department"

Organization
and reorgan-
ization of
districts.

Procedure

ment," approved statutes 1881, page twenty-six, and amended statutes 1899, page sixty-nine, statutes 1909, page one thousand twenty-eight, statutes 1919, page seven, may be organized and reorganized as a fire district under the provisions of this act. To effect such reorganization a petition, signed by not less than fifty or more taxpayers and residents within such territory, and also by a majority of the board of fire commissioners of such district, shall be presented to the board of supervisors of the county in which such territory is situate. Such petition shall be verified by at least one of the petitioners in the manner prescribed by law for the verification of pleadings, and shall set forth the boundaries and name of the district and pray that the same be organized or reorganized under the provisions of this act. Said petition must be published for at least two weeks preceding the hearing thereof in some newspaper of general circulation published in the county, together with a notice stating the time when such petition will be presented to the board of supervisors, and that all persons interested therein may appear and be heard. At such time the board of supervisors shall hear said petition. The said board shall not modify the boundaries of the said district as set forth in said petition so as to exclude from said district any land which would be benefited by the organization or reorganization of said district under the provisions of this act, nor shall any lands which will not in the judgment of said board be benefited by such organized or reorganized district be included within such district; *provided, however*, that the board of supervisors of said county shall not include within the fire limits of the unincorporated town or village any areas of land not subdivided or any lots or parcels of property containing more than five acres of land each, if the owners of said property that is not subdivided or the owners of said lots containing five acres or more of land shall in writing object to have such property included within the proposed fire limits of such unincorporated town or village. If the board of supervisors find, upon the final hearing of said petition, that the statements therein are correct they shall make an order approving the same, describing the exterior boundaries of the territory included within said district as determined by said board and ordering that such territory be organized as a fire district under the provisions of this act. From and after the making of such order of the board of supervisors, the district shall be deemed to be organized under this act with all the powers conferred herein; the persons in office at the time of such organization or reorganization shall be entitled immediately to enter upon the duties of the like office of the district so organized or reorganized, and shall continue therein until the expiration of the term for which they have been elected or appointed.

Effect of reorganization.

Sec. 28. Any fire district organized under the provisions of section 27 of this act shall, for all purposes, be deemed and taken to be in law the identical district thereto-

fore formed and existing; and such reorganization shall in no wise affect or impair the title to any property owned or held by such district, or in trust therefor, or of any debt, demands, liabilities or obligations existing in favor of or against such district, or any proceedings then pending, and any and all such titles, debts, demands, liabilities, obligations and proceedings shall have the same validity, force and effect as if the same had been acquired, incurred, accrued or taken while such district was organized under the provisions of this act; nor shall the same operate to repeal or affect in any manner any ordinance theretofore passed or adopted and remaining unrepealed, or to discharge any person from any liability then existing for any violation of such ordinance; but such ordinances, so far as the same are not in conflict with general laws shall be and remain in force until repealed or amended by competent authorities; *provided*, that proceedings theretofore commenced shall, after such reorganization, be conducted in accordance with the provisions of this act; *and provided, further*, that nothing herein contained shall affect the legality or existence of a district reorganized as herein provided for, by reason of any defect or illegality in the formation of such previously formed district. It is the intention of this provision to provide a procedure for the reorganization of all such districts, hereinbefore described, as may not have legal existence at the time of the adoption hereof.

Sec. 29. The provisions of this act shall be liberally construed to carry out the purposes hereof. Construction
of act.

Sec. 30. Inasmuch as in many communities of this state there is at this time urgent need for the construction, acquisition and maintenance of hydrants, water distributing systems and fire fighting apparatus and equipment and for the exercise of other powers conferred upon fire districts by the provisions of this act, this act is declared to be necessary for the immediate preservation of the public safety, and to be an urgency measure within the meaning of section 1 of article four of the constitution. Urgency
measure.

CHAPTER 618.

An act to amend section 3611 of the Political Code, relating to the exemption from taxation of buildings and real property used exclusively for religious worship.

[Approved by the Governor May 31, 1929. In effect August 14, 1929]

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

SECTION 1. Section 3611 of the Political Code is hereby amended to read as follows: Stats 1903,
p 21,
amended.

Church
property,
when exempt
from
taxation.

3611. 1. All buildings and so much of the real property upon which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship shall be free from taxation; *provided*, that no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation.

2. Any person, institution or association, claiming property to be exempt from taxation under this section, or on whose behalf a claim for exemption is made, shall make a return thereof to the assessor annually, the same as property is listed for taxation, and shall accompany the same by an affidavit in the form prescribed by the state board of equalization which shall show that the building is used solely and exclusively for religious worship; that the described portion of the real property claimed as exempt is required for the convenient use and occupation of such building; that the same is not rented for religious purposes and rent received by the owner thereof, and in addition shall give such other information and answer such other questions as may be required in said form of affidavit so prescribed by said state board of equalization.

3. Failure on the part of any person, institution or association, claiming such exemption, or on whose behalf such exemption is claimed, to make said affidavit required in the form prescribed by said state board of equalization between the first Monday in March and the first Monday in July of each year and/or to give therein all information and answer all questions required thereby shall be deemed a waiver of such exemption by such person, institution or association by whom or on whose behalf such exemption is claimed.

CHAPTER 619.

An act providing for the dedication of real property for street or highway purposes by governing boards of school districts.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 620.

An act to allow the tax for the special building fund of any school district to be levied and expended without the vote of the district.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 621.

An act to transfer and set over certain state land from the jurisdiction of the park commission, the department of institutions and the division of highways to the jurisdiction of the surveyor general and providing for the use thereof.

[Approved by the Governor May 31, 1929. In effect August 14, 1929.]

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

SECTION 1. All that certain land known as the north three hundred twenty acres (or the north half), lot one, the west half of lot two, and lots four, five, seven and eight of section thirty-six, township one north, range one west, Mount Diablo base and meridian, said land being the property of the State of California, is hereby transferred and set over from the jurisdiction of the park commission to the jurisdiction of the surveyor general, for the use of the state under such rules and regulations as may be prescribed by the surveyor general.

Lands transferred from park commission to surveyor general

SEC. 2. All that certain land known as the west half of the southwest quarter of section thirteen; southeast quarter of northwest quarter, south half of northeast quarter, north half of south half and southeast quarter of southeast quarter of section fourteen; northeast quarter of southeast quarter of section fifteen; and northeast quarter of northeast quarter of section twenty-three, township seven north, range six west, Mount Diablo base and meridian, containing four hundred eighty acres, said land being the property of the State of California is hereby transferred from the jurisdiction, control and management of the department of institutions of the State of California to the jurisdiction of the surveyor general for the use of the state under such rules and regulations as may be prescribed by the surveyor general.

Description of state lands transferred.

SEC. 3. All that certain land known as the northeast quarter of the southwest quarter of section thirty-two, township eight north, range four west, and the west fifty-four and twenty-four hundredths acres of lot two of northwest quarter of section five, township five north, range twelve east, San Bernardino base and meridian, in San Bernardino county, said land being the property of the State of California, is hereby transferred and set over from the jurisdiction of the California highway commission to the jurisdiction of the surveyor general for the use of the state under such rules and regulations as may be prescribed by the surveyor general.

CHAPTER 622.

An act to amend section 4246 of the Political Code, relating to the salaries, fees, and expenses, of officers and their deputies and assistants in counties of the seventeenth class.

[Approved by the Governor May 31, 1929 In effect August 14, 1929.]

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

Stats 1927,
p. 1622,
amended

SECTION 1. Section 4246 of the Political Code is hereby amended to read as follows:

Counties of
17th class
officers and
employees.

4246. In counties of the seventeenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees, and expenses, to wit:

Clerk

1. County clerk, three thousand dollars per annum; *provided*, that in counties of this class there shall be, and hereby is, allowed to the county clerk, one chief deputy who shall receive a salary of two thousand four hundred dollars per annum, three deputies who shall receive a salary of one thousand eight hundred dollars per annum, and in each year in which a new and complete registration of voters is required by law, he shall appoint as many deputy registration clerks as may be necessary for the convenient registration of the voters of the county, which deputy registration clerks shall receive as compensation for their services a sum of ten cents per name for each and every voter registered by them, and also one additional deputy to compile the great register, and for mailing sample ballots, at a compensation not to exceed two hundred fifty dollars for each such registration year; *provided, further*, that in counties of this class the county clerk shall be and hereby is authorized to retain for his own use and benefit such fees or parts of fees as are now or which hereafter may be allowed to the county clerks by the laws of the United States, pertaining to naturalization of citizens and to the public lands; *provided, further*, that there shall be, and hereby is, allowed to the county clerk such extra deputy or deputies as the board of supervisors may deem necessary to properly perform the duties of said office; *provided, however*, that the total compensation of such deputy or deputies shall not exceed the sum of one thousand five hundred dollars in any one year.

Sheriff

2. Sheriff, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be, and hereby is, allowed to the sheriff one undersheriff whose salary is hereby fixed in the sum of two thousand seven hundred dollars per annum, one chief deputy who shall receive a salary of two thousand four hundred dollars per annum, three deputies, who shall be jailers, who shall each receive a salary of one thousand eight hundred dollars per annum, one deputy who shall be fingerprint expert who shall receive

a salary of two thousand one hundred dollars per annum, two deputies who shall be court bailiffs who shall receive a salary of one thousand five hundred dollars per annum, one deputy who shall also be chauffeur who shall receive a salary of one thousand eight hundred dollars per annum, one deputy who shall be matron and stenographer and who shall receive a salary of one thousand five hundred dollars per annum, two deputies who shall be chain gang guards who shall receive a salary of one thousand five hundred dollars per annum; *provided*, that such guards may be used by the sheriff for other purposes when not required as guards; four additional deputies who shall each receive a salary of one thousand eight hundred dollars per annum; one bookkeeper who shall receive a salary of one thousand five hundred dollars per annum; *provided*, that there shall be and hereby is allowed to the sheriff one deputy to be known as and to perform the duty of night matron, who shall receive not more than one thousand two hundred dollars per annum; *provided*, that there shall be, and hereby is, allowed to the sheriff such extra deputies as the board of supervisors may deem necessary to properly guard the outlying districts of the county; *provided*, that the total compensation of all such deputies shall not exceed the sum of three thousand six hundred dollars in any one year.

3. Recorder, two thousand seven hundred dollars per annum; *provided*, that in counties of this class there shall be, and is hereby allowed the recorder one deputy at a salary of one thousand five hundred dollars per annum, and one deputy who shall receive a salary of one thousand two hundred dollars per annum; *provided*, further, that there shall be, and hereby is, allowed to the county recorder such extra deputy or deputies as the board of supervisors may deem necessary to properly perform the duties of said office; *provided*, however, that the total compensation of such deputy or deputies shall not exceed the sum of one thousand two hundred dollars in any one year and as many copyists as may be required who shall receive as compensation the sum of five cents per folio for recording, copying and comparing any instrument or notice, except maps or plats, and for copies of any record or paper, five cents per folio; *provided*, however, that on instruments that are partly typewritten and partly printed, and for the recording of which the county has furnished the county recorder with books containing printed forms corresponding to such instruments, the compensation shall be two and one-half cents per folio for the entire number of folios of written and printed matter in said instrument. The salaries of all copyists herein provided for shall be paid by the county in monthly installments at the same time, and in the same manner, and out of the same fund that the salary of the county recorder is paid.

4. Auditor, three thousand dollars per annum; *provided*, Auditor, that there is hereby allowed to the auditor one chief deputy who shall receive a salary of two thousand one hundred dollars

per annum, one deputy who shall receive a salary of one thousand eight hundred dollars per annum, one deputy who shall receive a salary of one thousand eight hundred dollars per annum, one deputy for not more than ten months in each year, who shall receive a salary of one hundred ten dollars per month and four additional clerks for not more than one month in each year, who shall receive a salary of one hundred ten dollars each per month.

Treasurer.

5. Treasurer, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the treasurer, the sum of not exceeding one thousand eight hundred dollars per annum, to be expended for the salary of a deputy.

Tax collector

6. Tax collector, three thousand dollars per annum; one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, and eight deputies for not more than three months of each year, who shall each receive a salary of one hundred ten dollars per month.

Assessor

7. Assessor, three thousand dollars per annum; one chief deputy who shall receive a salary of two thousand one hundred seventy-five dollars per annum, one stenographer and roll writer for not more than nine months in each year, who shall receive a salary of one hundred twelve and fifty hundredths dollars per month, one deputy for writing plat books for not more than six months in each year, who shall receive a salary of one hundred twenty-five dollars per month, one check deputy for not more than six months in each year, who shall receive a salary of one hundred twenty-five dollars per month, three additional deputies for not more than six months in each year, who shall each receive a salary of one hundred dollars per month, one collection deputy for not more than seven months of each year at a salary of two hundred dollars per month, and, one collection deputy for not more than two months in each year, who shall receive a salary of two hundred dollars per month, twelve field deputies for not more than three months in each year who shall each receive a salary of two hundred dollars per month, one field deputy for the Bard district for not more than three months in each year, who shall receive a salary of two hundred twenty-five dollars per month; all of said field deputies shall pay their own expenses. It is hereby provided that in counties of this class, the assessor shall receive no fees or compensation for his collection of taxes on personal property, or possessory interests.

District attorney

8. District attorney, four thousand dollars per annum; one chief deputy who shall receive a salary of three thousand dollars per annum, two deputies who shall each receive a salary of two thousand four hundred dollars per annum, one deputy who shall be known as "criminal investigator," who shall receive a salary of one thousand eight hundred dollars per annum, two stenographers who shall each receive a salary of one thousand five hundred dollars per annum, one official reporter who shall report and transcribe all preliminary hear-

ings required of her by the district attorney, and whose duties and compensation shall be those prescribed by section 869 of the Penal Code; *provided*, that in counties of this class the district attorney shall devote all of his time to the duties of his office.

9. Coroner, such fees as are now, or may be hereafter, allowed by law. Coroner.

10. Public administrator. Public administrator, such fees as are now, or may be hereafter allowed by law. Public administrator

11. Superintendent of schools. Superintendent of schools, three thousand dollars per annum; two deputies who shall each receive a salary of two thousand dollars per annum, said salaries to include traveling expenses in connection with the visitation of schools; one deputy who shall receive a salary of one thousand two hundred dollars per annum; each county superintendent shall receive his actual and necessary traveling expenses, said expenses to be allowed by the board of supervisors and to be paid out of the county general fund, provided that this amount shall not exceed ten dollars per district per annum; *provided*, that in counties of this class the superintendent of schools shall receive no compensation for services as a member of the county board of education, or as ex officio secretary thereof. Superintendent of schools.

12. Surveyor. Surveyor, one thousand five hundred dollars per annum; which shall be in full for all services required of him by the superior court or board of supervisors, or assessor. It shall be his duty on demand of the assessor, to prepare any and all maps, plats or block-books for the use of the county assessor. Surveyor.

13. Justices of the peace. Justices of the peace shall receive the following monthly salaries, to be paid each month, in the same manner, and out of the same fund as county officers are paid, in townships having a population of more than five thousand, one hundred dollars per month; *provided*, that if the county seat shall be situated in a township of this class, one hundred fifty dollars per month; in townships having a population of less than five thousand and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents; justices of the peace shall be allowed their necessary incidental expenses in such reasonable sums as may be fixed by the board of supervisors, according to the needs of the business of the justice's courts in each township; *provided*, that in townships where the county seat is situated, such incidental expenses shall include clerical help not to exceed seventy-five dollars per month, and in other townships having a population of more than two thousand such expenses shall include clerical help, not to exceed more than twenty-five dollars per month. The board of supervisors of Justices of the peace.

such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of the state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business; and to the justice of peace of the township where the county seat is situated the board of supervisors shall also furnish and equip with necessary furniture and other appliances, a suitable room in the county courthouse for holding the court of such justice.

Constables 14. Constables. Constables shall receive the following monthly salaries to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them: In townships having a population of more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month; *provided*, that in counties of this class constables shall in addition to the salaries herein provided receive fees provided in section 4300*d* of the Political Code.

Population of townships 15. Population of townships. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by multiplying the number of registered electors at the last general election by three and one-half.

Supervisors 16. Supervisors. Each supervisor, one thousand two hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year; *provided*, *however*, that each supervisor shall be allowed his necessary traveling expenses at the rate of seven cents per mile, for each mile traveled in the county, in attending meetings of the board and performing his duties as road commissioner.

Physician 17. Physician. County physician, seventy-five dollars per month.

Health officer 18. Health officer. County health officer, seventy-five dollars per month; *provided*, that in counties of this class there shall be and hereby is allowed the health officer, one deputy to be designated as dairy inspector who shall receive a salary of one hundred fifty dollars per month and transportation to be furnished him by the county, one deputy who shall receive a salary of one hundred fifty dollars per month, said deputy to pay his own expenses.

Live stock inspector. 19. Live stock inspector. Live stock inspector, who shall be ex officio county veterinarian, one thousand eight hundred dollars per annum; *provided*, that in counties of this class the live stock inspector shall be and hereby is allowed one deputy who shall receive as salary six hundred dollars per annum; the county shall pay said inspector and his deputy their actual mileage or furnish them with transportation.

Librarian. 20. Librarian. County librarian, one thousand eight hundred dollars per annum.

Jurors 21. Jurors. In counties of this class, grand jurors and trial jurors in criminal cases shall receive as compensation

for each day's attendance on the grand jury, the superior court or justice court, the sum of three dollars per day, and for each mile actually and necessarily traveled from their residence in attending court or grand jury, one way only, the sum of fifteen cents per mile; such mileage to be allowed but once during each session said jurors are required to attend.

(b) The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

Interpre-
tation

CHAPTER 623.

An act to validate bonds of school districts, high school districts, union high school districts and junior college districts of every kind and class and providing for the levy of a tax to pay the same, and declaring the urgency of the same, the act to take effect immediately.

[Approved by the Governor May 31, 1929 In effect immediately]

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

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

Bond issues
of school
districts
validated

of such district is hereby declared to be pledged for the prompt payment and redemption of the principal and interest of said bonds.

Interest.

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

Construction of act.

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

Urgency measure

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article four of the constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency: Many school districts within the State of California are without sufficient money with which to purchase school lots, for building or purchasing one or more school buildings or making alterations or additions to same or restoring or rebuilding school buildings damaged, injured or destroyed by fire or other public calamity, for insuring school buildings, for supplying school buildings with furniture or necessary apparatus, for improving school grounds, for liquidating any indebtedness already incurred for said purposes or refunding any valid outstanding indebtedness of such district evidenced by bonds or warrants thereof. Many school districts have within the last two years voted bonds for raising money for such purposes and the proceedings in many of such bond elections were irregular but complying with all the provisions of this act, and by reason of such minor irregularities and defects in such proceedings, not jurisdictional, such bonds can not now be sold. The population of many of these districts has increased so rapidly that the present school facilities of such districts are unable to meet the needs of the great increase of pupils in such districts and it is necessary and urgent that such bonds and the proceedings thereunder be validated at an early date in order that said school buildings, lots, equipment and facilities may be purchased or built before the opening of the next school year which in many instances would be impossible if this act did not go into effect immediately but were required to wait until ninety days after adjournment of this Legislature.

Effective immediately.

CHAPTER 624.

An act relating to certain funds and property of inmates of state homes, reformatories, hospitals, prisons and other institutions and the expenditure thereof.

[Approved by the Governor May 31, 1929. In effect August 14, 1929]

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

SECTION 1. Whenever any person confined in any state home, reformatory, hospital, state prison or other institution shall die, escape or be discharged or paroled from such home, reformatory, hospital, state prison or other institution, and any personal funds or property of such person shall remain in the hands of the superintendent of such home, reformatory, hospital or other institution, or the warden of such prison, said superintendent or warden may make a monthly charge for the safe-keeping of said funds or property. If said charge is not paid, a lien to secure the payment of said charge shall accrue to the state. Said lien may be foreclosed at the time and in the manner as follows:

Property of inmates of state institutions

Safe-keeping charge a lien.

If the amount due is not paid within three years then such lien may be foreclosed and the superintendent or warden may proceed to sell said property or so much thereof as may be necessary to satisfy said lien and costs of sale at public or private sale. Notice of said sale shall be posted at least ten days previous to the date thereof by posting notice of sale in a public place at the state home, reformatory, hospital, institution or state prison where said sale is to take place. The proceeds of any sale held under the provisions of this act must be turned over immediately to the state treasurer to be credited to the general fund; *provided, however,* that when a sale authorized by this act is held at the Veterans' Home or the Woman's Relief Corps Home of property of members of any one of such homes the proceeds derived therefrom shall be deposited immediately in the post fund of the home at which any sale is had.

Sale and disposition of proceeds.

SEC. 2. The superintendent of any state home, reformatory, hospital or other institution or the warden of any prison may deposit any funds of inmates in his possession in any bank or banks in the State of California and with the consent of the owners of said funds or their guardians may deposit the interest accruing on said funds in a special fund to be designated the "benefit fund" or post fund.

Deposit of funds.

SEC. 3. The superintendents of state homes, reformatories, hospitals or other institutions or the wardens of state prisons, as the case may be, shall be the trustees of any said benefit funds.

Trustees

SEC. 4. The superintendents of state homes, reformatories, hospitals and other institutions and the wardens of state

Expenditure of certain funds.

prisons, may expend moneys in any said benefit fund or post fund held by them for the education or entertainment of the inmates of state homes, reformatories, hospitals, institutions or state prisons under their supervision.

CHAPTER 625.

An act appropriating five hundred twenty-five thousand dollars to be used and expended by the regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said the regents shall deliver to the chairman of the department of finance an obligation binding said the regents (a) to set aside for sale certain real property in Los Angeles owned by said the regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale, provided, that said the regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said the regents with approval of the department of finance shall fix; (d) to pay over to the state treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the state treasury by said the regents, the chairman of the department of finance shall deliver to said the regents a written acknowledgment that all requirements of said the regents' obligation have been performed and further providing that said the regents shall thereupon be discharged of every duty and requirement in the premises, declaring the urgency thereof and providing that this act shall take effect immediately.

[Approved by the Governor May 31, 1929. In effect immediately.]

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

Appropriation University of California at Los Angeles

SECTION 1. Out of any money in the state treasury not otherwise appropriated, there is hereby appropriated the sum of five hundred and twenty-five thousand dollars, which shall be used and expended by the regents of the University of California in payment in whole or in part of the cost of the construction and equipment of any building or buildings for the use of the University of California, upon the site of the University of California at Los Angeles, for which a contract or contracts have been or shall hereafter be let and entered into by said the regents of the University of California.

SEC. 2. None of said money so appropriated shall be drawn or expended by said the regents of the University of California until said the regents shall deliver to the chairman of the department of finance, the written obligation of said the regents, under seal and executed by the president or chairman, and the secretary or assistant secretary of the regents of the University of California binding said the regents as follows:

Conditions
under which
moneys may
be expended.

(a) To set aside for sale for the purposes hereinafter set forth that certain real property now owned by the regents of the University of California and more particularly described as follows:

All those certain lots, pieces or parcels of land situate, lying and being in the city of Los Angeles, county of Los Angeles, State of California, more particularly described as follows:

Lots twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), thirty (30), thirty-one (31), thirty-two (32), thirty-seven (37), thirty-eight (38), forty (40), forty-two (42), forty-three (43), forty-four (44), forty-six (46), forty-eight (48), ninety-five (95), ninety-six (96), ninety-seven (97), ninety-eight (98), ninety-nine (99), one hundred (100), one hundred one (101), one hundred two (102), one hundred four (104), one hundred six (106), one hundred seven (107), one hundred eight (108), one hundred nine (109), one hundred ten (110), one hundred eleven (111), one hundred twelve (112), one hundred fourteen (114), one hundred fifteen (115), one hundred sixteen (116), one hundred seventeen (117), one hundred eighteen (118), one hundred nineteen (119), one hundred twenty (120), one hundred twenty-one (121), one hundred twenty-two (122), all in tract No. 1206 as said tract is shown on map recorded in book eighteen, page one of maps, in the office of the county recorder of Los Angeles county, excepting a strip ten feet wide along the easterly edge of lots twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), thirty (30), thirty-one (31), and thirty-two (32).

(b) Not to use or permit to be used said real property or any part thereof for any purpose which will interfere with or prevent a sale thereof; *provided*, that leases of the whole or any part of said real property for periods of not more than six months may from time to time be made by said the regents:

(c) From time to time to sell parts or parcels of said real property or the whole at one time, at such prices and upon such terms and conditions as said the regents with the approval of the department of finance shall fix.

(d) To pay over to the state treasury for the general purposes of the state all sums received as the sale price of said real property and every part thereof and as rental for the same and every part thereof, less the cost and expenses, including real estate brokers' commissions, of every sale and leasing of said property or parts thereof, and less also the necessary cost and expense of the care and maintenance of said property.

SEC. 3. Upon the sale of the last part of said real property above described, or upon the sale of the whole thereof as the case may be, and the payment of all moneys agreed by the said the regents to be paid into the state treasury as hereinabove in section 2 of this act provided, the chairman of the department of finance shall execute and deliver to said the regents a written acknowledgment that all of the requirements of said obligation entered into as required by the provisions of section 2 of this act have been performed by said the regents and thereupon said the regents shall be forever freed and discharged of any and every duty and requirement arising under and from said obligation, and under and from the provisions of this act.

Constitutionality.

SEC. 4. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed the act, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Urgency measure

SEC. 5. The Legislature hereby declares this act an emergency measure necessary for the immediate preservation of the public peace, health, and safety and the same shall, under the provisions of section 1, article four, of the constitution of the State of California, take effect immediately.

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

It is the intention of the regents of the University of California to transfer from the present Vermont avenue campus of the University of California at Los Angeles to the new campus of said university at Westwood, in the State of California, all of the departments of the said University of California at Los Angeles, and upon said new campus to cause to be inaugurated at the beginning of the college year in September, 1929, instruction in all of said departments of said university; that the said regents of the University of California intends also to transfer to the said campus at Westwood the teachers college conducted in conjunction with the said University of California at Los Angeles and to cause to be inaugurated upon said campus at Westwood at the beginning of the college year in September, 1929, instruction in said teachers college; that there are not at said campus at Westwood sufficient buildings and rooms adequately or safely to accommodate the students at said teachers college; that unless an additional building or buildings shall be provided prior to the beginning of said college year in September, 1929, the university will be forced so to crowd all of its students in its classrooms as to endanger their health and safety and make impossible their proper instruction.

Effective immediately.

This act shall take effect immediately.

CHAPTER 626.

An act making an appropriation to be expended by the state director of agriculture in the performance of his powers and duties in relation to land settlement and land settlement projects.

[Approved by the Governor June 1, 1929. In effect August 14, 1929.]

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

SECTION 1. Out of any moneys in the state treasury not otherwise appropriated the sum of one hundred fifty thousand dollars is hereby appropriated to be placed in and credited to the land settlement fund and expended in accordance with law by the state director of agriculture in the performance of his powers and duties under the provisions of the act entitled "An act creating a state land settlement board and defining its powers and duties and making an appropriation in aid of its operations," approved June 1, 1917, and of any and all acts amendatory thereof and supplemental thereto, including the provisions of article two *b* of chapter three of title one of part three of the Political Code, relating to land settlement and land settlement projects.

Appropriation land settlement fund

CHAPTER 627.

An act to add a new section to be numbered 402h to part one, article ten of the Penal Code, relating to the use of filthy, contaminated or unsanitary packing material.

[Approved by the Governor June 1, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section to be numbered 402h is hereby added to part one, article ten of the Penal Code to read as follows:

New section.

402h. Any person who shall knowingly pack any goods intended for delivery to other parties or for transportation by common carrier with filthy, contaminated or unsanitary packing material which shall include packing material which has been exposed to contagious or infectious disease, which is contaminated with vermin, generally filthy, filthy or used wood excelsior or excelsior made from filthy or used paper, unless such material has been cleaned and disinfected to the satisfaction of the California state department of agriculture, California department of health, or their agents, or by a county health officer shall be guilty of a misdemeanor. The person having such material cleaned and disinfected shall pay the costs of the inspection.

Use of unsanitary packing material prohibited.

CHAPTER 628.

An act making an appropriation for the construction, and equipment, of a state armory at the city of Long Beach.

[Approved by the Governor June 1, 1929 In effect August 14, 1929]

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

Appropriation Long Beach armory

SECTION 1. The sum of seventy-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the construction, and equipment of a state armory building at the city of Long Beach.

CHAPTER 629.

An act authorizing and empowering the boards of supervisors of the several counties to transfer lands to the United States of America and providing for a method to obtain said lands.

[Approved by the Governor June 1, 1929 In effect August 14, 1929]

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

Grants of land by counties for national parks.

SECTION 1. The boards of supervisors of the several counties are hereby authorized and empowered to grant, transfer and convey without consideration any real property or interest therein now owned or that may hereafter be acquired by any county to the United States of America to be used for national park purposes.

Eminent domain

SEC. 2. The use of land for national park purposes by the United States of America is hereby declared to be a public use, and the right of eminent domain is hereby granted and extended to every county availing itself of the provisions of this act for every purpose of condemnation, appropriation or disposition intended by this act and such county is hereby authorized and empowered to condemn and appropriate all lands and rights whatsoever necessary or convenient for carrying out the provisions of this act. Such right of eminent domain may be exercised in accordance with the provisions of title seven of part three of the Code of Civil Procedure.

Supervisors.

SEC. 3. The boards of supervisors of the several counties are hereby authorized and empowered to do and perform all acts that may be necessary to carry out the provisions of this act.

CHAPTER 630.

An act to amend section 10 of an act entitled "An act to provide for the formation, management, and dissolution of county waterworks districts; for supplying the inhabitants thereof with the water, for levying and collecting taxes on property in such districts; and for the issuance of county waterworks district bonds and the payment thereof," approved June 13, 1913, as amended, relating to the tax for maintaining waterworks.

[Approved by the Governor June 1, 1929 In effect August 14, 1929]

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

SECTION 1. Section 10 of an act entitled "An act to provide for the formation, management, and dissolution of county waterworks districts; for supplying the inhabitants thereof with water, for levying and collecting taxes on property in such districts; and for the issuance of county waterworks district bonds and the payment thereof," approved June 13, 1913, as amended is hereby amended to read as follows: Stats 1915.
p. 1192,
amended.

Sec. 10. The board of supervisors of any county wherein a county waterworks district has been formed under the provisions of this act, shall have the power, in any year after the establishment of such district, to levy a tax upon the taxable property in such district, sufficient to pay the cost and expenses of maintaining, operating, extending and repairing the waterworks of said district for the ensuing fiscal year, and said tax shall be levied and collected at the time and in the same manner as the general tax levy for county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of the proper fund of said district, and said board shall have the power to control and order the expenditure thereof for said purpose. Said board of supervisors shall also have power to fix and collect rates or charges for the use and supply of water furnished by the system of said county waterworks district, and to apply the receipts from said rates or charges to the expenses of the administration and government of said district and the use, operation and extension of the waterworks and water supply. Tax for
maintenance
of water-
works

Whenever the board of directors of a county waterworks district shall, by resolution of such board, petition, and when a resolution of the board of supervisors shall so direct, said receipts may also be used to reduce the principal or interest of any bonded indebtedness that said waterworks district may have. Water rates

Reduction
of principal.

CHAPTER 631.

An act making an appropriation for the purchase of a land site and the construction and equipment of a warehouse thereon, for the use of the division of motor vehicles, and such other state uses as may be approved by the director of finance; transferring certain moneys to the general fund and abolishing the transfer and operators' license fund.

[Approved by the Governor June 1, 1929. In effect August 14, 1929.]

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

Appropriation construction and equipment of warehouse, division of motor vehicles

SECTION 1. The sum of eighty thousand dollars is hereby appropriated from the transfer and operators' license fund in the state treasury, to be expended in accordance with law by the state department of finance for the purchase of a site and the construction and equipment of a warehouse to be used by the division of motor vehicles; *provided*, that said warehouse may also be used subject to the approval of the director of finance, for such other state uses and purposes as may be consistent with said use thereof by the division of motor vehicles. The balance remaining in said fund over and above the appropriation herein made shall be transferred to and become a part of the general fund of the state treasury.

Unencumbered balance.

SEC. 2. Upon completion of construction of said warehouse the unencumbered balance remaining in the state treasury to the credit of the transfer and operators' license fund shall upon order of the director of finance, forthwith revert to and become a part of the general fund in the state treasury, whereupon said transfer and operators' license fund shall be and is hereby abolished.

CHAPTER 632.

An act appropriating money for premiums at fairs or exhibitions held by the thirty-second district agricultural association during the eighty-first and eighty-second fiscal years.

[Approved by the Governor June 1, 1929. In effect August 14, 1929.]

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

Appropriation 32d district agricultural association

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty thousand dollars for the purpose of paying premiums at fairs or exhibitions held during the eighty-first and eighty-second fiscal years by the thirty-second district agricultural association.

CHAPTER 633.

An act to amend section 633e of the Political Code, relating to insurance adjusters.

[Approved by the Governor June 1, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 633e of the Political Code is hereby amended to read as follows: Stats 1925, p. 421, amended. Insurance adjusters.

633e. The term "adjuster" as used in this section shall include every person, partnership, association or corporation advertising, soliciting business or holding himself or itself out to the public as an adjuster of loss or damage by fire, marine, accident, liability or other loss or damage covered by any policy of insurance issued in or covering risks located in this state, and receiving compensation or reward for adjusting such loss or damage or for the giving of advice or assistance to the insurer or the assured in the adjustment of claims for loss or damage as aforesaid.

No person, partnership, association or corporation shall act as an adjuster, or receive for or because of services rendered in the adjustment of any claim or claims for loss or damage under a policy or policies of insurance, any money or commission or other thing of value, without first procuring a certificate of authority to act as an adjuster from the insurance commissioner. Certificates of authority

The insurance commissioner shall issue certificates of authority to persons, partnerships, associations or corporations, applying therefor, whom he deems to be trustworthy and competent to transact business as adjusters in such manner as to safeguard the interests of the public.

A certificate of authority issued to a corporation, partnership or association shall authorize only the officers and directors of the corporation, or the members of the partnership or association, specified in the certificate. The fee to be paid to the insurance commissioner by the applicant for such a certificate at the time the application is made, and annually for the renewal thereof, shall be five dollars. If the applicant be a corporation, partnership or association such fee shall be paid for each person specified in the certificate to act as an adjuster. Every adjuster's certificate of authority shall expire on the thirtieth day of June of the calendar year in which the same shall have been issued. Fees

Before any certificate of authority shall be issued by the insurance commissioner as herein provided there must be filed in his office a written application therefor. Such application shall be in the form or forms and supplements thereof prescribed by the insurance commissioner and must set forth (1) the name and address of the applicant, and if the applicant be a partnership or association, the name and address of each member thereof, and if the applicant be a corporation, the Applications

name and address of each of its officers and directors; (2) whether any certificate of authority as agent, broker or adjuster has been issued theretofore by the insurance commissioner to the applicant, and, if the applicant be an individual, whether any such certificate has been issued theretofore to any partnership or association of which he was or is a member or of any corporation of which he was or is an officer or director, and, if the applicant be a partnership or association, whether any such certificate has been issued theretofore to any member thereof, and, if the applicant be a corporation, whether any such certificate has been issued theretofore to any officer or director of such corporation; (3) the business in which the applicant has been engaged for the year next preceding the date of the application and, if employed by another, the name or names and address or addresses of such employer or employers; (4) such information as the insurance commissioner may require of applicants to enable him to determine their trustworthiness and competency to transact the business of adjuster in such manner as to safeguard the interests of the public.

An application for a certificate of authority, as herein provided must be signed and verified by the applicant or, if made by a partnership or association, by at least one member thereof, or if made by a corporation by the president or managing director thereof and the person or persons authorized thereby to act as an adjuster or as adjusters.

Refusal,
revocation
and
suspension of
certificate

A certificate under this section may be refused, revoked or suspended by the commissioner, if, after due investigation, he determines that the applicant for or the holder of such certificate (1) has violated any provision of the laws of this state; or (2) has made a material misstatement in the application for such certificate; or (3) has been guilty of fraudulent practices; or (4) has demonstrated his dishonesty, incompetency or untrustworthiness to transact the business of an adjuster. Notice that he intends to revoke or suspend a license shall be given and hearing thereon had in accordance with the provisions of section 633a of the Political Code, and from the decision of the commissioner refusing, revoking or suspending such certificate the holder or applicant may appeal to the courts as therein provided.

Brokers and
agents acting
as adjusters

This section shall not apply to a broker acting as adjuster without compensation for a client for whom he is acting as a broker, or to any officer, employee or attorney of an insurance company who acts for his company without additional compensation for services in making an adjustment, nor shall it apply to any agent of an insurance company licensed by the insurance commissioner of the State of California to solicit business for such company.

Offense

Any person, partnership, association or corporation violating any of the provisions of this section, shall be guilty of a misdemeanor.

No adjuster as defined herein shall act as an adjuster under a policy issued by an insurance company or association not authorized to transact business in this state without having first complied with the provisions of this section. Such adjuster shall file with the insurance commissioner notice of intention to proceed with such adjustment and immediately following completion thereof must file with the insurance commissioner a statement with respect thereto, setting forth the following detail: Name of assured; name of company or insurer issuing policy; number of policy and date thereof; amount of policy and premium thereon; brief description of coverage; name of broker placing same with insurance company; amount of settlement, stating whether complete or partial loss.

Adjusters of companies unauthorized to do business in this state.

CHAPTER 634.

An act to amend section 710 and 710a of the Code of Civil Procedure, relating to the collection of moneys due from a judgment debtor.

[Approved by the Governor June 1, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 710 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1903,
p. 362,
amended

710. The duly authenticated transcript of a judgment, for money, against the defendant, rendered by any court of this state may be filed with the state department, board or commission or officer thereof, from which money is owing to the judgment debtor in such action, or if the defendant be an elective officer or officer receiving a statutory salary, with the controller of the State of California, or the auditor of any county, city and county, city or other municipal or public corporation, from which money is owing to the judgment debtor in such action (and in case there be no auditor then with the official whose duty corresponds to that of auditor), whereupon it shall be the duty of any such official, or of such public officer with whom such transcript shall have been filed, to draw his warrant in favor of or to pay into the court from the docket of which the transcript was taken, so much of the money, if sufficient there be, over which such State of California, county, city and county, city, or other municipal or public corporation of which he is an official, or over which said public officer has control and custody and which belongs to or is owing to the judgment debtor in the cause designated in said transcript as will cancel said judgment; the money so paid into court shall be a discharge pro tanto of any amount so due or owing to such judgment debtor. For filing such a transcript any such official or public officer may charge a fee of fifty cents. Upon the receipt by any court of money under

Collection of moneys due from judgment debtor; procedure

the provisions of this act so much thereof as is not exempt from execution shall be paid to the judgment creditor, the balance to the judgment debtor. Such transcript when so filed, shall be accompanied by an affidavit on behalf of the person in whose interest the same is filed, stating the exact amount at the time due on such judgment, and that such person desires to avail himself of the provisions of this section.

Stats 1919,
p. 451,
amended

Payment of
claim of
contractor on
public work.

SEC. 2. Section 710a of said code is hereby amended to read as follows:

710a. In the event the judgment debtor named in any transcript of judgment filed under the provisions of section seven hundred ten of this code, approved March 21, 1903, be a contractor upon any public work, the cost of which is to be paid out of any public moneys voted, appropriated or otherwise set apart for the purpose of paying therefor, only so much of the contract price shall be deemed owing to the contractor, within the meaning of said section, as may remain payable to him under the terms of his contract, upon the completion thereof, after the sums severally due and to become due to all persons who perform labor upon such work or who bestow skill or other necessary services, or furnish materials, appliances, teams or power used or consumed in the performance of such work, have been ascertained and paid. In ascertaining the sums severally due or to become due the persons who perform labor upon public works or other necessary services, or furnish materials, appliances, teams or power used or consumed in the performance of such work, only such claims shall be considered as are filed against the moneys due or to become due the judgment debtor in accordance with section 1184 and 1184a of the Code of Civil Procedure. The controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract shall not draw his warrant in favor of the court from the docket of which the transcript was taken until said contract is completed and the payments above specified are made, and then only for the excess, if any, of the contract price over the aggregate of the sums so paid.

CHAPTER 635.

An act to revise an act entitled "An act to regulate the manufacture and sale of upholstered furniture; providing for the labeling of the same, providing for the licensing of persons manufacturing, selling, or repairing upholstered furniture; and creating the upholstered furniture inspection fund," approved May 9, 1927.

[Approved by the Governor June 1, 1929. In effect August 14, 1929.]

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

See
Stats 1927,
p 665

SECTION 1. The act mentioned in the title is hereby revised to read as follows:

Section 1. No person shall, at wholesale, or retail, or otherwise, directly or indirectly, make, sell, offer or expose for sale, deliver, rent, consign, lease or otherwise dispose of commercially, or have in his possession with such intent, any article of new upholstered furniture, including pillows or cushions belonging to or forming part thereof, for use in any household or place of abode, or which can be used by human beings, that is made of any new material which is hidden or concealed by fabric or any other covering, unless such article is plainly and indelibly stamped or tagged with a tag prescribed and approved by the division of weights and measures, where it may be conveniently examined, which tag shall be securely attached to the article at the factory setting forth in the English language the name of the vendor, which name may be stamped or written on the tag by either the factory or the vendor, together with the serial number of the manufacturer, which serial number shall be assigned by the division of weights and measures, together with a statement that the concealed materials are in whole new materials, with the words as a heading on the tag "All new material," setting forth the filling contents, grades, and percentages of material so used; *provided*, that nothing in this act shall apply to pillows as defined by section 402f of the Penal Code; *and provided also*, that nothing in this act shall apply to mattresses as defined by an act approved June 7, 1915, as amended, chapter six hundred forty-one, statutes 1915.

New
upholstered
furniture
to be tagged

Sec. 2. No person shall, at wholesale, or retail or otherwise, directly or indirectly, make, sell, offer or expose for sale, deliver, rent, consign, lease or otherwise dispose of commercially, or have in his possession with such intent, any article of new upholstered furniture, including pillows or cushions belonging to or forming part thereof, that contains in whole or in part any used or secondhand materials, cast off clothing, rags, jute, used burlap, sweepings, shoddy, used webbing, refuse or damaged material, or any material previously used for any purpose whatsoever, that is hidden or concealed by fabric or any other covering unless such article is plainly and indelibly stamped or tagged with a tag prescribed and approved by the division of weights and measures, where it may be conveniently examined, which tag shall be securely attached to the article at the factory, setting forth in the English language the name of the vendor which name may be stamped or written on the tag by either the factory or the vendor, together with the serial number of the manufacturer, which serial number shall be assigned by the division of weights and measures, and setting forth description of the kind or kinds of used or secondhand materials concealed therein, together with the percentage of each, with the words as a heading on the tag "Secondhand material" and a statement that said used or secondhand materials have been sterilized in accordance with the requirements of the state board of health.

Use of
second-hand
material to
be indicated

Furniture
manufac-
tured out of
state to be
labeled

Sec. 3. No person shall, directly or indirectly, sell, expose, or offer for sale, deliver, rent, consign, lease or otherwise dispose of commercially, or have in his possession with such intent, in this state, any article of upholstered furniture manufactured out of this state unless labeled in accordance with the provisions of this act, and who has fully complied with all requirements of this act.

Removal or
alteration
of tag.

Sec. 4. Any person who shall remove, deface, alter, or in any manner attempt the same or shall cause to be removed, defaced, or altered, any mark or statement placed upon any upholstered furniture under the provisions of this act shall be guilty of a violation of this act.

Superin-
tendent of
weights and
measures to
adopt stand-
ard designa-
tions.

Sec. 5. The state superintendent of weights and measures shall have the authority to approve and/or adopt standard designations for labeling and grading of materials under this act, and these standard designations will be enforced by all inspectors, deputies, or sealers of the division of weights and measures.

Licenses.

Sec. 6. Every person, firm or corporation manufacturing or selling at wholesale upholstered furniture shall obtain annually from the division of weights and measures a license for which the annual fee shall be thirty dollars. Each and every branch house shall likewise be amenable to this license provision.

Fee.

Every person, firm or corporation repairing upholstered furniture, unless licensed under the preceding paragraph of this section, shall obtain annually from the division of weights and measures a license for which the annual fee shall be twenty dollars. Each and every branch house shall likewise be amenable to this license provision.

Every person, firm or corporation selling or offering for sale at retail any upholstered furniture, unless licensed under one of the preceding paragraphs of this section, shall obtain annually from the division of weights and measures a license for which the annual fee shall be five dollars. Each and every branch house shall likewise be amenable to this license provision.

Disposition
of moneys
collected.

Sec. 7. All moneys collected under the provisions of this act shall be credited to the department of agriculture fund created by chapter seventy of the statutes of 1929 to be expended in accordance with law in carrying out the provisions of this act.

Access to
premises and
records.

Sec. 8. The state superintendent of weights and measures or any deputy or inspector authorized by him, shall have access to any premises, or to any records held by any person containing any information pertaining to the article or material in question.

Headings.

Sec. 9. Statements as headings required under sections 1, 2 and 3 of this act shall be in the following forms: "All new material" twenty-four point condensed gothic type, on white linen; "Owner's own material" twenty-four point condensed gothic type, on green linen; "Secondhand material"

twenty-four point condensed gothic type, on red linen. The form and wording of labels or deviation therefrom shall be discretionary with the state superintendent of weights and measures.

Sec. 10. Secondhand upholstered furniture including pillows or cushions belonging to or forming part thereof, which has been or could be used for sleeping or reclining purposes or any article of such upholstered furniture that is infested with vermin or disease or may have become contaminated in any way shall be sterilized by a process approved by the state board of public health, which board is invested with the power to make regulations covering the processes and methods used in sterilization.

Sterilization
of contam-
inated goods

Filthy or soiled articles of such upholstered furniture shall not be considered sterilized unless the fabric covering such upholstered furniture be replaced by clean and new covering and then subjected to sterilization.

Sec. 11. Any person who removes any tag or device placed upon any upholstered furniture by an inspector shall be guilty of a misdemeanor.

Removal
of tags
prohibited

Sec. 12. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished for each separate offense by a fine of not less than fifty dollars or more than five hundred dollars or by imprisonment in the county jail of not less than three months and not exceeding six months, or by both such fine and imprisonment. The unit for a separate and distinct offense in violation of this act shall be each and every article of upholstered furniture manufactured, repaired, exposed, sold, offered for sale, delivered, consigned, rented, or possessed with intent to sell, deliver or consign, in violation of this act.

Offenses and
penalties.

Sec. 13. The word "person" as used in this act shall be deemed to include person, copartnership, association, firm or corporation.

"Person"
defined

Sec. 14. The enforcement of the provisions of this act shall be under the supervision of the state superintendent of weights and measures.

Enforcement.

Sec. 15. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Constitu-
tionality

Sec. 16. All acts or parts of acts inconsistent herewith are hereby repealed.

Repealed

CHAPTER 636.

An act to amend section 633aa of the Political Code, relating to insurance.

[Approved by the Governor June 1, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 1931,
amended.
Licensing
of life
insurance
agents

SECTION 1. Section 633aa of the Political Code is hereby amended to read as follows:

633aa. No person shall, within this state, act as a life agent of any life insurance company until such person shall have first obtained a license under the provisions of this section from the insurance commissioner authorizing him so to act. The fee for the issuance of such license shall be the sum of one dollar. Nothing herein contained shall be construed as giving such agent authority to act under the provisions of either sections 633 or 633a of the Political Code, without obtaining a license thereunder, except that an agent licensed under the provisions of this section shall have authority to act as a health or accident agent of the company for which he is licensed under the provisions of this section without obtaining a license under sections 633 or 633a of the Political Code; nor, shall any licensee under said sections 633 or 633a of the Political Code have authority to act as a life insurance agent under the provisions of this section, without obtaining a license hereunder; *provided, however*, that nothing herein contained shall be construed as making it necessary to have any licensee under this section obtain a license under section 633 of the Political Code.

Applicant
to file
statement.

Any person so appointed by the insurance commissioner shall be an agent, within the meaning of this section. The insurance commissioner shall, upon written notice from any life insurance company authorized to transact business in this state, of the appointment of a person to act as its agent, issue to such person a license in such form as may be prescribed by the insurance department; *provided, however*, that such proposed licensee shall first file with the insurance commissioner of the State of California a statement in writing by a duly authorized representative of the company or insurer which the agent seeks to represent, setting forth:

(a) The applicant is known to him;

(b) The applicant has had experience or instruction, or shall within thirty days from the issuance of his license, be given the necessary instruction in life insurance.

(c) The nature of any business other than insurance in which the applicant may be engaged and the name under which such business is conducted;

(d) The applicant is of good reputation;

(e) The applicant is worthy of a license; and the said licensee shall make answer under oath to such interrogatories

as the insurance commissioner himself or through his deputies shall propound on forms prepared by the commissioner.

No license shall be issued until the commissioner has satisfied himself upon evidence presented and recorded as to the integrity of the applicant and that said applicant is qualified in the following respects to hold a license:

Qualifications of applicant.

(1) That the applicant is of good reputation;

(2) That the applicant has had experience or instruction in life insurance, or will be given the necessary instructions as aforesaid within thirty days after the issuance of said license, to the end that the interests of the insuring public and of the insurers may be reasonably served;

(3) That the applicant intends to engage in business as a life insurance agent to do an insurance business with the general public and is not actuated principally in applying for a license by the prospect of insuring the life or health of himself or that of relatives or employers, or of a single person or corporation.

(4) That the applicant has never been refused a license or had a license revoked by any insurance department for reasons that should preclude the granting of the license applied for;

(5) That the applicant intends to carry on in good faith the business of life insurance agent and that said applicant does not seek the appointment for the purpose of avoiding or preventing the operation or enforcement of the insurance laws of this state and that the granting of the license applied for will not be in violation of such laws either in letter or in spirit; *provided*, that no license shall be refused by the insurance commissioner without providing an opportunity to the applicant within thirty days to be heard and produce evidence in support of his application.

If it shall be brought to the attention of the insurance commissioner or if written charges be filed with him showing that any agent licensed hereunder has wilfully misstated any material fact in his application or that the purpose of applying for such license was to avoid or prevent the operation or enforcement of any antirebate law or any insurance law of this state, or that such agent licensed hereunder conducts his business in a dishonest manner or misrepresents the policies or contracts he sells or misrepresents the policies or contracts of other agents or companies or other insurers, or is incapable, or is conducting his business in such a manner as to cause injury to the public or those dealing with him, or if said agent or other person licensed hereunder obtained his license in an unfair manner or by concealment or misrepresentation, then the insurance commissioner shall give notice to such agent licensed hereunder and cite him to appear before the insurance commissioner and show cause why his license as an insurance agent should not be suspended or revoked. If at the hearing of said order to show cause it should appear that said agent or other person licensed hereunder has wilfully misstated any material fact in his application to the insurance commissioner,

Suspension or revocation of license.

or that the purpose in applying for such license was to avoid or prevent the operation of any antirebate law or other insurance law of this state, or that such agent or other person licensed hereunder conducts his business in a dishonest manner or misrepresents the policies or contracts of other agents or companies, or other insurers, or is incapable, or is conducting his business in such a manner as to cause injury to the public or those dealing with him, or that said agent or other person licensed hereunder has obtained his license in an unfair manner or by concealment or misrepresentation, then the commissioner shall revoke or suspend for a period to be fixed by the commissioner the license of such agent licensed hereunder and shall notify the agent or other person licensed hereunder and the company or other insurer such agent represents of the revocation or suspension.

Review by
superior
court.

If at any time the commissioner revokes or suspends the license theretofore issued to any agent licensed hereunder, or refuses to grant a license, the applicant or the agent or other person licensed hereunder may commence an action against the insurance commissioner for the purpose of reviewing the facts pertinent to the controversy and for the purpose of obtaining relief or cancelling the act of the insurance commissioner. In any such action the court shall have full power to investigate all the facts de novo without regard to the determination previously made by the insurance commissioner.

All the provisions of the Code of Civil Procedure relating to pleadings, proofs, trials and appeals shall be applicable to such action.

Such action shall be commenced and tried in the superior court of the county in which such agent or other person licensed hereunder resides unless the parties thereto stipulate otherwise.

Expiration
and renewal
of licenses

Unless revoked by the commissioner, or unless the company or other insurer by written notice to the commissioner cancels the authority of the agent or other person licensed hereunder to act, the license or any renewal thereof shall expire on the first day of July next after its issue or renewal. Any license issued after this section takes effect, may in the discretion of the insurance commissioner, be renewed for a succeeding year by a renewal certificate without the commissioner requiring the detailed information required by this section.

Acting
without
license.

Any person who shall act or offer to act or assume to act as a life insurance broker or agent, unless licensed by the insurance commissioner as provided in this section, or after such license granted to him has been suspended or revoked, unless proceedings are pending in the courts to review the act of the commissioner, shall be guilty of a misdemeanor.

Construction.

Nothing in this section shall be construed to apply to mutual benefit and life insurance associations organized and operating under sections 452a and 453 of the Civil Code, their solicitors or agents.

CHAPTER 637.

An act making an appropriation to be used by the department of agriculture to carry out the provisions of an act entitled "An act to create a cattle protection board, to define its powers and duties, to protect the breeders and growers of cattle from theft, to provide for the registration of cattle brands and the licensing of cattle slaughterers and sellers of the meat thereof, to provide for the inspection of cattle and cattle hides for brands and marks, to provide for the collection of license and inspection fees, to provide for the creation of a fund to be known as the cattle protection fund, and to provide penalties for violation of the provisions hereof," approved May 28, 1917.

[Approved by the Governor June 1, 1929 In effect August 14, 1929]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of fifteen thousand dollars, to be expended by the department of agriculture of the State of California to carry out the provisions of an act entitled "An act to create a cattle protection board, to define its powers and duties, to protect the breeders and growers of cattle from theft, to provide for the registration of cattle brands and the licensing of cattle slaughterers and sellers of meat thereof, to provide for the inspection of cattle and cattle hides for brands and marks, to provide for the collection of license and inspection fees, to provide for the creation of a fund to be known as the cattle protection fund, and to provide penalties for violation of the provisions hereof," approved May 28, 1917.

Appropriation department of agriculture

CHAPTER 638.

An act to appropriate money for permanent improvements in aid of and in connection with State Teachers College of San Diego.

[Approved by the Governor June 1, 1929. In effect August 14, 1929]

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

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be used for the construction of a sanitary sewer system on the campus and grounds of the State Teachers College of San Diego, in San Diego county, and to be used for defraying a portion of the costs of the construction of a disposal plant and a trunk line sewer, to be

Appropriation State Teachers College of San Diego

When
moneys may
be paid

Alternative
measure.

constructed under the "County improvement act of 1921," and amendments thereto, in accordance with resolutions adopted by the said board of supervisors of San Diego county on the eleventh day of February, 1929, to convey and dispose of the sewage collected by the sanitary sewer system proposed to be constructed on the campus and grounds of the State Teachers College. Said moneys may be paid to the board of supervisors of the county of San Diego at such time as said trunk line sewer and disposal plant are finally approved and accepted by the said board of supervisors, and only when and after such trunk line sewer has been constructed to a point approved by and satisfactory to the department of public works of the State of California, for connection with the said sanitary sewer system proposed to be constructed upon the said college grounds; *provided, however*, that if such trunk line sewer and disposal plant be not so constructed, accepted and approved at the time the same shall be needed or required by the State of California in connection with the operation of the said State Teachers College of San Diego, then and in such event the department of public works is hereby authorized to expend the said money in the construction of a temporary sewage disposal plant and in making necessary connections therewith.

CHAPTER 639.

An act to provide for the investigation and study of the control of hypericum perforatum by the University of California, and making an appropriation therefor.

[Approved by the Governor June 1, 1929. In effect August 14, 1929.]

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

Appropriation: University of California for study of Klamath weed

SECTION 1. The sum of three thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended under the direction of the University of California for the purpose of making an investigation and study of the control of hypericum perforatum (Klamath weed). Such investigation shall be completed and report thereof made to the governor prior to the first day of December, 1930.

CHAPTER 640.

An act making an appropriation out of the fish and game preservation fund for the construction of jetties at the mouth of the Russian river.

[Approved by the Governor June 1, 1929. In effect August 14, 1929.]

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

SECTION 1. Out of moneys in the fish and game preservation fund in the state treasury, the sum of seventeen thousand seven hundred fifty dollars is hereby appropriated to be expended in accordance with law by the state department of public works for the construction of jetties at the mouth of the Russian river near Jenner for the purpose of opening and maintaining a permanent channel through the bar at the mouth of said river. No part of this sum shall be expended unless a like sum for the same purpose is appropriated out of moneys in the general fund of the state treasury by an act adopted by the Legislature at the forty-eighth session thereof and has become available for expenditure as provided in said act.

Appropriation construction of jetties at mouth of Russian river

When available.

CHAPTER 641.

An act making an appropriation for the construction of jetties at the mouth of the Russian river.

[Approved by the Governor June 1, 1929. In effect August 14, 1929.]

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

SECTION 1. Out of any moneys in the general fund in the state treasury not otherwise appropriated, the sum of seventeen thousand seven hundred fifty dollars is hereby appropriated to be expended in accordance with law by the state department of public works for the construction of jetties at the mouth of the Russian river near Jenner for the purpose of opening and maintaining a permanent channel through the bar at the mouth of said river. No part of this sum shall be expended until there shall have been donated and made available from other than public sources, the additional sum of thirty-five thousand five hundred dollars to be expended for the same purpose, which additional sum the department of public works is hereby authorized to accept and receive on behalf of the State of California.

Appropriation: construction of jetties at mouth of Russian river.

When available.

CHAPTER 642.

An act to amend sections 4 and 5 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, relating to the trusts and restrictions heretofore imposed upon said tidelands, and to the use and leasing of the tidelands by the city.

[Approved by the Governor June 3, 1929 In effect August 14, 1929]

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

Stats 1915,
p 1323,
amended.

SECTION 1. Section 4 of an act of the Legislature of the State of California, entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, is hereby amended to read as follows:

Land ceases
to be
tidelands.

Sec. 4. All of the land described in this act, lying shoreward from the bulkhead line as now established, is hereby declared to have ceased to be tidelands and to be free from all trusts and restrictions imposed on said lands under and by any of the provisions of this act, except that said city or its successors shall not at any time grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever; *provided, however*, that the city of San Diego or its successors may use, lease, rent or otherwise let said lands, in parcels not to exceed forty acres to any one person, firm or corporation, and for limited periods, not to exceed fifty years, with the right of the city to renew the same for any and all purposes which shall not interfere with the use of the tidelands of said bay, lying bayward of said bulkhead line. If during such lease, rental, or other holding, such holding shall interfere with the use of any of the tidelands of San Diego bay, lying bayward of said bulkhead line, for navigation, commerce and the fisheries, or in any manner become inconsistent with the trust under which said tidelands are held by the State of California, the city shall have the right to terminate such holding and compensate such holder for the loss incurred, not exceeding an amount to be agreed upon by the terms of the lease or other holding. No provision contained in this act shall be construed to supersede or in any way limit or affect the provisions of any law which may be passed by the Legislature at its forty-eighth session, granting to the county and to the city of San Diego, jointly, for county and municipal purposes, any of the tidelands herein described.

San Diego
may lease
lands.

Termination
of lease

SEC. 2. That section 5 of said above entitled act is hereby amended to read as follows: Stats 1917,
p. 916,
amended.

SEC. 5. All of the land described in this act, lying bayward from the bulkhead line as now established, the city of San Diego or its successors may use, lease, rent or otherwise let said tidelands to any person, firm or corporation, and for limited periods not to exceed fifty years, with the right of the city to renew the same for any and all purposes which shall not interfere with the use of the said tidelands for navigation, commerce and the fisheries; *provided, however*, that if during such use, lease, rental or other holding, such holding shall interfere with the use of said tidelands, or any part thereof, for navigation, commerce and the fisheries, or in any way be inconsistent with the trust under which said tidelands are held by the State of California, the city shall have the right to terminate such holding, and compensate such holder for the loss incurred not exceeding an amount to be agreed upon by the terms of the lease or other holding. Lease of
land by city.

Termination
of lease

CHAPTER 643.

An act to amend section 111 of the Penal Code, relating to trial of convicts.

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 111 of the Penal Code is hereby amended to read as follows: Stats. 1905,
p. 774,
amended.

111. Whenever a trial is had of any person under any of the provisions of sections 105 and 106, and whenever a convict in the state prison is tried for any crime committed therein, the county clerk of the county where such trial is had must make out a statement of all the costs incurred by the county for the investigation, preparation for, and trial of such case, and all guarding and keeping of such convict, and of the execution of the sentence of such convict, properly certified to by a judge of the superior court of such county, which statement must be sent to the state board of prison directors for their approval; and after such approval, said board must cause the amount of such costs to be paid out of the money appropriated for the support of the state prison, to the county treasury of the county where such trial was had. Expense of
trial for
escape.

CHAPTER 644.

An act to add a new section to be numbered 2a to an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended, relating to information concerning bidders on public works under the jurisdiction and control of the department of public works.

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

Stats 1909,
p 657,
amended

SECTION 1. A new section to be numbered 2a is hereby added to an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended, to read as follows:

Department
may require
statement
from
proposed
bidder.

Sec. 2a. The department of public works may, within its discretion, before furnishing any person proposing to bid on duly advertised public work, with plans and specifications for the proposed public work, require from any such person answers to questions contained in a standard form of questionnaire and financial statement including a complete statement of the person's financial ability and experience in performing public work.

Whenever the department of public works is not satisfied with the sufficiency of the answers contained in such questionnaire and financial statement it may refuse to furnish such person with plans and specifications on any such duly advertised public work, and the bid of any person to whom plans and specifications have not been issued must be disregarded.

"Person"
defined.

The word "person" as used in this section shall include individuals, copartnerships, associations, corporations or joint stock companies and their representatives, trustees, or receivers appointed by any court of competent jurisdiction.

 CHAPTER 645.

An act to amend sections 3, 8, 11, 14, 16a and 20 of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such

persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 3 of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

Stats. 1915,
p. 1227,
amended.

Sec. 3. Any person may present to the clerk of the superior court a petition showing that there is within the county, or residing therein, or in the case of any alleged violation within said county of any law or ordinance, that there then was within said county, a person coming within the provisions of section 1 or section 15 of this act, and praying that the superior court deal with such person as provided in this act; *provided, however*, that prior to the filing of such petition, the probation officer of such county shall make such investigation as he may deem necessary, and no petition shall be filed without the approval of such probation officer except by order of the juvenile court. Such petition shall be verified, and shall contain a statement of the facts bringing said person

Any person
may present
petition.

within the provisions of either of said sections, and the names and residences, if known to said petitioner, of the parent or parents or guardian of said person, or if there be neither parent nor guardian residing within the county, or in the case of a person coming within the provisions of subdivision fourteen of section 1 or of section 15, if there be no parent residing within the state or if his place of residence be not known to said petitioner, then the name and residence, if known to said petitioner, of some relative of said person, residing within said county, or in the case of a person coming within the provisions of subdivision fourteen of section 1 or of section 15, then the name of some relative residing within said state. Either the judge of said court or the clerk thereof may set the time for the hearing of said petition.

Stats 1921,
p 801.
amended
Time and
place of
commitment.

SEC. 2. Section 8 of said act is hereby amended as follows:

Sec. 8. When any person alleged to come within the provisions of any of subdivisions one to thirteen inclusive of section 1 of this act shall be adjudged by said court or judge to come within the terms of any of said subdivisions, and adjudged to be a ward of the juvenile court, the court may make an order committing said person for such time as the court may deem fit, but not beyond the time during which the court retains jurisdiction as prescribed by the provisions of section 12 hereof, either (a) to the home and care of some reputable person of good moral character, or (b) to the care of some association, society or corporation embracing within its objects the purpose of caring for or obtaining homes for such persons, willing and able to receive and care for said ward, or (c) to the care of the probation officer, to be boarded out or placed in some suitable family home, in case provision is made by voluntary contribution, or otherwise, for the payment of the board of said ward until suitable provision may be made for said ward in a home without such payment, said ward to be subject to the supervision of the probation officer and the further order of the court; or (d) on probation to the care of the probation officer, said ward to remain in the home of said ward, or in any other fit home in which the court may order the probation officer to place said ward, subject to the visitation of the probation officer, said ward to report to the probation officer as often as may be required, and to be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable, or (e) the court may, if said ward of the juvenile court be a boy, commit him to the Preston School of Industry, or to the Whittier State School, for the period during which the court retains jurisdiction; *provided*, that no boy under the age of fifteen years shall be committed to the Preston School of Industry, nor any boy over the age of sixteen years to the Whittier State School, or if said ward be a girl, the court may commit her to the California School for Girls, for the period during which the court retains jurisdiction, or (g) may commit such person to any other state or county institution that is now established

or may hereafter be established for the purpose of caring for and training persons that come within the provision of this act; *provided, however*, that before conveying any such person to any such institution it shall be ascertained from the superintendent thereof whether such person can be received; *provided, however*, that such commitment under this act to either the Preston School of Industry or the Whittier State School shall permit the transfer of any such boy from one institution to the other upon the agreement thereto by the superintendents of such institutions; *and provided, further*, that any boy committed to the Whittier State School who has passed his fifteenth birthday, and who after due trial and a reasonable opportunity has failed to make a satisfactory response to the training and instruction therein given and who has persistently resisted the discipline of said school and any boy who has passed his fifteenth birthday and while still under commitment to said school, violates the conditions under which he may have been permitted to leave said school, shall on the recommendation of the superintendent of said Whittier School, approved by the board of trustees thereof, be transferred to and be received by the Preston School of Industry.

Provided, that no ward of the juvenile court under the age of sixteen years shall be boarded out in any boarding place other than a boarding place licensed by the department of social welfare. Ward of court under sixteen years of age

When any person alleged to come within the provisions of any of subdivisions one to thirteen inclusive of section 1 of this act shall be found by said court to come within said provisions said court may at its discretion admonish said person and dismiss said petition. Court may admonish and dismiss

No ward who is under the age of eight years and no ward who is suffering from any contagious, infectious, or other disease which would probably endanger the lives or health of the other inmates of said state schools shall be committed thereto. No person under the age of fourteen years at the time of the commission of any offense with which he may be charged shall ever be sent to a state prison unless he has first been committed to the Whittier State School, or the Preston School of Industry, and has there proved to be incorrigible or not amenable to the discipline of said school. No ward shall be committed to said state school unless the judge of said court shall be fully satisfied that the mental and physical condition and qualifications of said ward are such as to render it probable that such ward will be benefited by the reformatory educational discipline of such schools. Conditions of commitment.

Accompanying the commitment papers, the court must send to the superintendent of the state institution to which said person is committed a summary of all the facts in the possession of the court, covering the history of the ward committed, including a statement of the mental and physical condition of said ward. History of ward.

Stats. 1927,
p. 1897,
amended.
Support
of ward.

SEC. 3. Section 11 of said act is hereby amended to read as follows:

Sec. 11. An order providing for the care and custody of a ward of the juvenile court or a minor person concerning whom a verified petition has been filed, in accordance with the provisions of section 3 of this act, in such case where it is necessary that provision be made for the expense of support and maintenance of said ward or person concerning whom such a petition has been filed, must direct that the whole expense of such support and maintenance of said ward or person, up to the amount of not more than twenty dollars (\$20.00) per month from the county treasury, and may direct that an amount up to thirty-five dollars (\$35) per month be so paid, and in the case of any physically sick, epileptic, insane or feeble-minded ward, the court may order such additional sum or sums to be paid from the county treasury as may be necessary for the support and maintenance of said ward; *provided*, that the total amount so paid in the case of said physically sick, epileptic, insane or feeble-minded ward shall not exceed the sum of forty dollars per month. That all orders made pursuant to the provisions of this section, shall state the amounts to be so paid from the county treasury, which shall not in the case of any one ward or minor person concerning whom such a petition has been filed exceed thirty-five dollars in any one month, except that in the case of any physically sick, epileptic, insane or feeble-minded ward an amount not to exceed forty dollars per month may be ordered paid.

At the time of making any order providing for the support and maintenance of a ward of the juvenile court or said other minor person, said court shall inquire into the earnings, property or estate of said ward or said other minor person, and into the ability of the parent, parents, guardian of said ward or said other minor person, or other person liable for the support and maintenance of said ward or said other minor person to pay for the expense of support and maintenance of said ward or said other minor person.

If it is found that thirty-five dollars a month is insufficient to pay the whole expense of support and maintenance of said ward or said other minor person, or in the case of the physically sick, epileptic, insane or feeble-minded ward it is found that forty dollars a month is insufficient to pay the whole support and maintenance of said ward, the court may order and direct that such additional amount as may be necessary shall be paid out of the earnings, property or estate of said ward or said other minor person, or by the parent, parents, guardian of said ward or, said other minor person, or other person liable for the support and maintenance of said ward or said other minor person, to said probation officer, who shall in turn pay the same to the person, association or institution that under court order is caring for and maintaining said ward or said other minor person.

Said court shall further order, and direct that the county for its expense of support and maintenance of any such ward or said other minor person shall be reimbursed, either in whole or in part, from the earnings, property or estate of said ward or said other minor person, or by the parent, parents, guardian of said ward or said other minor person, or other person liable for the support of said ward or said other minor person, if it is found that there are earnings, property or estate of said ward or said other minor person, sufficient therefor, or that said parent, parents, guardian of said ward or said other minor person or other person liable for the support of said ward, or said other minor person is able to pay, either in whole or in part, for such expense of support and maintenance of said ward or said other minor person, and for the purpose of said reimbursement may order and direct payments to be made to the probation officer from the earnings, property or estate of said ward or said other minor person, or by the parent, parents, guardian of said ward or said other minor person, or other person liable for the support of said ward or said other minor person, the amount of which payments shall be determined by said court and which said payments shall be paid by said probation officer in turn to the county treasurer of said county on account of said reimbursement.

Reimburse-
ment of
county.

No order for payment shall be made in a sum in excess of the actual cost of supporting and maintaining said ward or said other minor person.

Duration
of order.

No order for the payment from the county treasury of the expense of support and maintenance of a ward of the juvenile court shall be effective for more than twelve months, and no order for the payment from the county treasury of the expense of support and maintenance of a minor person concerning whom a verified petition has been filed in accordance with the provisions of section 3 of this act, other than a ward of the court shall be effective for more than one month, and upon all said original and all subsequent hearings of the case of any ward of the juvenile court the case shall be continued on the calendar, but in no instance to exceed twelve months; *provided, however,* that in the case of each person committed to any state school there shall be paid monthly to the state treasurer the sum of twenty dollars by the county from which such person is committed, for and during each month or part of month such person so committed remains in such state school or in any other state school within this state to which such person may be transferred.

For the purpose of handling the reimbursement and other payments provided for herein said probation officer shall keep suitable books and accounts and shall give and keep suitable receipts and vouchers, and if such funds shall be by said probation officer kept in a bank, said bank shall be designated by the judge of said court. The auditor of said county annually in the month of January shall audit such books and accounts

Accounts of
officers.

and shall make a report thereon to the judge of said court and to the supervisors of such county prior to the thirty-first day of said month of January.

Parents' control

In all cases the court may determine whether or not the parent, parents, or guardian shall exercise any control of said ward or said other minor person and define the extent thereof.

Contempt

Any disobedience or interference with any order of the juvenile court or of the judge thereof shall constitute a contempt of court.

Compliance with orders.

It shall be the duty of the probation officer to see that such parent, parents, guardian of said ward or said other minor person, or other person liable therefor, comply with such orders, or upon failure to make any payment directed in such orders to report such failure to such court. The court may at any time set aside, change or modify any order herein provided for.

Execution to enforce payment.

Where said juvenile court has ordered payment of money to be made as reimbursement to the county for the expense of support and maintenance of any ward or said other minor person as herein provided for or as additional for the expense of support and maintenance of said ward or said other minor person, for said person, association or institution that under court order is caring for and maintaining said ward or said other minor person, either from the earnings, property or estate of said ward or said other minor person, or by the parent, parents, guardian of said ward or said other minor person, or other person liable for the support of said ward or said other minor person, execution may issue for such payment or payments upon the order and at the discretion of said court, upon affidavit of said probation officer showing that any payment or payments are due and have not been made.

Stats. 1915, p 1235, amended.

SEC. 4. Section 14 of said act is hereby amended to read as follows:

Detention of person pending hearing

Sec. 14. In case of a person alleged to come within the provisions of section 1 of this act, the juvenile court, pending the hearing, at any time before the person is adjudged a ward or otherwise disposed of, may order that said person be detained in any detention home, provided for that purpose by any county, or said person may otherwise be temporarily provided for as to the court may seem fit, in any manner provided herein for the care of a ward of the juvenile court; *provided, further*, that should the legislative body of the county provide a suitable place for the detention of wards of the juvenile court, such wards may be committed thereto for a definite period to be specified in such order, at the end of which time such ward shall be brought before the court for further order of the court. The court may thereafter set aside, change or modify said order and provide for a further detention in said place.

No court, judge, magistrate or peace officer shall detain in or commit to any jail or prison any person under the age of sixteen years, unless such person shall have been transferred by the juvenile court to another court for proceedings not under the juvenile court law and shall further have been charged with or convicted of a felony; *provided, further*, that if any such person under the age of sixteen years is not released pending such hearing he may be committed to the care and custody of a sheriff, constable or other peace officer who shall keep such person in such detention home or in such other suitable place outside of the inclosure of any jail or prison as the court may direct; *provided, however*, that no such person shall be detained in or committed to any almshouse or hospital except for medical or other remedial care and treatment.

No commitment to jail

When any person under sixteen years of age shall be sentenced to confinement in any institution to which adult convicts or prisoners are sentenced or confined, it shall be unlawful to confine such person in the same room, yard or inclosure with such adult convicts or prisoners, or to permit such persons to come or remain in contact with such adult convicts or prisoners.

SEC. 5. Section 16a of said act is hereby amended to read as follows:

Stats 1915,
p. 1239,
amended.

Sec. 16a. Any person alleged or adjudged to come within any of subdivisions one to thirteen inclusive of section 1 of this act shall be entitled to have any proceeding concerning such person, heard privately, and upon the request of said person, or either of his parents, or guardian, or in the discretion of the court, such hearing shall be had privately in the manner provided by law for private hearings at preliminary examinations.

Private hearing

SEC. 6. Section 20 of said act is hereby amended to read as follows:

Stats 1921,
p. 813,
amended

Sec. 20. The probation officer shall inquire into the antecedents, character, family history, and environments of every person brought before the court, and of every person alleged to be a person who should be declared free from the custody and control of his parents, and into the cause of such person being brought before the juvenile court, and shall make his report in writing to the judge thereof. Said report shall not be by the clerk with whom the same is filed made public, nor shall the same be allowed to be inspected by any person except the parties mentioned therein or their attorneys, unless the court before which the proceeding is pending shall for good cause by minute order so direct.

Duty of probation officer.

Whenever application is made to the district attorney of the county for the drawing of a petition hereunder it shall be the duty of the said probation officer to make investigation as may be required by the said district attorney, or if the application has been made to the probation officer, said probation officer shall make such investigation as to him may seem necessary for the purpose of determining the necessity for

Make investigations.

the filing of a petition. If, after such investigation it appears to said district attorney or to said probation officer to whom said application has been made that proceedings should not be brought hereunder, said district attorney or said probation officer to whom said application has been made may refuse to draw said petition.

To be present in court.

It shall also be the duty of the probation officer to be present in court to represent the interests of said person when the case is heard, and to furnish to the court such information and assistance as the court may require and to make such report at such time; and to take charge of said person before and after the hearing as may be ordered. Every probation officer, assistant probation officer and deputy probation officer shall have the power of a peace officer. At any time the probation officer may bring any such ward committed to his care before the court with written report and recommendation for such further order or other action as the court may deem proper. Before any such ward is recommended, the probation officer shall inquire into the reasons assigned for such action and shall be present in court to represent the interests of such ward.

Power as attendance officer.

Every probation officer shall have the powers of a school attendance officer, in such portions of the county, in which such probation officer has been appointed, as are not otherwise provided with a school attendance officer, and shall exercise such powers when not inconsistent with his other duties.

Annual report

Every probation officer, within fifteen days after the thirty-first of December, of each year, shall make in writing and file as a public document a report to the judge of the juvenile court of the county in which such probation officer is appointed, and shall furnish to the county board of supervisors and to the secretary of the state board of charities and corrections of this state a copy thereof. Such report, without giving names shall state separately the exact number of neglected, dependent, and delinquent persons and wards of the juvenile court that remain under commitment to the care and custody of the probation officer, and the exact number of such persons of whose cases other disposition has been made, as such number exists, deducting all cases dismissed or discharged as reformed, or where such person has passed the age of twenty-one years upon such thirty-first of December, segregating such persons as having been adjudged by such juvenile court to be neglected, dependent, delinquent, or wards of the juvenile court, as the case may be, in 1903, 1904, 1905, and so on, up to and including the calendar year for which such report is made and filed. Any of the duties of a probation officer may be performed by an assistant or deputy probation officer, and shall be so performed whenever directed by the probation officer; and it shall be the duty of the probation officer to see that his assistant and deputy probation officers perform their duties.

CHAPTER 646.

An act authorizing the department of finance to sell certain property belonging to the State of California, situated in San Bernardino county, State of California, and providing for the expenditure of any moneys received therefrom.

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

SECTION 1. The department of finance is hereby authorized and empowered to sell all that certain real property of the State of California lying and situated in the county of San Bernardino, State of California, described as follows: Department authorized to sell property.

Beginning at a point forty-seven and five-tenths feet due south of a point five hundred ninety-eight and two-tenths feet due west of the northeast corner of northeast quarter of northwest quarter, section thirty-four, township one north, range three west, San Bernardino base and meridian; thence south fifteen degrees, twenty-eight minutes, east three hundred feet; thence north seventy-four degrees, thirty-two minutes, east three hundred feet; thence north fifteen degrees twenty-eight minutes, west three hundred feet; thence south seventy-four degrees, thirty-two minutes, west three hundred feet to point of beginning. Description.

Also beginning at a point three hundred forty-nine feet due south of the northwest corner of northeast quarter of northwest quarter of section thirty-four, township one north, range three west, San Bernardino base and meridian; thence south two hundred feet; thence south sixty-nine degrees, thirty-one minutes, east two hundred fifty feet; thence north two hundred feet; thence north sixty-nine degrees, thirty-one minutes, west two hundred fifty feet to place of beginning.

Also the right to lay and maintain pipes to and from each of the above described pieces of land over the lands of T. T. Cook and to construct and maintain tunnels and aqueducts from the North Fork Canal to each of the above described pieces of land over any portion of the lands of T. T. Cook, and also the further right of entering over the lands of said T. T. Cook to and from either of the above described pieces of land hereinabove conveyed for the purpose of constructing and maintaining reservoirs, pipe lines, tunnels, or aqueducts thereon, and the further right to dump or deposit materials excavated from said reservoirs, pipe lines, tunnels, or aqueducts on the lands of said T. T. Cook.

SEC. 2. The state director of finance is hereby authorized and empowered for and on behalf of and in the name of the State of California to execute, acknowledge and deliver and to receive and accept any and all deeds of conveyance and other instruments and to do any and all other acts and things necessary to effectuate the purposes hereof. Director of finance

Disposition
of proceeds

SEC. 3. In the event of the sale of the property hereinbefore described the proceeds derived therefrom shall be deposited in the state treasury to the credit and in augmentation of the appropriation for minor construction, improvements, and equipment at the state hospital at Patton, California, and the moneys so deposited are hereby appropriated for said purposes.

CHAPTER 647.

An act to amend section 4286 of the Political Code, relating to the compensation of county officers and their deputies, assistants and employees, and of jurors in counties of the fifty-seventh class.

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

Stats. 1927,
p. 862,
amended
Counties of
57th class
officers and
employees

SECTION 1. Section 4286 of the Political Code is hereby amended to read as follows:

4286. In counties of the fifty-seventh class the county and township officers shall respectively receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and compensation, to wit:

Clerk.

1. The county clerk, one thousand two hundred dollars per annum.

Sheriff

2. The sheriff, two thousand six hundred dollars per annum.

Recorder

3. The recorder, nine hundred dollars per annum. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services fifty per cent of the amount collected in said office during his period of service for filing and recording mining locations and affidavits of assessment work.

Auditor.

4. The auditor, nine hundred dollars per annum.

Treasurer

5. The treasurer, one thousand five hundred dollars per annum.

Tax
collector.

6. The tax collector, one thousand two hundred dollars per annum.

Assessor

7. The assessor, one thousand five hundred dollars per annum.

District
attorney.
Coroner.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are or may hereafter be allowed by law.

Public ad-
ministrato

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superin-
tendent
of schools.

11. The superintendent of schools, six hundred dollars per annum.

Surveyor

12. The surveyor, four hundred dollars per annum.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by the supervisors by multiplying the said total number of registered voters by three; townships having a population of not more than one hundred shall belong to and be known as townships of the first class; townships having a population of not more than three hundred and not less than one hundred one shall belong to and be known as townships of the second class; townships having a population of not more than seven hundred fifty and not less than three hundred one shall belong to and be known as townships of the third class; townships having a population of not more than one thousand five hundred and not less than seven hundred fifty-one shall belong to and be known as townships of the fourth class; townships having a population in excess of one thousand five hundred shall belong to and be known as townships of the fifth class; *provided*, that the board of supervisors may, prior to any general election, consolidate two or more such townships into one.

Classifica-
tion of
townships.

14. Justices of the peace and constables each of townships of the first class shall receive an annual salary of one hundred dollars, to be paid in monthly installments as county officers are paid; justices of the peace and constables of townships of the second class shall each receive an annual salary of one hundred fifty dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the third class shall each receive an annual salary of two hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fourth class shall each receive an annual salary of three hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fifth class shall each receive an annual salary of four hundred dollars to be paid in monthly installments as county officers are paid. The salaries so received by justices of the peace and constables aforesaid shall be in full compensation for all services rendered by them. These salaries shall also apply to incumbents.

Justices of
the peace
and con-
stables.

15. Each member of the board of supervisors, sixty dollars per month, and thirty cents per mile one way to board meetings.

Supervisors.

16. Jurors' fees in criminal cases shall be as follows: For attending as a grand juror or trial juror in the superior court, in criminal cases only, for each day's attendance, per day, five dollars; for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, thirty cents, and the county clerk shall certify to the auditor the number of days' attend-

Jurors

ance and number of miles traveled by each juror, and the auditor shall draw his warrant therefor and the treasurer shall pay the same.

CHAPTER 648.

An act to amend section 4275 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the forty-sixth class.

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

- Stats. 1927,
p. 1617,
amended.
Counties of
46th class:
officers and
employees
- Clerk.
- Sheriff.
- Recorder.
- Auditor
- Treasurer.
- Tax
collector
- Assessor.
- SECTION 1. Section 4275 of the Political Code is hereby amended to read as follows:
4275. In counties of the forty-sixth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:
1. The county clerk, three thousand six hundred dollars per annum, and during each year in which a general election is held throughout the state he shall in addition to said salary receive each month for the months of August, September, October and November, one hundred dollars, and the same shall be so paid from the same fund as other salaries are paid.
 2. The sheriff, four thousand five hundred dollars per annum, and the fees, mileage and commissions for the service of all papers issued by any court of the state outside of this county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county.
 3. The recorder, three thousand six hundred dollars per annum; *provided*, that said recorder shall collect and pay into the county treasury for the use and benefit of the county all fees required by law to be collected by him.
 4. The auditor, one thousand eight hundred dollars per annum.
 5. The treasurer, two thousand four hundred dollars per annum.
 6. The tax collector, two thousand seven hundred fifty dollars per annum, which shall be in full for all services as tax collector and as license collector. Also that in counties of this class, the tax collector may appoint a stenographer or clerk who shall receive a salary of one thousand five hundred dollars per annum, to be paid in monthly installments in the same manner, at the same time, and out of the same fund as the salary of the tax collector.
 7. The assessor, three thousand dollars per annum; *provided*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county,

whose salary is hereby fixed at the sum of one hundred twenty-five dollars per month; which said salary shall be paid by said county at the time and in the same manner and out of the same fund as is the salary of the assessor; *and provided, further*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county and who shall hold office from twelve o'clock meridian of the first Monday of March of each year up to twelve o'clock meridian of the first Monday of July of each year. The salary of said last mentioned deputy assessor herein provided for is hereby fixed at the sum of one hundred dollars per month during which months he shall hold office as herein provided; which said salary shall be paid by said county at the time and in the same manner and out of the same fund as is the salary of the assessor.

8. The district attorney, two thousand dollars per annum; *provided*, that in counties of this class the district attorney may appoint a stenographer or clerk who shall receive a salary of one thousand two hundred dollars per annum, to be paid in equal monthly installments in the same manner, at the same time and out of the same fund as is the salary of the district attorney.

District
attorney.

9. The coroner, nine hundred dollars per annum.

Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Public
adminis-
trator.

11. The superintendent of schools, two thousand four hundred dollars per annum, and actual traveling expenses while visiting the schools of his county, he to devote all of his time to the duties of his office.

Superin-
tendent of
schools

11½. The county librarian, one thousand eight hundred dollars per annum.

Librarian

12. The surveyor, ten dollars per day for each day's service rendered.

Surveyor.

13. Supervisors, each the sum of one thousand two hundred dollars per annum for all services performed by them, as supervisors, and members of the board of equalization and road commissioners; *provided*, that each supervisor shall receive ten cents for each mile traveled by that ordinary route, in going from his residence to the county seat and returning, once during each month; and that supervisors in counties of this class be allowed their traveling expenses in viewing and laying out roads and bridges and in attending to such other duties within their county as required by law.

Supervisors

14. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the federal census of 1910; townships having a population of two thousand four hundred and over four thousand shall be classified as townships of the first class, and townships having a population of less than two thousand four hundred shall belong to and be known as townships of the second class.

Classification
of town-
ships

Justices of
the peace.

15. In townships of the first class, justices of the peace shall receive ninety-six dollars per month to be paid each month out of the same fund and at the same time as the county officers are paid, and which sum shall be in full compensation for all services rendered by them.

In townships of the second class, justices of the peace shall receive ninety dollars per month to be paid each month out of the same fund and at the same time as the county officers are paid and which sum shall be in full compensation for all services rendered by them.

Constables.

16. Constables in counties of this class shall receive the following monthly salaries to be paid each month out of the same fund and at the same time as the county officers are paid, which sum shall be in full compensation for all services rendered by them in criminal cases, the same to include all costs of transportation of all prisoners within the county, to wit: Constables in townships of the first class shall receive a monthly salary of ninety dollars per month, and constables of townships of the second class shall receive a monthly salary of seventy-two dollars per month; *provided, further*, that the constables in the respective townships be allowed mileage at the rate of twenty-five cents per mile in the services of all papers pertaining to criminal cases, but shall not be allowed any sum for any other expenses.

Reporter

17. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in criminal cases in said court, before the grand jury, for preliminary examinations and for coroners' inquests, and for transcribing notes in justices' courts preliminary examinations, a monthly salary of one hundred fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid, and shall receive as compensation for taking notes, when required, in civil cases, a per diem as is now or may be hereafter provided by law, to be paid by the litigants as the court may direct; and for transcription of said notes, in civil cases, and in criminal cases on appeal from the superior court, such fees as are now or may be hereafter provided by law; said compensation for transcriptions in criminal cases on appeal from the superior court to be audited and allowed upon a written order of the court, and paid out of the county treasury and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party, or by both or all parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

Jurors.

18. In counties of this class, grand jurors and jurors in the superior court in criminal and civil cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in attending court as such juror under summons or under order of court, in going only, twenty-five cents; and in criminal cases, the county clerk shall certify to

the auditor the number of days attendance and the number of miles traveled by each such juror, and the auditor shall then draw his warrant for the fees and mileage due such juror, and the treasurer shall pay the same.

19. In counties of this class, witnesses, when legally required to attend upon the superior court, in criminal cases, shall be paid two dollars per day for each day's actual attendance, and twenty-five cents per mile for each mile actually traveled, in going only; and in criminal cases the county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each such witness, and the auditor shall then draw his warrant for the fees and mileage due such witness, and the treasurer shall pay the same. Witnesses

CHAPTER 649.

An act to amend section 1 of an act entitled "An act to provide for the formation, government, operation and dissolution of Tamalpais forest fire district, to prevent and extinguish forest, brush and grass fires therein, and protect persons and property from injury, loss or damage resulting from any such fires; and to provide for the assessment, levy, collection and disbursement of taxes and revenues therein, and the contribution or payment of public funds therefor," approved May 21, 1917, as amended, relating to the boundaries of the Tamalpais forest fire district and declaring the same an urgency measure, necessary for the immediate preservation of the public peace, health and safety and providing for its going into effect immediately.

[Approved by the Governor June 3, 1929. In effect immediately.]

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

SECTION 1. Section 1 of an act entitled "An act to provide for the formation, government, operation and dissolution of Tamalpais forest fire district, to provide and extinguish forest, brush and grass fires therein, and protect person and property from injury, loss or damage resulting from any such fire; and to provide for the assessment, levy, collection and disbursement of taxes and revenues therein, and the contribution or payment of public funds therefor," approved May 21, 1917, as amended, is hereby amended to read as follows: Stats. 1921,
p. 821,
amended.

Section 1. There is hereby organized, created, established and incorporated a forest fire district to be known as "Tamalpais forest fire district" the boundaries of which are hereby established and determined as follows, to wit: Tamalpais
forest fire
district
organized.

Commencing at a point where the center line of the state highway intersects the northwesterly boundary line of those certain lands shown and delineated as the lands of the Sausalito Land and Ferry Company, upon that certain map entitled Boundaries

Boundaries. "Official map of the lands of the Sausalito Land and Ferry Company" filed in the office of the county recorder of the county of Marin, State of California, on the twenty-sixth day of April, 1869, said point of beginning being upon the south-easterly banks of Coyote creek at the easterly end of the concrete bridge; running thence southwesterly and southerly along the northwesterly boundary line of the said lands of the Sausalito Land and Ferry Company, aforesaid, to the common corner of ranches A, E and F as said ranches are shown and delineated on that certain map entitled "Tamalpais Land and Water Company map No. 3" which said map is recorded in the office of the county recorder of the county of Marin, State of California, in book one of maps, at page 104; thence southerly and following the easterly boundary line of ranches F, G and H as said ranches are shown upon the said Tamalpais Land and Water Company map No. 3, through Tennessee valley to the northeasterly boundary line of ranch I, as shown upon said last mentioned map; thence along the easterly line of said ranch I to the southeasterly corner of said ranch; and thence southwesterly along the southerly boundary line of said ranch I to high water mark on the Pacific ocean; thence following the line of ordinary high tide aforesaid of the Pacific ocean northwesterly to the entrance of the channel connecting Bolinas inner bay or lagoon with the Pacific ocean; thence crossing said channel to high water mark on the westerly side of said channel; thence following high water mark in a westerly direction to Duxbury point; thence following said line of high water mark of the Pacific ocean in a northwesterly direction and following the indentations and sinuosities of the coast to Point Reyes; thence following said line of high water mark in a northeasterly and northwesterly direction to Pierce's point at the mouth of Tomales bay; thence following high water mark in a south-easterly direction along the southwesterly side of Tomales bay to the mouth of Paper Mill creek; thence following up the center of Paper Mill creek to a point where said creek is crossed by the bridge on the county road leading from Point Reyes station to Olema; thence following the center line of the county road leading from Point Reyes station in a southerly direction to its intersection with the Tocaloma road at the village of Olema; running thence easterly along said county road leading to Tocaloma to its intersection with the county road running along the easterly bank of Paper Mill creek; running thence northerly and easterly along said county road running along the easterly bank of Paper Mill creek to the mouth of Nicasio creek; running thence up the county road running up Nicasio creek in an easterly and southerly direction, through the village of Nicasio to the intersection of the Nicasio and San Geronimo county road with the Lucas valley county road; thence easterly and along said Lucas valley county road to a point thereon at the summit near a large boulder known as "Big Rock" on the northwesterly boundary

of that certain ranch known as the "Victor Sartori ranch"; thence northerly along said last mentioned line, following the northerly boundary of San Rafael township to the line of ordinary high tide in San Pablo bay; thence in a general southerly and westerly direction along the line of ordinary high tide in San Pablo bay and San Francisco bay to the northeasterly corporate limits of the city of San Rafael; thence westerly, northerly and westerly along the northerly corporate limits of the city of San Rafael to the easterly corporate limits of the town of San Anselmo; thence southerly along the easterly corporate limits of the town of San Anselmo to the easterly corporate limits of the town of Ross; thence southerly along the easterly corporate limits of the town of Ross and westerly along the southerly corporate limits of the town of Ross to the intersection thereof with the state highway; thence southerly along the state highway to the northwesterly corporate limits of the town of Larkspur; thence northerly, easterly and southerly along the corporate limits of the town of Larkspur to their intersection with the northerly corporate limits of the town of Corte Madera; thence easterly, southerly and westerly along the corporate limits of the town of Corte Madera to their intersection with the state highway; and thence along the state highway to the point of beginning.

SEC. 2. The Legislature hereby declares that it deems it necessary for the immediate preservation of the public peace, health and safety that the land situate within such district be included in the taxable property of the county of Marin on or before the first Monday of July, 1929, and that this act therefore constitutes an urgency measure, which under the provisions of section 1 of article four of the constitution of the State of California shall take effect immediately.

Urgency
measure.

CHAPTER 650.

An act to amend section 4249 of the Political Code, relating to the salaries and compensation of officers in counties of the twentieth class.

[Approved by the Governor June 3, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 4249 of the Political Code is hereby amended to read as follows:

Stats. 1927,
p. 1698,
amended .

4249. In counties of the twentieth class, the county and township officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Counties of
20th class:
officers and
employees.

1. The county clerk shall receive three thousand six hundred dollars per annum and the fees that have been and are

Clerk.

now allowed said clerk by the United States bureau of naturalization; *provided*, that in counties of this class there shall be, and there hereby is allowed to the county clerk the following clerks, deputies and employees, who shall be appointed by the county clerk and shall be paid salaries as follows: Three deputies at a salary of one hundred fifty dollars per month each, and one stenographer at a salary of one hundred and twenty-five dollars per month and one copyist at a salary of one hundred dollars per month; and one deputy at a salary of one hundred dollars per month; *and provided, further*, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the convenient registration of voters each of said deputies to receive the sum of ten cents per name for each and every elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, after proper allowance of said claim by said board of supervisors.

Sheriff.

2. The sheriff shall receive four thousand eight hundred dollars per annum; and there shall be and there is hereby allowed to the sheriff the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows: One chief deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; five deputy sheriffs, each at a salary of one thousand eight hundred dollars per annum; one matron at a salary of one thousand two hundred dollars per annum; *provided*, that there is hereby created in counties of the twentieth class a fund to be known as the "sheriff's special fund" in the sum of one thousand dollars for each fiscal year which shall be available for use by the sheriff for expenses incurred in criminal cases in the detection of crime; and it shall be the duty of the board of supervisors within thirty days after this act takes effect and annually thereafter at the beginning of the fiscal year to transfer from the general fund to the sheriff's special fund such sum as may be necessary so that there shall be in such fund at the beginning of each fiscal year the said sum of one thousand dollars. The sheriff shall file vouchers with the auditor at the end of each fiscal year showing what disposition he has made of any money received from such fund and the particular purpose for which it was spent.

Recorder.

3. The recorder shall receive three thousand three hundred dollars per annum, and there shall be and there is hereby allowed to the county recorder three deputies who shall be appointed by the recorder; one chief deputy who shall be paid two thousand one hundred dollars per annum; one deputy who shall be paid one thousand eight hundred dollars per annum; one deputy who shall be paid one thousand and five hundred dollars per annum.

Said recorder may also appoint such copyists as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their services the sum of six cents per folio for actual work done in copying any instrument to be recorded (except maps and plats) and for making copies of all records or papers; *provided*, that the total amount paid to such copyists shall not exceed one thousand two hundred dollars in any one year, and such copyists shall be paid on presentation and filing with the board of supervisors of said county duly verified claims therefor.

The salaries and compensations of all deputies and copyists herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; *provided*, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as such copyists and the amount due to each for such copying. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid into the county treasury.

4. The auditor shall receive three thousand six hundred ^{Auditor.} dollars per annum, and there is hereby allowed to the auditor three deputies, who shall be appointed by the auditor; one deputy who shall be paid two thousand one hundred dollars per annum, and one who shall be paid one thousand six hundred twenty dollars per annum, and one who shall be paid one thousand five hundred dollars per annum; *and it is further provided*, that if the board of supervisors in any year shall act, order or direct the auditor to prepare and compile its annual statistical report, and on so performing such services and in that event he shall be allowed the further sum of three hundred dollars payable upon the completion and acceptance of said report, and if said report is mailed throughout the county by the auditor he shall be allowed the further sum of one hundred dollars; *provided, further*, that in addition to the duties of the auditor in counties of the twentieth class as provided by law it shall also be the duty of the auditor to inspect, examine and audit the books and accounts of all township officers charged with the receipt, safe-keeping or disbursement of public moneys, in townships having a population of more than three thousand persons, at least once each month and also to inspect the books and accounts of all other county or township officers in said county charged with the receipt, safe-keeping or disbursement of public moneys as often as in his discretion it may be deemed necessary and to require all persons who have received any money belonging to the county and who have not accounted therefor to settle their accounts. It shall be the duty of the auditor to collect all rentals and franchise fees due the county. The auditor shall establish and maintain a complete budget system of accounts in his office. For the purpose of carrying into

effect the additional duties imposed upon the auditor, he shall be allowed an extra deputy at a salary of one thousand eight hundred dollars per annum, who shall perform any and all work required by the auditor. The actual traveling expenses of such deputy, or of the auditor, in making such inspection and audits shall be paid by the county as other county bills are paid. The auditor may provide such additional assistants as he may deem fit, whose compensation shall not in the aggregate exceed the sum of six hundred dollars per annum.

Treasurer. 5. The treasurer shall receive three thousand dollars per annum; and there is hereby allowed to the treasurer one deputy to be appointed by him, who shall receive a salary of one thousand five hundred dollars per annum.

Tax collector. 6. The tax collector shall receive three thousand dollars per annum, and there shall be and there hereby is allowed to the tax collector one deputy, who shall be appointed by the tax collector and shall receive a salary of one thousand eight hundred dollars per annum; and there shall be and there hereby is allowed one copyist to the tax collector who shall receive a salary of one thousand five hundred dollars per annum; and there shall be and there is hereby allowed to the tax collector an additional sum of six hundred dollars per annum to be used for extra help as needed, to be paid on presentation and filing with the board of supervisors of said county upon duly verified claim or claims therefor.

License collector. 7. The license collector shall receive ten per cent of all licenses collected by him, and the duties of this office shall be performed by the tax collector.

Assessor. 8. The assessor, four thousand dollars per annum; *provided*, that in counties of this class there should be allowed to the assessor the following deputies, whose offices are hereby created and who shall be appointed by the assessor: One deputy who shall be chief deputy at a salary of two thousand four hundred dollars per annum, one assistant deputy at a salary of one thousand eight hundred dollars per annum; and such office and field deputies as the assessor may require, whose compensation shall not in the aggregate exceed the sum of fourteen thousand dollars per annum. Said field deputies shall not be allowed a compensation of more than eight dollars per diem; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid; said assistants to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim or claims therefor. Said assessor may employ such assistants as may be necessary in making maps, plats and drawings essential for use in the assessor's office in the performance of his duties and the expense thereof shall be a charge against the county. It is hereby *further provided*, that the said assessor shall retain no commissions for the collection of personal property taxes or road poll taxes, but that all

such collections shall be paid into the county treasury and become the property of the county; the assessor and deputies shall be allowed their actual and necessary traveling expenses incurred in the performance of their duties outside incorporated cities, but not to exceed in the aggregate five hundred dollars in any one year.

9. The district attorney shall receive four thousand eight hundred dollars per annum and said district attorney while in receipt of said salary shall be disqualified from engaging in the practice of law in any and all of the courts of this state, in any action or cause wherein the county in which he is elected and serves or the State of California is not a party or parties, and there is hereby allowed to the district attorney one deputy to be appointed by him, who shall receive a salary of three thousand dollars per annum; one deputy to be appointed by him who shall receive a salary of two thousand four hundred dollars per annum, and there is hereby allowed the district attorney one detective to be appointed by him, who shall receive a salary of two thousand four hundred dollars. Said detective shall have all the powers of a peace officer as set forth in sections 834 and 836 of the Penal Code. There shall be and there is hereby allowed to the district attorney the sum of not to exceed two thousand one hundred dollars per annum to be used for such clerical and stenographic help as may be needed.

District attorney.

10. The coroner shall receive such fees as are now, or may hereafter be allowed by law.

Coroner.

11. The public administrator shall receive such fees as are now, or may hereafter be allowed by law.

Public administrator.

12. The superintendent of schools, three thousand dollars per annum; and there shall be and there is hereby allowed to the superintendent of schools, one deputy who shall be appointed by the superintendent of schools, and shall be paid a salary of one thousand five hundred dollars per annum.

Superintendent of schools.

13. The surveyor shall receive three thousand six hundred dollars per annum and necessary traveling expenses while in the performance of duties of his office; and said surveyor shall devote his entire time during office hours to the work of the county, and is prohibited from engaging in private work within such office hours

Surveyor

13a. The county librarian shall receive two thousand dollars per annum, and shall be allowed actual and necessary traveling expenses.

Librarian

14. Each supervisor one thousand eight hundred dollars per annum, and mileage at twenty cents per mile for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed in any one year the sum of one thousand dollars.

Supervisors

15. The official shorthand reporter shall receive two thousand dollars per annum for the department of the superior court to which he has been appointed. Whenever one reporter shall be appointed to and shall perform the duties required

Reporter.

of the official shorthand reporter, for more than one department of said superior court, he shall receive a salary therefor of three thousand four hundred dollars per annum.

In addition thereto he shall receive for transcribing notes, the sum of twenty cents per folio for the original, and five cents per folio for all copies thereof.

Justices of
the peace

16. In townships having a population of seven thousand or over, two justices of peace shall be elected, and each shall receive a salary of one hundred twenty-five dollars per month. In townships having a population less than seven thousand and over three thousand there shall be but one justice of the peace elected and he shall receive a salary of fifty dollars per month. In all other townships there shall be but one justice of the peace, who shall receive a salary of twenty dollars per month. All justices in counties of this class shall collect in civil cases only, the following fees, to wit:

Justices'
fees.

(1) For all services before trial or entry of judgment by default or confession, two dollars and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

(2) For the trial of civil actions and all proceedings subsequent thereto, three dollars.

(3) For certificate and transmitting paper and transcript on appeal, one dollar.

(4) For copies of papers on dock, per folio, ten cents.

(5) For issuing a search warrant, the fee to be paid by the party demanding the same, one dollar.

(6) For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

(7) For taking an acknowledgment of an instrument, for the first name fifty cents, and for each additional name twenty-five cents.

(8) For administering an oath, and certifying the same, fifty cents.

(9) For issuing a commission to take testimony, one dollar.

(10) For all services connected with the posting of estrays, one dollar.

(11) For issuing each affidavit, certificate, process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

(12) For taking bail in all proceedings, pending before another magistrate, fifty cents.

All such fees collected by such justice shall be paid into the salary fund of the county treasury.

Constables.

17. In townships having a population of seven thousand or over, two constables shall be elected and each shall receive a salary of forty dollars per month. In townships having a population less than seven and over three thousand, there shall be but one constable elected, and he shall receive a salary of twenty-five dollars per month.

Constables'
fees.

In all other townships there shall be but one constable, who shall receive twenty dollars per month. All constables in addi-

tion to the salaries above provided for, shall receive and collect for their use and benefit, in civil cases only, the following fees, to wit:

Constables'
fees.

(1) For serving summons and complaints, for each defendant served, fifty cents.

(2) For each copy of summons made by him, twenty-five cents.

(3) For levying writ of attachment or execution, or executing an order of arrest, in a civil case or for delivery of personal property, two dollars.

(4) For serving a writ of attachment or execution on any ship, boat or vessel, three dollars.

(5) For keeping personal property, such sum as the court may order, but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.

(6) For taking a bond and undertaking, one dollar.

(7) For copies of writs or other papers, except summons, complaints and subpoenas, per folio fifteen cents; *provided*, that when correct copies are furnished by him for use, no charge shall be made for such copies.

(8) For serving any writ, notice or order, except summons, complaint, or subpoena, for each person served, fifty cents.

(9) For writing and posting each notice of sale of property, fifty cents.

(10) For furnishing notice of publication, twenty-five cents.

(11) For serving subpoenas, each witness including copy, fifty cents.

(12) For collecting money on execution two and one-half per cent.

(13) For executing and delivering certificates of sale, fifty cents.

(14) For executing and delivering constable's deed, two dollars fifty cents.

(15) For each mile actually traveled within his county in the service of any civil suit, order, or paper, in going only, per mile twenty-five cents. No constructive mileage shall be allowed.

(16) For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from place of arrest, fifteen cents; and the actual cost of the transportation of the prisoners from the place of arrest to the justice court, and the necessary expense of assistance; *provided*, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

(17) For each mile necessarily traveled outside his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

(18) For transporting prisoners to the county jail, from the justice's court or from the county jail to the justice court, actual cost of transportation and assistance, and mileage at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

(19) For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars and fifty cents, and for the necessary expense of maintenance and assistance in keeping said prisoner.

(20) For summoning a jury in a civil case, twenty-five cents for each of the persons so summoned, and mileage at a rate of twenty-five cents per mile, going only.

(21) For attending court during the trial of a civil cause, per day, three dollars.

(22) For making sales of estrays in civil cases, the same fees as for sales of execution.

(23) For serving a writ of possession or restitution, putting a person in possession of the premises and removing the occupants therefrom, three dollars per day, and mileage at twenty-five cents per mile, going only.

(24) The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

Jurors in
superior
court.

18. The fees of grand jurors and trial jurors in the superior courts of said counties of the twentieth class, in civil and criminal cases shall be three dollars, in lawful money of the United States for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrant drawn by the county auditor upon the written order of the judge of the court in which said jurors were in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Jurors in
justices'
courts.

19. The fees of jurors in justice's courts in civil and criminal cases shall be two dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending the court, in going only; in criminal cases such fees and mileage of said trial jurors in the justice's courts shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said jury was in attendance and the treasurer of said county shall pay said warrants. The fees of jurors on coroner's juries shall be one dollar for each day's attendance, said fees to be paid out of the general fund of said county upon the presentation and filing with the board of supervisors of said county a duly verified claim therefor on proper allowance of said claim by said board of supervisors and the approval of the coroner of said county. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

20. All salaries of principals and deputies provided for in this article shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid. Payment
of salaries.

CHAPTER 651.

An act granting to the city of Los Angeles the tidelands and submerged lands of the state within the boundaries of said city.

[Approved by the Governor June 3, 1929. In effect August 14, 1929]

WHEREAS, By act of the Legislature of the State of California, entitled "An act granting to the city of Los Angeles the tidelands and submerged lands of the state within the boundaries of the said city," approved May 1, 1911, and as amended by an act, entitled "An act to amend section 1 of an act entitled 'An act granting to the city of Los Angeles the tidelands and submerged lands of the state within the boundaries of the said city,'" approved April 20, 1917, there were granted by the State of California to the city of Los Angeles the tidelands and submerged lands of said state within the then boundaries of said city; and

WHEREAS, Since said tidelands and submerged lands were so granted to said city the boundaries of said city have become enlarged by reason of annexations of other territory, and it is desired to grant to said city the tidelands and submerged lands of said state within the boundaries of such annexed territory; therefore,

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

SECTION 1. There is hereby granted to the city of Los Angeles, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all tidelands and submerged lands, whether filled or unfilled, situated below the line of mean high tide of the Pacific ocean, within the present boundaries of said city, or of any harbor, estuary, bay or inlet within said boundaries, except as hereinafter provided, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions, following, to wit: Tidelands
granted to
Los Angeles.

(a) That said lands shall be used by said city, and by its successors, for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever; Purposes
for which
lands may
be used.

provided, that said city, or its successors, may grant franchises and permits thereon for limited periods, in any event not to exceed thirty years, for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, and may lease said lands, or any part thereof, for limited periods, in any event not to exceed thirty years, for any and all purposes which shall not interfere with the trusts upon which said lands are held by the State of California;

Lands improved without expense to state.

(b) That said tide and submerged lands shall be improved by said city without expense to the state, and any harbor constructed thereon shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed by said city on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California;

No discrimination in rates.

(c) That in the management, conduct or operation of any such harbor, or of any of the utilities, structures or appliances constructed in connection therewith no discrimination in rates, tolls, or charges, or in facilities, for any use or service in connection therewith shall ever be made, authorized or permitted by said city, or by its successors;

Right to fish reserved

Reserving, however, in the people of the State of California, the absolute right to fish in said waters, with the right of convenient access to said waters over said lands for said purposes. The grant herein made shall not include those tidelands or submerged lands within those certain areas known as the Westgate addition acquired by the city of Los Angeles by annexation on June 14, 1916, or the Santa Monica canyon addition acquired by the city of Los Angeles by annexation on April 28, 1925, or the Venice addition acquired by the city of Los Angeles by consolidation on November 25, 1925.

Lands not included in grant.

CHAPTER 652.

An act to amend section 4269 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the fortieth class.

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

Stats 1927, p. 871, amended.

SECTION 1. Section 4269 of the Political Code is hereby amended to read as follows:

Counties of 40th class officers and employees.

4269. In counties of the fortieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and the said county clerk may appoint one deputy county clerk, which said office of deputy county clerk is hereby created. The salary of such deputy county clerk is hereby fixed at one thousand eight hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers are paid; *provided*, that in each year in which a new and complete or supplemental registration of voters is required by law, the county clerk shall appoint as many deputy registration clerks as may be necessary for the convenient registration of voters in the county, which deputy registration clerks shall receive as compensation for their services the sum of ten cents per name, for each and every voter registered by them; said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of the county of a duly verified claim therefor, approved by the county clerk; *provided, further*, that the county clerk shall appoint one additional deputy to compile the great register, and for mailing sample ballots, at a compensation not to exceed the sum of one thousand two hundred dollars for each such registration. Clerk.

2. The sheriff, four thousand dollars per annum, and his actual traveling expenses in the pursuit or arrest of criminals either in or out of his county; *and, provided*, that in counties of this class there shall be, and is hereby created the office of undersheriff, to be appointed by the sheriff, who shall be paid a salary of one thousand eight hundred dollars per annum; which salary of said undersheriff herein provided for shall be paid out of the same fund and in the same manner and at the same times as the salaries of other county officers are paid. Said undersheriff shall receive his actual traveling expenses in the pursuit or arrest of criminals either in or out of his county. In counties of this class the sheriff may appoint one deputy to act as jailer at an annual salary of one thousand eight hundred dollars. Sheriff

3. The recorder, one thousand five hundred dollars per annum; and the said recorder may appoint one deputy recorder, which said office of deputy recorder is hereby created. The salary of such deputy recorder is hereby fixed at one thousand five hundred dollars per annum, such salary is to be paid at the same time and in the same manner as the salary of county officers is paid. Recorder.

4. The auditor one thousand five hundred dollars per annum; and the said auditor may appoint one deputy auditor, which said office of deputy auditor is hereby created. The salary of such deputy auditor is hereby fixed at one thousand eight hundred dollars per annum. Such salary is to be paid at the same time and in the same manner as the salary of county officers is paid. Auditor.

5. The treasurer, one thousand five hundred dollars per annum; and the said treasurer may appoint one deputy treasurer, which said office of deputy treasurer is hereby created. Treasurer.

The salary of such deputy treasurer is hereby fixed at one thousand five hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid.

Tax collector.

6. The tax collector, one thousand five hundred dollars per annum, which shall be in full for all services as tax collector and as license collector.

Assessor.

7. The assessor, three thousand dollars per annum. In counties of this class the assessor may appoint one deputy assessor, which office is hereby created, and who shall receive an annual salary of one thousand five hundred dollars. The said assessor may appoint one office deputy assessor, which said office of office deputy assessor is hereby created, who shall serve as such only during five months of each calendar year. Said office deputy assessor shall receive a salary of one hundred dollars per month, payable during the period of said services, at the same time and in the same manner as the salary of county officers is paid. The said assessor may also appoint one additional deputy assessor, who shall be designated as a "field deputy assessor," which said office of "field deputy assessor" is hereby created, who shall serve as such only during five months of each calendar year. Said "field deputy assessor" shall receive a salary of one hundred dollars per month payable during the period of such service, at the same time and in the same manner as the salary of county officers is paid.

District attorney.

8. The district attorney, three thousand dollars per annum. Said district attorney may appoint one clerk to the district attorney, which said office of clerk is hereby created. Said clerk to the district attorney shall receive a salary of one hundred dollars per month, payable at the same time and in the same manner as the salary of county officers is paid.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools

11. The superintendent of schools, two thousand seven hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. The foregoing salary of the superintendent of schools shall be in full for all services rendered, including the services rendered by such superintendent of schools as a member of the county board of education. Said superintendent of schools may appoint one deputy superintendent of schools, which said office of deputy superintendent of schools is hereby created, who shall serve as such only during ten months of each calendar year. The salary of such deputy superintendent of schools is hereby fixed at seven hundred fifty dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers are paid.

Surveyor.

12. The surveyor, one thousand two hundred dollars per annum; and in addition thereto he shall receive his actual

traveling and other necessary expenses incurred by him while engaged in work for the county.

13. In townships having a population of five thousand or more, the justice of the peace shall receive a salary of one hundred fifty dollars per month, and the constable of said township shall receive a salary of one hundred dollars per month.

Justices
of the
peace and
constables

In townships having a population of over five hundred and less than five thousand, the justice of the peace shall receive a salary of thirty dollars per month, and the constable shall receive a salary of thirty dollars per month.

In townships having a population of less than five hundred, the justice of the peace shall receive a salary of twenty dollars per month and the constable shall receive a salary of twenty dollars per month.

The above salaries shall be in full compensation of said justices of the peace and said constables in criminal cases; *provided*, that in addition to the salaries herein allowed, said constables shall be paid out of the treasury of the county, their actual traveling expenses when engaged in the service of a warrant of arrest or any other paper in a criminal case.

14. Each member of the board of supervisors, one thousand two hundred dollars per annum, and mileage when acting as road commissioner, twenty-five cents per mile one way; *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year.

Supervisors

15. In counties of this class grand jurors and trial jurors in the superior court shall each receive for each day's attendance the sum of three dollars, and mileage to be computed at the rate of fifteen cents per mile for each mile actually and necessarily traveled from their residences to the county seat, in going only. Such fees and mileage shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county.

Jurors in
superior
court.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof, and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

Construction
of act.

CHAPTER 653.

An act to amend section 4267 of the Political Code, relating to the salaries of county and township officers and their deputies in counties of the thirty-eighth class, and fixing the mileage and per diem of grand and trial jurors in such counties.

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

Stats. 1927,
p. 31,
amended
Counties of
38th class
officers and
employees

SECTION 1. Section 4267 of the Political Code is hereby amended to read as follows:

4267. In counties of the thirty-eighth class the county officers and their deputies herein provided for, the township officers and grand jurors and trial jurors shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, per diem and mileage, to wit:

Clerk.

1. The county clerk, two thousand seven hundred dollars per annum; *provided*, (a) that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy who shall receive a salary of one thousand eight hundred dollars per annum, and one deputy who shall receive a salary of one thousand five hundred dollars per annum; the deputies herein provided for shall be appointed by the county clerk, and their salaries shall be paid by the said county in equal monthly installments at the same time in the same manner and out of the same funds as the salary of the county clerk is paid.

Sheriff

2. The sheriff, five thousand dollars per annum, and also his actual and necessary traveling expenses in the execution of a warrant outside of his county issued by a court magistrate of his county; *provided*, that in counties of this class the sheriff is hereby allowed one deputy who shall receive a salary of one thousand eight hundred dollars per annum; *and further provided*, that the sheriff shall pay into the county treasury, for use of the county, all fees, commissions or mileage for the service of all papers issued by any court of the state outside of his county.

Recorder.

3. The recorder, two thousand seven hundred fifty dollars per annum; *provided*, that in counties of this class the recorder is hereby allowed one deputy who shall receive a salary of one thousand eight hundred dollars per annum, and one deputy who shall receive a salary of one thousand five hundred dollars per annum.

Auditor

4. The auditor, two thousand seven hundred fifty dollars per annum; *provided*, that in counties of this class the auditor is hereby allowed one deputy who shall receive a salary of one thousand eight hundred dollars per annum; and one deputy

who shall receive a salary of one thousand five hundred dollars per annum; *provided*, that the auditor shall prepare for publication, without expense to the county, an annual statistical report.

5. The treasurer, three thousand dollars per annum; *provided*, that in counties of this class the treasurer is hereby allowed one deputy who shall receive a salary of one thousand five hundred dollars per annum; *provided*, that all commissions and fees authorized by any law to be collected by the treasurer shall be paid to the county. Treasurer.

6. The tax collector, two thousand four hundred dollars per annum; *provided*, (a) that in counties of this class the tax collector is hereby allowed one deputy for a period of eight months during each year who shall receive a salary of one hundred fifty dollars per month. Tax collector.

7. The assessor, four thousand dollars per annum; *provided*, that the assessor shall receive and retain for his own use four per cent only on personal property tax collections made by him as authorized by section 3820 of the Political Code. Assessor

8. The district attorney, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney a stenographer or clerk which person shall receive the sum of one hundred dollars per month, said sum to be paid in monthly warrants at the same time, in the same manner and out of the same funds as the salary of the district attorney is paid. District attorney.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator

11. The superintendent of schools, three thousand two hundred dollars per annum and traveling expenses while visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of the superintendent of schools, and who shall serve as secretary of the county board of education without compensation; *provided*, (a) that in counties of this class the superintendent of schools is hereby allowed one deputy who shall receive a salary of one thousand five hundred dollars per annum. Superintendent of schools.

12. The surveyor, such fees as are now or may be hereafter allowed by law. Surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population less than five hundred, twenty dollars per month. Justices of the peace

14. Constables shall receive the following monthly salaries to be paid each month and in the same manner and out of Constables.

the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, twenty dollars per month; *provided*, that each constable shall receive his actual and necessary expenses, incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases each constable shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

Supervisors

15. Supervisors, the sum of one hundred twenty-five dollars per month each; mileage at the rate of twenty cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioner or supervisor, not exceeding in the aggregate six hundred dollars per annum. Supervisors shall also receive their necessary expenses when the performance of duty as supervisor or road commissioner takes them out of the county.

Reporters.

16. The official reporters, same as now provided by law.

Jurors.

17. In counties of this class grand jurors and trial jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, the sum of fifteen cents; such mileage to be allowed but once during each session such jurors are required to attend.

Appointees

18. The deputies, stenographers, clerks and assistants herein provided for shall be appointed by the officers to whom the same are allowed, and shall be paid by the county, in equal monthly installments, at the same time, in the same manner and out of the same funds that said officers are paid.

CHAPTER 654.

An act to add a new section to an act entitled "An act prohibiting the destruction of foodstuffs, food products or food articles," approved June 5, 1913, as amended, to be numbered 1a, relating to the securing of a permit to destroy foodstuffs.

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

Stats. 1913,
p. 387,
amended

SECTION 1. A new section is hereby added to an act entitled "An act prohibiting the destruction of foodstuffs, food products or food articles," approved June 5, 1913, as amended, to be numbered 1a, and to read as follows:

Sec. 1a. No person, firm, exchange, association, or corporation, who shall receive any poultry or poultry products, or any grain, fruit, vegetables or other agricultural, or horticultural products, for sale on commission or for sale or exchange for the benefit of any other person, shall destroy, abandon, discard as refuse, or dump, such poultry or poultry products, or any grain, fruit, vegetables or other agricultural, or horticultural products, without a permit in writing from the county horticultural commissioner, county health officer, director of the state department of agriculture, secretary of the state board of health, or from a duly authorized deputy or inspector of said officers, department or board, or from some other official now or hereafter authorized by law to issue permits for the destruction of such products. Such permits, together with a detailed statement of any and all products destroyed thereunder, shall be kept on file by the person, firm, exchange, association, or corporation, to whom issued.

Permit to
destroy
foodstuffs

A full, true and correct copy of each such permit, together with a full, true and correct copy of each such detailed statement shall, on the day such permit is issued, be served personally by the consignee, upon the consignor of said destroyed products, or in lieu of such personal service, shall on said day be served by the said consignee on said consignor by depositing the same in the United States post office, enclosed in a sealed envelope, postage fully prepaid, addressed to the consignor of said destroyed products at said consignor's address, if known, or if not known, then to the place whence said shipment or consignment of said products originated.

Copy
served on
consignor

CHAPTER 655.

An act to amend section 737u of the Political Code, relating to the salary of the superior judge in and for the county of Marin.

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 737u of the Political Code is hereby amended to read as follows:

Stats. 1927,
p. 561,
amended.

737u. The annual salary of the judge of the superior court in and for the county of Marin is seven thousand dollars.

Marin
county

CHAPTER 656.

An act providing money for the study of the flood problems of the Santa Ana river system, the preparation of plans and specifications in connection therewith, providing for study of rainfall penetration in connection therewith, and establishment and maintenance of gauging stations, providing for the cooperation by interested counties and districts, and directing the division of engineering and irrigation, department of public works, to provide for the carrying on of said work under its own direction or under the direction of the department of agriculture of the United States, and relating thereto.

[Approved by the Governor June 3, 1929, with reduction hereunder noted
In effect August 14, 1929.]

[I object to the item of twenty-five thousand dollars in section 1 and reduce the amount to fifteen thousand dollars. With this reduction I approve the bill. Dated June 3, 1929 C. C. YOUNG, Governor.]

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

Appropriation study of flood problems, Santa Ana river.

When funds available.

SECTION 1. The sum of twenty-five thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury not otherwise appropriated, which said sum shall be expended in and for the study of the flood problems of the Santa Ana river system and the study of rainfall penetration in connection therewith, and for the establishment and maintenance of gauging stations upon said river system, said work to be done under the direction of the division of engineering and irrigation, department of public works, and in conjunction with the department of agriculture of the United States of America; *provided, however*, that such sum shall become available and be disbursed from time to time in such amounts not exceeding said sum of twenty-five thousand dollars, as shall be matched or made available by any political subdivision or subdivisions within the State of California, or by the federal government, or by any other interested party, district or agency.

CHAPTER 657.

An act to amend the workmen's compensation, insurance and safety act, approved May 26, 1913, as amended, by adding a new section thereto to be numbered 43½, relating to a cash revolving fund.

[Approved by the Governor June 3, 1929. In effect August 14, 1929]

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

Stats 1913,
p 303.
amended

SECTION 1. The workmen's compensation, insurance and safety act, approved May 26, 1913, as amended, is hereby

amended by adding thereto a new section to be numbered 43½ and to read as follows:

Sec. 43½. The commission is hereby authorized and empowered, with the approval of the state department of finance, to withdraw from the state compensation insurance fund in the state treasury, without at the time presenting vouchers and itemized statements, a sum not to exceed in the aggregate five hundred thousand dollars to be used as a cash revolving fund and for such use to be deposited in such banks and under such conditions as may be determined by the commission, with the approval of the state department of finance, and the controller is hereby authorized to draw his warrants in favor of said commission for the amounts so withdrawn, and the treasurer is authorized and directed to pay the same.

Revolving
fund.

CHAPTER 658.

An act to amend section 4272 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the forty-third class.

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 4272 of the Political Code, is hereby amended to read as follows:

Stats 1927,
p. 766,
amended

4272. In counties of the forty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Counties of
43d class
officers and
employees

1. The county clerk, one thousand nine hundred twenty dollars per annum, and such fees as he may be now or hereafter allowed by law to retain; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy clerk, who shall be appointed by the county clerk and shall be paid a salary as follows: The sum of two thousand one hundred dollars per annum, and two deputy clerks who shall be appointed by the county clerk and shall be paid a salary as follows: One deputy clerk, one thousand eight hundred dollars per annum; one deputy clerk, one thousand five hundred dollars per annum; the salaries of said deputies to be payable monthly in the same manner and out of the same fund as the salaries of the other county officers are paid.

Clerk.

2. The sheriff, three thousand five hundred dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage, in all civil cases within his county, and all fees, commissions and mileage for service of any papers issued by any court outside of his county; *provided*, that in counties of this class there shall be

Sheriff.

and there hereby is allowed to the sheriff a deputy sheriff, who shall be appointed by the sheriff and shall be paid a salary as follows: The sum of one thousand eight hundred dollars per annum which sum shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the sheriff is paid, and an additional deputy sheriff who shall be appointed by the sheriff and shall be paid a salary as follows: The sum of one thousand five hundred dollars per annum, which sum shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the sheriff is paid.

Recorder. 3. The recorder, one thousand two hundred dollars per annum, and such fees as he may be now or hereafter allowed by law to retain; *provided*, that in counties of this class there shall be and there hereby is allowed to the county recorder, one deputy recorder, who shall be appointed by the county recorder and shall be paid a salary of one thousand five hundred dollars per annum. The board of supervisors is hereby authorized to employ such number of copyists at such salaries and for such length of time as the said board may deem necessary to properly and expeditiously record all instruments and documents filed for record in the office of the county recorder of such county, and the salary of such copyist or copyists shall be paid out of the general fund of said county.

Auditor. 4. The auditor, eight hundred dollars per annum.

Treasurer. 5. The treasurer, two thousand four hundred dollars per annum.

Tax collector. 6. The tax collector, seven hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is allowed to the tax collector one deputy for a period not exceeding three months in any one year at a salary of one hundred dollars per month.

Assessor. 7. The assessor, three thousand dollars per annum. He shall also be permitted to appoint such deputies as he may desire, of whom one shall be paid by the county for the term of twelve months, beginning on the first Monday in January in each year at the rate of one hundred fifty dollars per month, and one of whom shall be paid by the county for the term of four months beginning on the first Monday in March in each year, at the rate of one hundred fifty dollars per month, and one of whom shall be paid by the county at the rate of one hundred fifty dollars per month for the term of two months, said term beginning on the first Monday of March of each year. The board of supervisors shall allow the assessor to appoint extra deputies, other than as above provided, in the ratio of one for every three hundred assessment statements, or major fraction thereof in excess of two thousand eight hundred statements, and said extra deputies shall each serve four months in each year, at the will of the assessor, and shall each be paid one hundred fifty dollars per month. All salaries of deputies as above provided, shall

be paid in the same manner and at the same time as the salary of the assessor is paid. All commissions allowed by law to the assessor for the collection of poll tax, road poll, personal property or special taxes, shall be paid into the county treasury by the assessor, monthly as collected, for the use of the county, and shall be apportioned by the auditor and the treasurer to the salary fund.

8. The district attorney, one thousand eight hundred dollars per annum. District attorney.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

11. The superintendent of schools, two thousand four hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. Superintendent of schools.

12. The surveyor, such fees as are now or may hereafter be allowed by law. Surveyor

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than four thousand, one hundred dollars per month; in townships having a population of less than four thousand and more than two thousand, eighty-five dollars per month; in townships having a population of two thousand or less, twenty dollars per month. The compensation herein fixed for justices of the peace shall be in full for all services rendered, and all fees collected by them shall be paid into the county treasury as provided by law; *provided*, that justices of the peace now holding office shall, during their present term, be entitled to retain for their own use all civil fees. Justices of the peace.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases. In townships having a population of more than four thousand, thirty-five dollars per month; in townships having a population of less than four thousand and more than two thousand, thirty dollars per month; in townships having a population of two thousand or less, fifteen dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions. Constables

15. Each supervisor, nine hundred dollars per annum, and twenty cents per mile for traveling expenses from his residence to the county seat, and also necessary expenses when on official business outside the county. Supervisors

Board of
education

16. Each member of the county board of education, including the secretary, shall receive one hundred fifty dollars per annum as compensation for his services on the board of education, and mileage at the rate of twenty cents per mile one way, from his residence to the place of meeting of said board. Said compensation of said members and of said secretary shall be paid monthly in the same manner and out of the same fund as the salaries of other county officers are paid. Claims for such mileage shall be presented to and allowed by the board of supervisors before payment. The compensation of the members of the county board of education herein provided is not in addition to that provided in section 1770.

Jurors.

17. In counties of this class grand and trial jurors in the superior court shall receive three dollars per day for each day's attendance while engaged in the performance of the duties required of them, and in addition thereto shall receive for each mile actually traveled, in going only, while acting as such juror, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for such per diem and mileage, and the treasurer shall pay the same.

Librarians

18. In counties of this class librarians shall receive one thousand eight hundred dollars per annum.

Classifica-
tion of
townships

19. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships is hereby determined to be the population of said townships as shown by the federal census taken in the year A. D. 1920.

Construction
of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 659.

An act authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, for the single object of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the veterans' farm and home purchase act, approved May 30, 1921, and of any and all acts amendatory thereof or supplemental thereto; creating a veterans' welfare finance committee; defining the powers and duties of said committee and of the veterans' welfare board and other state offices in respect to the administration of the pro-

visions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, one thousand nine hundred thirty.

[Approved by the Governor June 3, 1929 Sections 15, 16 and 17 in effect immediately. Remainder of act in effect November 15, 1930]

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

SECTION 1. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the veterans' farm and home purchase act approved May 30, 1921, and of any and all acts amendatory of or supplemental to said act, the veterans' welfare finance committee created by this act shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof.

Powers of committee

SEC. 2. After the issuance of the proclamation of the governor, provided for in section 16 of this act, and immediately after adoption of any resolution by the veterans' welfare finance committee hereby created, provided for in section 11 of this act, the state treasurer shall prepare the requisite number of suitable bonds of the denomination of one thousand dollars in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this act shall not exceed the sum of twenty million dollars, and the bonds issued under any such resolution shall bear interest from the date of issuance of said bonds to the date of maturity thereof, at a rate to be determined by the said veterans' welfare finance committee and specified in such resolution, but in no case exceeding six per cent per annum. Both principal and interest shall be payable in gold coin of the United States, of the present standard of value, at the office of the state treasurer, or at the office of any duly authorized agent of the state treasurer, and shall be so payable at the times specified in said resolution or resolutions.

Bonds.

All bonds issued under this act shall bear the facsimile signature of the governor and the facsimile countersignature of the controller and shall be endorsed by the state treasurer either by original signature or by a signature stamp adopted for each particular bond issue under this act and the said bonds shall be signed, countersigned and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the great seal of the State of California. The said bonds so signed, counter-

signed, endorsed and sealed, when sold, shall be and constitute a valid and binding obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned and endorsed said bonds, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds. Each bond issued under this act shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof and referring to this act and to the resolution of the veterans' welfare finance committee hereunder by virtue of which said bond is issued.

Interest
coupons.

SEC. 3. The requisite number of suitable interest coupons, appropriately numbered, shall be attached to each bond issued under this act. Said interest coupons shall bear the facsimile signature of the state treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain.

Bonds
called at
maturity.

SEC. 4. All bonds issued under this act and sold shall be deemed to have been called in at their respective dates of maturity and the state treasurer shall, on the respective dates of maturity of said bonds, or as soon thereafter as said matured bonds are surrendered to him, pay the same out of the proceeds of the controller's warrants drawn in his favor as provided in section 5 hereof and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. He shall also, on the said respective dates of maturity, cancel all bonds bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds authorized by this act to be issued, and shall be applicable, as far as practicable, to any duly authorized agent of the state treasurer.

Principal
and interest
on bonds.

SEC. 5. There is hereby appropriated from the general fund in the state treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this act, as said principal and interest becomes due and payable.

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

On the several dates of maturity of said principal and interest in each fiscal year, there shall be returned into the general fund in the state treasury, all of the moneys in the specific fund into which the proceeds from the sale of the said bonds have been covered as herein prescribed, not in

excess of the principal of and interest on the said bonds then due and payable and, in the event of such moneys so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the general fund in the state treasury out of said specific fund as soon thereafter as it shall become available, together with interest thereon, from such dates of maturity until so returned, at the rate of five per cent per annum, compounded semiannually.

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the general fund by the controller of the state in favor of the state treasurer or in favor of any duly authorized agent of the state treasurer, upon demands audited by the state board of control, and the moneys to be returned into the general fund in the state treasury pursuant to the provisions of this section shall likewise be paid as herein provided upon warrants duly drawn by the controller of the state upon demands duly audited by the state board of control.

SEC. 6. The sum of thirty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the expenses that may be incurred by the state treasurer in having said bonds prepared and in advertising their sale. Said amount shall be refunded to the general fund in the state treasury out of the specific funds into which the proceeds from the sale of said bonds shall be respectively covered in accordance with the provisions of this act on controller's warrant duly drawn for that purpose.

Appropriation, preparation and sale of bonds.

SEC. 7. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as the said treasurer shall be directed by the governor of the state, under seal thereof, after a resolution requesting such sale shall have been adopted by the veterans' welfare board and approved by the governor of the state, but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and with the approval of the governor, he may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, to such time and place as he may select. Before offering any of said bonds for sale the said treasurer shall detach therefrom all coupons which have matured or will mature before the day fixed for such sale.

Bonds sold at public auction.

SEC. 8. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in one newspaper published in the city and county of San Francisco and also by publication in one newspaper published in the city of Oakland and by publication in one newspaper published

Notice, sale and disposition of proceeds

in the city of Los Angeles once a week during four weeks prior to such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasurer into the veterans' farm and home building fund and must be used exclusively in aiding veterans in the acquisition of, or payments for, farms and homes, in accordance with the provisions of the veterans' farm and home purchase act, and of any and all acts amendatory or supplemental to said act; *provided*, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof.

Investment
of funds.

SEC. 9. The veterans' welfare board shall be and hereby is authorized, with the approval of the state board of control, to invest any surplus moneys in any of the funds subject to or appropriated for its use in bonds of the United States, or of the State of California, or of the several counties or municipalities or other political subdivisions of the State of California, and to sell such bonds, or any of them, at the governing market rates, upon approval of the state board of control; or, the veterans' welfare board may, with the approval of the director of finance, invest moneys in any of the funds subject to the control of the veterans' welfare board or appropriated for its use, in interest bearing certificates of deposit of state banks having a paid up capital of five hundred thousand dollars or more; *provided*, that the total amount of money so deposited with any one bank shall not exceed a sum equal to fifty per cent of the paid up capital of such bank; *provided, however*, that nothing herein contained shall inhibit or be construed to inhibit the depositing in banks in accordance with the provisions of an act entitled "An act to authorize and control the depositing in banks of moneys belonging to or in the custody of the state and to repeal all acts or parts of acts conflicting with this act," approved April 12, 1923, and of any and all acts amendatory thereof or supplemental thereto, of moneys of any of the funds subject to the control of the veterans' welfare board or appropriated for its use.

Interest accruing upon the deposit of moneys appropriated for the use of the veterans' welfare board or of any of the funds subject to the control of said board shall be paid into and credited to the respective appropriation or fund to which the money so deposited belongs.

Veterans'
welfare
finance
committee
created.

SEC. 10. There is hereby created a veterans' welfare finance committee composed of the governor, state controller, state treasurer, chairman of the state board of control, and chairman of veterans' welfare board, all of whom shall serve thereon without compensation and a majority of whom shall

be empowered to act for said committee. The attorney general of the state shall be the legal adviser of the veterans' welfare finance committee.

Upon request of the veterans' welfare board, supported by a statement of the plans and projects of the veterans' welfare board with respect thereto, the veterans' welfare finance committee shall determine whether or not a bond issue under this act is necessary or desirable to carry such plans and projects into execution. Bond issue.

SEC. 11. Whenever the said veterans' welfare finance committee shall have determined that a bond issue under this act is necessary or desirable to carry such plans and projects into execution, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the state treasurer to prepare the requisite number of suitable bonds and shall specify: Resolution, what to contain

1. The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued.

2. The date or dates of maturity of the bonds to be issued and the number and numerical sequence of the bonds maturing at each date of maturity.

3. The annual rate of interest which the bonds to be issued shall bear.

4. The number, numerical sequence, amount or amounts and the dates of maturity of the interest coupons to be attached to the said bonds.

5. The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the veterans' welfare finance committee shall be guided by the amounts and dates of maturity of the revenues estimated to accrue to the veterans' welfare board from the project or projects to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, with the dates and amounts of such estimated revenues; *provided*, that the bonds first to mature in each issue, shall mature not later than five years from the date of issuance thereof; *provided, further*, that specified numbers of bonds of specified numerical sequence shall thereafter mature at annual intervals; *and provided, further*, that the bonds last to mature in each issue shall mature not later than forty-five years from the date of issuance thereof. Determination of maturity dates of bonds

The rate of interest to be borne by the said bonds shall be uniform for all the bonds of the same issue and shall be determined and fixed by the veterans' welfare finance committee according to the then prevailing market conditions, but shall in no case exceed six per per cent per annum, and the determination of said committee as to the rate of interest shall be conclusive as to the then prevailing market conditions. The Rate of interest.

interest coupons to be attached to the said bonds shall be payable at semiannual intervals from the date of issuance of said bonds; *provided*, that the interest coupon first payable may, if the veterans' welfare finance committee shall so determine and specify, be payable one year after the date of issuance of said bonds.

Committee expenses.

SEC. 12. All actual and necessary expenses of the veterans' welfare finance committee and of the members thereof shall be paid out of the fund into which the proceeds from the sale of said bonds shall be covered, upon approval of the state board of control and on controller's warrant duly drawn for that purpose, and shall constitute expenses of the veterans' welfare board.

Reports.

SEC. 13. The state controller, the state treasurer and the veterans' welfare finance committee shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the Legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the Legislature, or a joint committee of both, or any citizen of the state.

SEC. 14. This act, if adopted by the people, shall take effect on the fifteenth day of November, 1930, as to all its provisions except those relating to and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

Act to be submitted to people for ratification.

SEC. 15. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, 1930, and all ballots at said election shall have printed thereon and in a square thereof, the words: "For the veterans' welfare bond act of 1929," and in the same square under said words the following in brevier type: "This act provides for a bond issue of twenty million dollars to be used by the veterans' welfare board in assisting California war veterans to acquire farms or homes." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the veterans' welfare bond act of 1929," and in the same square immediately below said words, "Against the veterans' welfare bond act of 1929," in brevier type shall be printed "This act provides for a bond issue of twenty million dollars to be used by the veterans' welfare board in assisting California war veterans to acquire farms or homes." Opposite the words "For the veterans' welfare bond act of 1929" and "Against the veterans' welfare bond act of 1929," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do

so by placing a cross opposite the words "For the veterans' welfare bond act of 1929" and those voting against the said act shall do so by placing a cross opposite the words "Against the veterans' welfare bond act of 1929." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 16. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

Return and
canvass
of vote.

Effect of
passage

SEC. 17. It shall be the duty of the secretary of state in accordance with law to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be held in the month of November, 1930, the costs of publication shall be paid out of the general fund, on controller's warrants duly drawn for that purpose and shall be refunded to the general fund out of the veterans' farm and home building fund. Said refund shall be made upon controller's warrants duly drawn against said fund for said purpose upon demands audited by the state board of control.

Publication
of act.

SEC. 18. This act may be known and cited as the "Veterans welfare bond act of 1929."

Short title

SEC. 19. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Repealed

CHAPTER 660.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two k, embracing sections 374 to 374g, inclusive, relating to a department of military and veterans' affairs.

[Approved by the Governor June 3, 1929 In effect August 14, 1929.]

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

SECTION 1. The Political Code is hereby amended by adding a new article to chapter three of title one of part three thereof, to be numbered two k, embracing sections 374 to 374g, and to read as follows:

New article.

ARTICLE III.

DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS.

Department of military and veterans' affairs created Director. 374. The Department. A department of the government of the State of California to be known as the department of military and veterans' affairs is hereby created.

374a. The Director. The department shall be conducted under the control of an executive officer to be known as the director of military and veterans' affairs, which office is hereby created. The governor shall appoint the director and select him from the chiefs of the divisions of the department, the person so appointed to hold office at the pleasure of the governor. He shall be a member of the governor's council and shall receive a salary of six thousand dollars per annum and all his actual and necessary traveling expenses incurred in the performance and discharge of his duties; *provided, however*, that during the period of his service as director, he shall receive no salary as chief of any division within the department. He must, before entering upon the duties of his office, execute an official bond to the State of California in the penal sum of twenty-five thousand dollars conditioned upon the faithful performance of his duties. He shall have only such powers and duties, and such jurisdiction and control over the divisions of the department, as may be vested in him or authorized by law or by any division of the department.

Organization of department

374b. The Divisions. For the purpose of administration, the department shall be forthwith organized by the director in such manner as he shall deem necessary and proper to conduct the work of the department and shall be divided into four divisions as follows:

Division of military affairs.

1. Military Affairs. The division of military affairs which shall include the national guard and naval militia, shall be administered by the adjutant general, who shall also be known as chief of the division;

Division of veterans' welfare.

2. Veterans' Welfare. The division of veterans' welfare, which shall be administered by the veterans' welfare board, the chairman of said board being the chief of the division;

Division of veterans' homes.

3. Veterans' Homes. The division of veterans' homes, which shall be administered by the board of directors of the Veterans' Home of California and the board of directors of the Woman's Relief Corps Home of California, the chief of the division to be appointed by and hold office at the pleasure of the board of directors of the Veterans' Home of California.

Division of athletics.

4. Athletics. The division of athletics, which shall be administered by the state athletic commission of California, the chief of the division to be appointed by, receive such salary as shall be fixed by, and hold office at the pleasure of said commission.

Bonds and expenses of chiefs.

374c. Bonds and Expenses of Chiefs. The chief of each division shall receive his actual and necessary traveling expenses incurred in the performance and discharge of his official duties. Before entering upon the duties of his office,

each chief of division shall execute an official bond to the State of California in the penal sum of ten thousand dollars conditioned upon the faithful performance of his duties unless by other provisions of law an official bond to the state is required of such person in the capacity of a state officer performing functions similar to those performed by him as such chief. The premiums upon all official bonds required by the provisions of this article shall be paid by the state out of moneys made available by law for the use of the department.

374*d*. Correlation of Divisional Activities. Each division may furnish to any other division of the department, upon request therefor approved by the director, such assistance as it may render without detriment to the administration of either division, including the deputizing of agents, representatives and inspectors and the temporary reassignment of employees, when the same will tend to eliminate overlapping, duplication or expense.

Correlation
of activities

374*e*. Departmental Rules. The department shall make and promulgate rules and regulations that will tend to eliminate overlapping and duplication of the activities of the several divisions.

Depart-
mental rules

374*f*. Departmental Meetings. Upon the call of the director, not less frequently than once each month, there shall be a meeting of the department, attended by the director and the chief of each division. At each meeting there shall be presented for consideration any and all problems involving possible duplication of service, overlapping of function or conflict of jurisdiction upon the part of any two or more divisions of the department, and any and all suggestions as to correlation of the activities of the several divisions.

Meetings

374*g*. In so far as the same may be consistent with the provisions of this article, the provisions of sections 348, 353, 354, 355, and 356 of the Political Code, as added to said code by an act approved June 1, 1921, shall govern and apply to the conduct of the department of military and veterans' affairs the same as if such sections were herein set forth at length, and wherever in said sections the term "head of the department" or similar designation occurs, it shall for the purpose of this article mean the director of said department.

General
provisions
applicable

SEC. 2. Nothing in this act is intended nor shall be construed as infringing upon or interfering with the powers, duties, responsibilities or jurisdiction of the veterans' welfare board, the adjutant general, the board of directors of the Veterans' Home of California, the board of directors of the Woman's Relief Corps Home of California, or the state athletic commission of California, as defined by other provisions of law.

Construction
of act

SEC. 3. The provisions of this act shall supersede the provisions of "An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two *k* embracing sections 374 to 374*g*, inclusive, relating to a department of military and veterans' affairs," approved May 13, 1929, chapter two hundred sixty-four, statutes 1929.

Repealed

CHAPTER 661.

An act providing for a state nautical school in the port of San Francisco, creating a board to govern and manage the same, determining the power, duty and authority of the board, and its officers, providing for the appointment of the members of the board and its officers and employees, creating a fund for the support of the board and the school and equipment for the use thereof, and authorizing the governor to secure a suitable vessel from the federal government for the use of the school, and making an appropriation therefor.

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

Nautical
school
to be
maintained
at San
Francisco.

SECTION 1. A state nautical school to be known as the California Nautical School shall be maintained at the port of San Francisco, aboard a proper vessel to be stationed there, for the purpose of giving instruction in the science and practice of navigation, seamanship, steam, diesel and electrical engineering to male pupils from the several counties of the state, who shall have the qualifications of good moral character, education and physical fitness, which may be required by the board of governors of said school. The board shall appoint and may remove a superintendent of the school and all necessary instructors and other employees; determine their powers, duties and compensation; fix the terms upon which students shall be received and instructed therein and suspended, discharged or graduated therefrom; make all regulations necessary for its management and control and provide from time to time for cruises in and from San Francisco harbor. The board may appoint as superintendent of said school and as instructors therein such officer or officers as may be designated for that purpose by the secretary of the navy.

Board of
governors.

SEC. 2. Within the department of education there is hereby created a board of governors of the California Nautical School of five members, of which, the state superintendent of public instruction shall always be the executive member thereof, and the other four members of which shall be appointed by the governor of the State of California within thirty days after the taking effect of this act.

Terms

SEC. 3. Two appointive members of the board of governors shall be first appointed for the term of two years and two appointive members of the board of governors shall be first appointed for a term of four years. At the expiration of any such term, two appointive members of the board of governors shall be appointed for a term of four years, and otherwise as in the first instance. In the case of any vacancy in the board of governors from any cause, such vacancy shall be filled by the governor of the State of California for the unexpired term of the vacant membership. Three of the appointed members

of the board of governors shall always be experienced in commercial ship operation.

SEC. 4. The members of the board of governors shall serve without pay; but they shall be allowed their actual expenses incurred in attending any regular or called meeting of the board of governors, or in attending the session of any duly appointed subcommittee of said board which shall be paid from any appropriations which may be provided for the purposes of said nautical school. Expenses.

SEC. 5. The board of governors at its first meeting shall elect one of its members as chairman and such chairman shall have such general supervision and control of the school and of all its property and shall have such general direction of its work and that of the instructors and others engaged in the schools as the board shall provide or authorize in its regulations issued under authority of this act. The chairman so elected shall serve such for one year, or until his successor is elected. His successor as chairman shall be elected by vote of the members of the board at a regular meeting thereof after one month's notice that the chairman is to be elected at such meeting. The chairman of the board, as well as the members of the board, before entering upon their duties as such, respectively shall take the oath of office prescribed by law for state officers. Chairman.

SEC. 6. Within two weeks after their appointment in the first instance the members of the board of governors of the state nautical school shall meet in the office of the state superintendent of public instruction at Sacramento upon a notice calling such meeting, issued by the state superintendent of public instruction. The board of governors shall provide, maintain, manage and control a state nautical school, pursuant to the provisions of this act. The board may receive from the federal government, and use for the accommodation of the school a vessel or vessels detailed or furnished by the federal government, with all their apparel, charts, books and instruments of navigation, and shall provide all necessary books, charts, instruments, apparatus and supplies required in the work of such school and for the proper accommodation and keep of the superintendent, instructors, crew and pupils aboard such vessel. The board is authorized to secure in the city and county of San Francisco suitable rooms and accommodations necessary for carrying on the work of the board. Powers of board.

SEC. 7. Admission to the school as a pupil, tuition and keep shall be free on board such vessel to any male resident of the state, having the required qualifications; *provided*, that an initial fee of seventy-five dollars may be charged as an admission fee for part cost of uniforms and equipment. All such fees shall be collected and forwarded to the treasurer and covered into the state treasury and shall be credited to the general fund of the state. Fee

SEC. 8. The superintendent of the school shall also be the commander of the school. He shall, subject to the regulations Commander

of the board, have the direct control, supervision and management of the school and of all the property thereof, and shall have such additional powers and duties as may be provided by the regulations of the board.

Expenses of
cruises, cash
advances.

SEC. 9. The board may, out of any appropriation made for the support of the school, without at the time furnishing vouchers and itemized statements, withdraw a sum or sums not to exceed fifteen thousand dollars to be paid to the commanding officer of the vessel used by the school to provide for the payment of expenses of cruises. The sum or sums so drawn shall, not later than six months after said withdrawal, be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the state controller and any unexpended balance of the sum or sums so withdrawn shall be returned to the appropriation from which originally withdrawn. Such commanding officer, in such manner as the board by regulations may provide, shall account for such advances by proper vouchers, filed with the board within thirty days after the termination of the cruise, and any unexpended balance of such advances after the termination of such cruise, shall be returned by said commanding officer to the board for credit to the appropriation from which such sums were originally withdrawn. The said commanding officer shall give a bond in the sum of fifteen thousand dollars, with a surety or sureties approved by the board for the proper disbursement of and accounting for such advances. A sum not to exceed five hundred dollars may be withdrawn from any appropriation made to the support of said school without at the time furnishing vouchers or itemized statements. The sum so drawn shall be used as a revolving fund where cash advances are necessary and upon demand of the department of finance, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the state controller. The superintendent shall give a bond in the sum of five hundred dollars with a surety or sureties approved by the board for the proper disbursement of and accounting for such current monthly petty cash account.

Commander's
bond

Revolving
fund for
support

Superin-
tendent's
bond

Duties of
board

SEC. 10. The board may annually expend for the purposes of such school any funds which the Legislature may appropriate, and which may be received from the federal government for the purpose of aiding in the maintenance thereof. All such moneys shall be expended according to law on vouchers, certified by the superintendent and approved by the board. The board shall, before each regular session of the Legislature, prepare and submit to the governor a budget or estimate of the sum required for the maintenance and support of the school and its cruises for the ensuing biennium. The board shall cause to be kept full and detailed accounts of all such expenditures and shall make a complete report thereof, with a list of all the work of the school annually to the governor. The board shall appoint a secretary of the board, determine his duties

and fix his compensation, with the approval of the department of finance. and he shall hold the office of secretary at the pleasure of the board.

SEC. 11. The positions and appointments authorized by this act shall be exempt from the provisions of the act entitled "An act to provide for a general system based upon investigation as to merit, efficiency and fitness for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create state civil service commission to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith, in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, and any amendments thereof.

Positions exempt from civil service regulation.

SEC. 12. No person shall be sentenced to or received at such school as a punishment or in commutation of a punishment for crime.

Not a correctional institution

SEC. 13. The governor is hereby authorized to make application in writing to the federal government to furnish a suitable vessel with all her apparel, charts, books and instruments of navigation to be used for the benefit of the school authorized by this act.

Application to federal government

SEC. 14. The sum of one hundred fifteen thousand dollars is hereby appropriated from moneys in the treasury not otherwise appropriated, for the establishment, support and maintenance of the California Nautical School during the eighty-first and eighty-second fiscal years. This appropriation shall become available when the governor shall have appointed the board of governors as provided in this act, but not before July 1, 1929.

Appropriation support of school.

SEC. 15. This act may be cited and known as the "California Nautical School act."

When available

Short title

CHAPTER 662.

An act creating a state emergency council, prescribing the powers and duties thereof, and making an appropriation therefor.

[Approved by the Governor June 3, 1929 In effect August 14, 1929]

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

SECTION 1. A state emergency council of nine members is hereby created.

Emergency council created Members

SEC. 2. The governor of the State of California shall within thirty days after the taking effect of this act appoint the members of the state emergency council provided for herein; provided, however, that the governor of the State of California

shall appoint as members of said state emergency council members of the following divisions in the state government and other divisions designated herein: The head of the department of finance; the head of the department of public works; the head of the department of military affairs; the head of the department of public health; a member representing the American Legion; a member representing the American Red Cross; one member representing the transportation interests of the State of California; one member from the business organizations of the State of California and one peace officer.

Meeting and
organization

SEC. 3. Within thirty (30) days after the appointment of the emergency council, as provided for herein, said council shall meet at Sacramento, California, in the office of the adjutant general of the state on a day and at the time to be set by the said head of the department of finance of the State of California.

It shall be the duty of said council at its first organized meeting to elect from among the members of said council one of its number as chairman of said emergency council who shall continue to act as such chairman at the pleasure of the members of said council and until his successor shall have been elected from among the members of said council.

General
plan

SEC. 4. It shall be the duty of the members of the state emergency council to prepare a general plan and to designate ways and means for the meeting of any great emergency after and when the governor of the state of California shall declare that said emergency exists.

Declaration
of existence
of emer-
gency.

SEC. 5. In times of extraordinary stress and widespread disaster, such as floods, fires, tornadoes, earthquakes, pestilence and similar conditions, it shall be the duty of the governor of the State of California to declare the existence of an emergency and designate the nature and area and extent of said emergency and it shall be the duty of the governor of the State of California after the declaring that such an emergency exists, when there is a conflict of local police authority or the local police authority is inadequate to meet the situation, to designate an officer or officers, department or departments, to take charge of the relief work necessary to relieve said emergency.

Cooperation
with officer
in charge

SEC. 6. It shall be the duty of the state emergency council to cooperate with the officer or officers, department or departments designated by the governor of the State of California to take charge in the case of said emergency.

Financial
assistance

SEC. 7. The state emergency council is hereby specifically authorized with and by the consent of the governor of the State of California to use any and all necessary moneys which may be made available for the purpose of this act; and it shall be the duty of the director of finance upon the order of the governor to make available from the available fund or appropriation such amount as may in the opinion of the governor be necessary for the policing of the stricken area and the necessary expenses of the members of the council in reliev-

ing any emergency, which may be declared to exist by the governor of the State of California, as provided for herein.

SEC. 8. There is hereby created a fund to be known as the emergency council fund, for the purpose of creating a general emergency plan and there is hereby appropriated from any moneys in the state treasury not otherwise appropriated the sum of fifteen thousand dollars without regard to fiscal years, to be transferred to and deposited in the emergency council fund to be expended on the order of the chairman of the said emergency council, to pay the necessary expenses of the state emergency council in said organization work and creation of said emergency plan.

Emergency council fund created.

Appropriation.

SEC. 9. The members of the state emergency council shall be appointed for the term of two years and shall serve without pay, but shall receive their actual and necessary traveling expenses incurred in the performance of the work of the state emergency council.

Terms and expenses of members.

SEC. 10. The state officers or other persons, while acting under the direction of the governor and in pursuance of this act, shall have the authority of the highest police power in the area affected, subject, however, to the higher authority of the United States government when similarly asserted; *provided*, that nothing in this act shall compel a person to submit to medical or surgical treatment without his consent.

Authority.

SEC. 11. All agencies of local government shall cooperate with the state to the fullest extent in order to accomplish the purposes of this act.

Cooperation of local officers

SEC. 12. If any part or portion of this act shall be declared unconstitutional such part or portion as shall be declared unconstitutional shall in no wise affect any other part or portion of this act not declared unconstitutional.

Constitutionality.

CHAPTER 663.

An act concerning the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto.

[Approved by the Governor June 3, 1929 In effect August 14, 1929.]

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

SECTION 1. As used in this act:

Terms defined

The term "person" includes a partnership, corporation or an association.

The term "bureau" means the United States veterans' bureau or its successor.

The terms "estate" and "income" shall include only moneys received by the guardian from the bureau and all earnings, interest and profits derived therefrom.

The term "benefits" shall mean all moneys payable by the United States through the bureau.

The term "director" means the director of the United States veterans' bureau or his successor.

The term "ward" means a beneficiary of the bureau.

The term "guardian" as used herein shall mean any person acting as a fiduciary for a ward.

Appointment
of guardian

SEC. 2. Whenever, pursuant to any law of the United States or regulation of the bureau, the director requires, prior to payment of benefits, that a guardian be appointed for a ward, such appointment shall be made in the manner herein-after provided.

Petition

SEC. 3. A petition for the appointment of a guardian may be filed in any court of competent jurisdiction by or on behalf of any person who under existing law is entitled to priority of appointment. If there be no person so entitled or if the person so entitled shall neglect or refuse to file such a petition within thirty days after mailing of notice by the bureau to the last known address of such person indicating the necessity for the same a petition for such appointment may be filed in any court of competent jurisdiction by or on behalf of any responsible person residing in this state.

What
petition
shall
contain

The petition for appointment shall set forth the name, age, place of residence of the ward, the names and places of residence of the nearest relative, if known, and the fact that such ward is entitled to receive moneys payable by or through the bureau and shall set forth the amount of moneys then due and the amount of probable future payments.

The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward.

In the case of a mentally incompetent ward the petition shall show that such ward has been rated incompetent on examination by the bureau in accordance with the laws and regulations governing the bureau.

Certificate
of director.

SEC. 4. Where a petition is filed for the appointment of a guardian of a minor ward a certificate of the director, or his representative, setting forth the age of such minor as shown by the records of the bureau and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the bureau, shall be prima facie evidence of the necessity for such appointment.

SEC. 5. Where a petition is filed for the appointment of a guardian of a mentally incompetent ward a certificate of the director, or his representative, setting forth the fact that such person has been rated incompetent by the bureau on examination in accordance with the laws and regulations governing such bureau; and that the appointment of a guardian is a con-

dition precedent to the payment of any moneys due such person by the bureau, shall be prima facie evidence of the necessity for such appointment.

SEC. 6. Upon the filing of a petition for the appointment of a guardian, under the provisions of this act, the court shall cause such notice to be given as provided by law. Notice to be given

SEC. 7. Before making an appointment under the provisions of this act the court shall be satisfied that the guardian whose appointment is sought is a fit and proper person to be appointed. Upon the appointment being made the guardian shall execute and file the bond required by law. Guardian Bond.

Where a bond is tendered by a guardian with personal sureties, such sureties shall file with the court a certificate under oath which shall describe the property owned, both real and personal, and that they are each worth the sum named in the bond as the penalty thereof over and above all their debts and liabilities and exclusive of property exempt from execution.

Necessity of requiring a bank or trust company to give bond when acting as guardian shall be governed by act 652 entitled "An act to define and regulate the business of banking," approved March 1, 1900, statutes 1909, page 87, as amended.

SEC. 8. Every guardian, whether appointed under this act or prior to the effective date of this act, who shall receive on account of his ward any moneys from the bureau, shall file with the court annually, in addition to such other accounts as may be required by the court, a full, true, and accurate account under oath of all moneys so received by him, of all disbursements thereof, and showing the balance thereof in his hands at the date of such account and how invested. A certified copy of each of such accounts filed with the court shall be sent by the guardian to the office of the bureau having jurisdiction over the area in which such court is located. The court shall fix a time and place for the hearing on such account not less than fifteen days nor more than thirty days from the date of filing same and notice thereof shall be given by the court to the aforesaid bureau office not less than fifteen days prior to the date fixed for the hearing. Notice of such hearing shall in like manner be given to the guardian. Guardian must account for moneys received

SEC. 9. If any guardian shall fail to file any account of the moneys received by him from the bureau on account of his ward within thirty days after such account is required by either the court or the bureau, or shall fail to furnish the bureau a copy of his accounts as required by this act, such failure shall be grounds for removal. Failure to file account

SEC. 10. Compensation payable to guardians shall not exceed five per cent of the income of the ward during any year. In the event of extraordinary services rendered by such guardian the court may, upon petition and after hearing thereon, authorize additional compensation therefor payable from the estate of the ward. Notice of such petition and hearing shall be given the proper office of the bureau in the manner provided in section 9. No compensation shall be Compensation of guardians.

allowed on the corpus of an estate received from a preceding guardian. The guardian may be allowed from the estate of his ward reasonable premiums paid by him to any corporate surety upon his bond.

Investment
of funds

SEC. 11. Every guardian shall invest the funds of the estate in such manner or in such securities in which the guardian has no interest, as allowed by law or approved by the court.

Guardian
may only
use estate
for support
of ward

SEC. 12. A guardian shall not apply any portion of the estate of his ward for the support and maintenance of any person other than his ward, except upon order of the court after a hearing, notice of which has been given the proper office of the bureau in the manner provided in section 9.

Records may
be obtained
free of
charge

SEC. 13. Whenever a copy of any public record is required by the bureau to be used in determining the eligibility of any person to participate in benefits made available by such bureau, the official charged with the custody of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf or the representative of such bureau with a certified copy of such record.

Commitment
in veterans'
hospital.

SEC. 14. Whenever it appears that a veteran of any war, military occupation or expedition is eligible for treatment in a United States veterans' bureau hospital and commitment to such hospital is necessary for the proper care and treatment of such veteran, the courts of this state are hereby authorized to communicate with the official in charge of such hospital with reference to available facilities and eligibility, and upon receipt of a certificate of eligibility from the official in charge of such hospital the court may then direct such veteran's commitment to such United States veterans' bureau hospital. Thereafter such veteran upon admission shall be subject to the rules and regulations of such hospital and the officials of such hospital shall be vested with the same powers now exercised by superintendents of state hospitals for mental diseases within this state with reference to the retention of custody of the veteran so committed. Notice of such pending proceedings shall be furnished the person to be committed and his right to appear and defend shall not be denied.

Discharge of
guardian

SEC. 15. When a minor ward for whom a guardian has been appointed under the provisions of this act or other laws of this state shall have attained his or her majority, and if incompetent shall be declared competent by the bureau and the court and when any incompetent ward, not a minor, shall be declared competent by said bureau and the court, the guardian shall upon making a satisfactory accounting be discharged upon a petition filed for that purpose.

Construction
of act

SEC. 16. This act shall be construed liberally to secure the beneficial intents and purposes thereof and shall apply only to beneficiaries of the bureau.

Short title

SEC. 17. This act may be cited as the "Uniform veterans' guardianship act."

SEC. 18. This act shall be so interpreted and construed Uniform act.
as to effectuate its general purpose to make uniform the law of
those states which enact it.

SEC. 19. The invalidity of any portion of this act shall Constitutionality
not affect the validity of any other portion thereof which can
be given effect without such invalid part.

SEC. 20. All laws or parts of laws relating to beneficiaries Repealed.
of the bureau inconsistent with this act are hereby repealed.

CHAPTER 664.

*An act to amend section 4252 of the Political Code, relating to
the salaries, fees, and expenses of officers in counties of the
twenty-third class.*

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 4252 of the Political Code is hereby Stats 1927,
p 841,
amended
amended to read as follows:

4252. Counties of twenty-third class. Officers and Counties of
23d class
(Ventura)
officers and
employees.
Employees. Ventura. In counties of the twenty-third class
the county officers shall receive as compensation for the serv-
ices required of them by law or by virtue of their offices, the
following salaries, fees and expenses, to wit:

1. The county clerk shall receive a salary of four thousand Clerk.
dollars per annum; *provided*, that in counties of this class
there shall be, and there is hereby, allowed to the county clerk
one deputy, who shall be appointed by the county clerk, and
who shall be paid a salary of two thousand seven hundred
dollars per annum; which said deputy shall act as a court-
room clerk and be in attendance upon the superior court;
one deputy, who shall be appointed by the county clerk, and
who shall be paid a salary of one thousand six hundred eighty
dollars per annum; one deputy, who shall be appointed by the
county clerk, and who shall be paid a salary of one thousand
five hundred dollars per annum; and one deputy, who shall
be appointed by the county clerk, and who shall be paid a
salary of one thousand two hundred dollars per annum. The
salaries of each of said deputies shall be paid by the county
in monthly installments, at the same time and in the same
manner and out of the same fund as the salaries of other
county officers are paid; *provided*, that the county clerk be,
and he is hereby allowed the sum of ten cents for the regis-
tration of each voter, which registration is taken and made
outside of the office of the county clerk; *provided, further*, that
in any year that a general election, primary election, special
state election, or special county election within the county is
held, such number of assistants as is necessary to properly

prepare for and conduct said election shall be allowed, to be paid out of the general fund of the county on the presentation and filing with the board of supervisors, of duly verified claims therefor, approved by the county clerk, said compensation not to exceed seven hundred fifty dollars for each election held. The office of the county clerk shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a.m., to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m.

Sheriff.

2. The sheriff shall receive a salary of five thousand dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is, allowed to the sheriff the following deputies, who shall be appointed by the sheriff and who shall be paid salaries as follows, to wit: one undersheriff at a salary of three thousand three hundred dollars per annum; one deputy sheriff at a salary of three thousand dollars per annum; seven deputy sheriffs at a salary of two thousand four hundred dollars each per annum; one deputy sheriff at a salary of one thousand five hundred dollars per annum, who shall be the head jailer at the county jail in said county; one deputy sheriff, who shall be assistant to the head jailer and who shall receive a salary of one thousand two hundred dollars per annum, and who shall also receive his board and lodging at the county jail at the expense of the county, and one deputy sheriff at a salary of one thousand five hundred dollars per annum, who shall be assigned by the sheriff to the performance of clerical duties.

Said sheriff and his deputies shall be allowed their actual traveling expenses in the performance of their duties, but no other fees or mileage of any nature or kind shall be allowed in civil or criminal matters; except that the sheriff shall have for his use the per diems allowed by law for the transportation of prisoners and insane persons to state institutions; all fees of every nature and kind collected by the sheriff shall be turned into the county treasury, and belong to said county. The salaries of the deputies hereinbefore provided for shall be paid in monthly installments by said county at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Recorder.

3. The county recorder shall receive a salary of four thousand dollars per annum; *provided*, that from the time and in the event that said office of recorder is consolidated with that of auditor, the holder of the said consolidated office of recorder and auditor shall receive a salary of four thousand eight hundred dollars per annum; *and provided, further*, that in counties of this class there shall be, and there is hereby, allowed to the recorder one chief deputy recorder of said county, who shall receive a salary of two thousand one hundred dollars per annum; one deputy recorder, who shall receive a salary of one thousand eight hundred dollars per annum; one deputy recorder, who shall receive a salary of one thousand five hundred dollars per annum; and one deputy

recorder, who shall receive a salary of one thousand two hundred dollars per annum. The salaries of the deputies hereinbefore provided for shall be paid in monthly installments at the same time and in the same manner and out of the same fund as other county officers are paid; *and provided, further*, that the recorder may appoint such copyists as may be required for the recording of all papers, notices or documents in his office, except maps or plats, who shall each receive for their services not to exceed the sum of six cents per folio; and for copies of any paper or record, not to exceed six cents per folio. The compensation of such copyists shall be paid monthly by said county, upon claims duly presented to and allowed by the board of supervisors of said county, as other claims are presented and allowed. All fees, commissions, and perquisites collected by the recorder from whatever source received, shall belong to said county and shall be paid by the recorder into the county treasury.

4. The county auditor shall receive a salary of three thousand five hundred dollars per annum; and there is hereby allowed to the auditor one chief deputy auditor, who shall be appointed by the auditor and who shall be paid a salary of two thousand one hundred dollars per annum; *provided*, that from the time and in the event that said office of auditor is consolidated with that of recorder, the auditor shall receive a salary of ----- no dollars ----- per annum, and said chief deputy auditor shall be paid a salary of three thousand dollars per annum; one deputy auditor, who shall be appointed by the auditor and who shall be paid a salary of one thousand eight hundred dollars per annum; two deputies, who shall be appointed by the auditor and who shall each receive a salary of one thousand five hundred dollars per annum; which salaries shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid; *provided*, that the auditor shall be allowed not to exceed the sum of seven hundred dollars per annum for additional clerical assistance when needed in computing the tax roll. Auditor.

5. The tax collector shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby, allowed to the tax collector a deputy, to be appointed by the tax collector and who shall receive a salary of two thousand four hundred dollars per annum, which salary shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid; *provided*, that the tax collector shall be allowed not to exceed two thousand five hundred dollars per annum for necessary clerical assistance when needed. Tax collector.

6. The assessor shall receive a salary of four thousand dollars per annum; and said assessor may appoint one chief deputy, who shall receive a salary of two thousand four hundred dollars per annum; one field deputy, who shall receive Assessor.

a salary of two thousand four hundred dollars per annum, and said deputy shall receive not to exceed seven cents per mile for each mile actually traveled by said deputy in the discharge of the duties of said deputy pertaining to the office of assessor, unless transportation is furnished to said deputy by the county; and three deputies, who shall each receive a salary of one thousand five hundred dollars per annum; which salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. The assessor shall receive no compensation or commissions of any kind for the collection of any kind of personal property taxes or for compiling the military roll, and all commissions, perquisites or fees now, or hereafter allowed by law, from whatever source received or derived, collected by him, shall be paid into the county treasury and shall belong to said county. The assessor may also appoint other field deputies, whose compensation, in the aggregate, shall not exceed eight thousand dollars in any one year, payable to them in installments at such time and in such amounts as may be designated by the assessor; *provided*, that said field deputies, unless transportation is provided for them by said county, shall each receive not to exceed seven cents per mile for each mile actually traveled by each of said deputies in the discharge of the duties of said deputies pertaining to the office of assessor; *provided*, that the assessor shall file with the county auditor on the first Monday in each month, a verified statement showing in detail the amounts and the persons to whom said compensation is paid. The office of county assessor shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a.m. to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m.

Treasurer.

7. The county treasurer shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby, allowed to the treasurer a deputy, to be appointed by the treasurer, who shall receive a salary of two thousand four hundred dollars per annum; which salary shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as other county officers are paid; *provided*, that the treasurer shall be allowed not to exceed five hundred dollars per annum for necessary clerical assistance, when needed.

District attorney.

8. The district attorney shall receive a salary of four thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby, allowed to the district attorney one chief deputy to be appointed by the district attorney, who shall receive a salary of three thousand three hundred dollars per annum; one deputy, to be appointed by the district attorney, who shall receive a salary of two thousand eight hundred eighty dollars per annum; one deputy who shall be appointed by the district attorney, and

who shall receive a salary of two thousand seven hundred dollars per annum; one stenographer, to be appointed by the district attorney, and who shall receive a salary of two thousand one hundred dollars per annum; one stenographer, to be appointed by the district attorney, and who shall receive a salary of one thousand six hundred twenty dollars per annum; and one stenographer, to be appointed by the district attorney, who shall receive a salary of one thousand five hundred dollars per annum; which salaries shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator

11. The superintendent of schools shall receive a salary of four thousand dollars per annum. This office shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a.m. to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m. The superintendent of schools shall be allowed actual traveling expenses when visiting the schools of this county and such per diem as is now or may hereafter be allowed by law, for services as a member of the county board of education; *provided*, that in counties of this class there shall be, and there is hereby, allowed to the superintendent of schools a deputy to be appointed by the superintendent of schools, who shall receive from the county a salary of two thousand one hundred dollars per annum; and there is hereby allowed to the superintendent of schools one clerk to be appointed by the superintendent of schools, who shall receive a salary of one thousand five hundred dollars per annum; and there is hereby allowed to the superintendent of schools one clerk to be appointed by the superintendent of schools, who shall receive a salary of one thousand two hundred dollars per annum; which salaries shall be paid by the county in equal monthly installments and at the same time and in the same manner and out of the same fund as is the salary of the superintendent of schools. Superintendent of schools.

12. The county surveyor shall receive a salary of two thousand five hundred dollars per annum; *provided*, that if the county surveyor shall be appointed superintendent of the permanent highways in the county constructed under bond issue, under any statute of this state providing for the appointment of such superintendent, then and in that event such county surveyor shall receive a salary of four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby, allowed to the county surveyor the following deputies, who may be appointed by the county surveyor and who shall be paid salaries as follows: One assistant county surveyor and engineer, who shall receive a salary of three thousand dollars per annum; one deputy county surveyor, who Surveyor.

shall receive a salary of two thousand seven hundred dollars per annum; one deputy county surveyor, who shall receive a salary of two thousand four hundred dollars per annum; one deputy county surveyor, who shall receive a salary of one thousand eight hundred dollars per annum; and one deputy county surveyor, who shall receive a salary of one thousand five hundred dollars per annum; which offices are hereby created, and the salaries of said deputies and each of them shall be paid at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Librarian. 13. The county librarian, two thousand one hundred dollars per annum.

Board of education 14. In counties of this class, each member of the county board of education shall receive five dollars for each day the board of education is in session, not to exceed a total of three hundred fifty dollars per annum. In addition, each member shall receive the same mileage as is allowed the members of the board of supervisors of said county. Compensation of the members of the county board of education shall be payable out of the same fund and in the same manner as is the salary of the county superintendent of schools.

Justices of the peace. 15. The justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered in both civil and criminal cases: In townships where the population is ten thousand or more, two hundred and twenty-five dollars per month; in townships where the population is four thousand and less than ten thousand, one hundred fifty dollars per month; in townships where the population is two thousand and less than four thousand, eighty dollars per month; in townships where the population is one thousand and less than two thousand, forty dollars per month; in townships where the population is less than one thousand, twenty dollars per month. *Provided*, that the said justices of the peace shall be furnished with offices and the necessary supplies by the board of supervisors of the said county; *provided, further*, that there is hereby allowed two clerks, who may be appointed by the justice of the peace of the township wherein the county seat of the county is located; and one of said clerks shall receive a salary of one thousand five hundred dollars per annum and one of said clerks shall receive a salary of one thousand two hundred dollars per annum; which said salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. *Provided, further*, that each justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all funds received, together with the treasurer's receipt for said funds; *and provided, further*, that no justice of the peace shall hold the office of city recorder.

16. Constables shall receive the following monthly salaries Constables. to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships where the population is ten thousand or more, one hundred twenty-five dollars per month; in townships where the population is four thousand and less than ten thousand, eighty dollars per month; in townships where the population is two thousand and less than four thousand, seventy dollars per month; in townships where the population is one thousand and less than two thousand, fifty dollars per month; in townships where the population is less than one thousand, twenty-five dollars per month. In addition to the monthly salary herein allowed, each constable may retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; each constable shall also be allowed all necessary expenses actually incurred by him in arresting, pursuing or conveying prisoners to court or to prison, and actual expenses incurred in serving any process in any criminal case pending in said county, which said expenses shall be audited and allowed by the board of supervisors out of the county treasury.

17. Population of townships. For the purposes of subdivisions fifteen and sixteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors of said county at their regular meeting in the month of December following the election of justices of the peace and constables in said county, by multiplying by three the number of registered voters in said township as shown by the register prepared by the county clerk of said county for the general election next preceding the date of such determination. Population of townships

18. Each member of the board of supervisors shall receive Supervisors two thousand four hundred dollars per annum, and his necessary expenses when attending to the business of the county, other than the meetings of the board at the county seat, and twenty cents per mile in traveling from his residence to the county seat; *provided*, that not more than one mileage for any one regular session of the board shall be allowed, and not more than one mileage for any special session of the board shall be allowed.

19. The salaries of all county and township officers and their deputies shall be payable in monthly installments on the first day of each month. Payment of salaries.

20. For acting as a grand juror in the superior court, each juror shall be paid for each day's attendance per day, three dollars. For every mile actually traveled in attending court as a grand juror in going only, twenty-five cents per mile. Jurors in superior court.

CHAPTER 665.

An act to repeal the section 3898a of the Political Code added by chapter three hundred forty-nine of the statutes of 1921, and to add a new section to said code to be numbered section 3898b, creating the veterans' dependants' education fund, providing for its accumulation and disposition and relating to the powers and duties of the veterans' welfare board in relation thereto.

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

Repealed. SECTION 1. Section 3898a of the Political Code, as added by chapter 349 of the statutes of 1921, is hereby repealed.

New section SEC. 2. A new section is hereby added to the Political Code to be numbered section 3898b and to read as follows:

“Veterans' dependents' education fund” created 3898b. (1) In the state treasury there is hereby created a fund to be known as the “veterans' dependents' education fund.” At the end of each fiscal year any balance remaining unencumbered in the tax land fund shall be transferred to the veterans' dependents' education fund, and all moneys that may be in the latter fund from time to time are hereby appropriated, without reference to fiscal years, to be expended in accordance with law by the veterans' welfare board in providing instruction, educational counsel, textbooks, quarters and other assistance for dependents of veterans.

Words and phrases defined (2) The word “veteran” as herein used shall be as defined in the California veterans' welfare act as adopted at the forty-fourth session of the Legislature.

The term “dependent of a veteran” as herein used shall be construed to mean a child, widow, parent, brother or sister of a veteran who died or who was killed in active service, or who died as the result of such service. Said term also means and includes the wife, child, parent, brother or sister of any veteran classified by the United States war risk insurance bureau as being totally and permanently disabled.

The benefits hereof are limited to dependents of veterans who are without means to adequately support or educate themselves.

Application for benefits of act. (3) A dependent of a veteran who desires to continue his education may apply to the veterans' welfare board, and if in the opinion of the board the educational needs of the applicant can be satisfactorily met in educational institutions in this state the board shall assume state wardship over the education of the applicant. The board shall have the power within its discretion to provide educational counsel for applicants, and where necessary to assist them in securing admission to suitable institutions of learning; *provided*, that private tuition schools shall be chosen only when suitable opportunity is not available in public or semipublic institutions.

The board shall also, within its discretion, and in so far as the fund may permit, have power to provide: For the pay-

ment of transportation charges once each year from the home of the student to and from the institution of learning; for the payment of tuition and other fees if there be such; for the purchase of necessary books and supplies; for the monthly payment of an allowance to cover all or a part of the living expenses of the student in an amount which shall not exceed fifty dollars per month for each month during which the student is in actual attendance upon a day school, absence during the month on account of illness to be included as a part of such attendance.

The amount expended on account of any one applicant under the provisions of this section shall not exceed one thousand dollars.

The board shall consider such applications in the order in which they are received; however, should the funds available be insufficient to meet the obligations, should it assume wardship over all worthy applicants, the board shall assume wardship over such applicants as are most urgently in need of further education.

CHAPTER 666.

An act to amend "The California fruit, nut and vegetable standardization act of 1927," approved June 2, 1927, by adding to said act a new section to be numbered 15a, relating to standards and standard containers for apples; to add a new section to said act to be numbered 38a, relating to a fund for the enforcement of said act, and to repeal "The California standard apple act," approved June 3, 1921, as amended.

[Approved by the Governor June 3, 1929 In effect August 14, 1929.]

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

SECTION 1. A new section, to be numbered 15a, is hereby added to "The California fruit, nut and vegetable standardization act of 1927," approved June 2, 1927, to read as follows: Stats 1927,
p. 1852,
amended

Sec. 15a. Apples, when being packed, or after packing, when delivered for shipment, loaded, shipped or being transported, offered for sale or sold in any container or subcontainer, or in bulk, shall conform to one of the following standards: Apples.

Extra fancy. The extra fancy grade shall consist of well grown, properly matured apples of one variety which are clean, hand picked, well colored and normally shaped for the locality where produced, free from visible rot, visible dry rot, visible Baldwin spot, Jonathan spot, scald, internal breakdown, internal browning, visible watercore and other diseases, and from insect pests, insect bites, bruises, (except such bruises as are necessarily caused in proper packing), skin punctures, skin broken at stem and other defects, and shall be uniform in size and well packed in clean standard boxes; *provided, however,* Extra fancy

that russeting confined within the basin of the stem shall be permitted.

In order to allow for variations incident to proper grading and handling not more than ten per cent, by count, of the apples in any container may be below the requirements of this grade; but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Fancy.

Fancy. The fancy grade shall consist of well grown, properly matured apples of one variety which are clean, hand picked, normally shaped for the locality where produced, free from visible rot, visible dry rot, visible Baldwin spot, Jonathan spot, soft scald, internal breakdown, internal browning, visible watercore and other diseases, and from insect pests, insect bites, bruises, (except such bruises as are necessarily caused in proper packing), skin punctures, skin broken at stem and other defects, and shall be uniform in size and well packed in clean standard boxes; *provided*, that trace internal browning, slight limb rubs, and not to exceed two superficial well healed over case bearer, codlin moth or aphid stings on each apple, slight sun spots, slight fly speck fungus, and scab spots which on any one apple and in the aggregate shall not exceed one-fourth of one inch in diameter, russeting which is not excessively rough, and which does not appear on more than twenty-five per cent of the surface of any one apple in the aggregate, except in the case of Newtown Pippins on which it does not appear on more than thirty-three per cent of the surface of any one apple in the aggregate, shall be permitted in this grade.

In order to allow for variations incident to proper grading and handling not more than ten per cent, by count, of the apples in any container may be below the requirements of this grade; but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Fancy loose.

Fancy loose. The fancy loose grade shall conform in all respects to the fancy grade, as hereinbefore established, with the following exceptions: The apples in this grade shall not be wrapped and the only requirement as to size shall be that none of the apples of this grade shall be of a size that will pass through a ring two and three-eighths inches in diameter; *provided*, that apples of this grade shall not be required to be packed and/or in clean or standard boxes.

C grade

C grade. The C grade shall consist of properly matured apples of one variety which are clean, hand picked, free from visible rot, visible dry rot, visible Baldwin spot, Jonathan spot, soft scald, internal breakdown, serious internal browning, visible watercore and other diseases, and from insect pests, bruises, (except such bruises as are necessarily caused in proper packing), skin punctures, skin broken at stem, and from sun scald and/or frost bite more than skin deep, and shall be uniform in size and well packed in clean standard boxes; *provided*, that internal browning which can not be detected by external examination or pressure, sunburn causing discoloration of the flesh, scab spots on any one apple not larger than one-half of

one inch in diameter in the aggregate, and apples showing blossom end cracks, shall be permitted in this grade.

In order to allow for variations incident to proper grading and handling not more than ten per cent, by count, of the apples in any container may be below the requirements of this grade, but not to exceed one-half of this tolerance, or five per cent, may consist of any one insect pest, decay or Baldwin spot.

C grade loose. The C grade loose shall conform in all respects to the C grade, as hereinbefore established, with the following exceptions: The apples in this grade shall not be wrapped, and shall not be required to be hand picked, packed, uniform in size, or in clean or standard boxes.

C grade
loose.

Combination fancy and C grade loose. The combination fancy and C grade loose shall meet all requirements of C grade loose apples and shall include in each container not less than fifty per cent of apples meeting all requirements of the fancy loose grade; *provided*, that none of the apples of the grade combination fancy and C grade loose, shall be of a size that will pass through a ring two and three-eighths inches in diameter.

Combination
fancy.

For the purpose of this section, although the tolerances specified for the various standards necessarily are placed on a package basis, not more than one-fourth of the packages in any lot may be permitted to exceed the tolerance established by not more than one-half of the amount allowed; *provided*, that the entire lot shall average within the tolerance established; *provided, further*, that no container shall have more insect pests or decay than the amount specified in the tolerance established.

When used in this section the words herein mentioned shall be defined as follows:

Words and
phrases
defined.

“Packed” shall mean the regular, compact arrangement of all or part of the fruit in any container.

“Well packed” shall mean the regular, compact, diagonal arrangement of all of the fruit in any container, the fruit being compacted with sufficient solidity so that it will not move in the container when lidded, the top and bottom of the box, when lidded, having a bulge of not less than one-half inch, and, where wrappers are used, all of the apples in the box being properly wrapped, with the exception of the bottom layer, which may be flagged.

“Flagged” shall mean the incomplete covering of the apples by the use of wrappers which are not closed.

“Uniform in size” shall mean, in boxes containing one hundred twenty-five apples, or less, a variation of not more than one-half of one inch in diameter, when measured through the widest portion of the cross-section between the fruits in any one container; in boxes containing one hundred thirty-eight apples, or more, a variation of not more than three-eighths of one inch when so measured.

“Cross-section” whenever used in this section shall mean the section of the apple taken at a right angle to a straight line drawn from the stem end to the blossom end thereof.

“Properly matured” as used in this section shall be deemed to mean that the apples to which it refers, at the time they were taken or fell from the tree, had reached that stage of development necessary to insure the proper completion of the ripening process; *provided*, that apples of the varieties Alexander, Red Astrachan, White Astrachan, Beitigheimer, White Winter Pearmain, Greening, and Fall Pippin shall not be required to be properly matured, as herein defined, in order to meet the requirements of any grade except extra fancy.

“Insect pests” whenever used in this section shall include San Jose scale, codlin moth and other insects or the larvae, nymphs or pupae thereof, and also shall include any apple which has been infested with codlin moth and bears evidence of such infestation, with the exception of superficial, well healed codlin moth stings.

Markings

Markings. In addition to the markings required by section 9 of this act, all containers of apples shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of variety, if known, and when not known the words “unknown variety”; the grade of the apples therein contained, as herein defined, the designation of grade being stated in letters not less than one-half inch in height; the date when such apples were first packed, or if repacked, the date of repacking, and on each container of apples which have been held in cold storage for more than thirty days after being packed a statement showing the fact that the contents have been held in cold storage; the minimum net weight of the apples contained therein, or the cubical contents of the package, and in the case of wrapped packed apples the numerical count; *provided, however*, that a variation of five apples, more or less, than the number stated, shall be allowed; *provided, further*, that open containers of apples which are not packed shall be required to show only the markings required by section 9 of this act, and the designation of grade as provided by this section.

In lieu of the standard grade markings required by this section any container of apples may be marked with the name of the equivalent grade established for such apples in United States standards for apples promulgated by the United States department of agriculture and approved by the director of agriculture of the State of California; *provided*, that the apples contained in such package shall meet all requirements of the grade marked thereon.

When any lot of apples has been inspected and passed by a duly authorized inspector as conforming to the requirements of this act, and has thereafter been sold, and placed in cold storage or shipped to a purchaser, the person who was the owner, packer, or shipper of the lot at the time of such inspection, shall not be prosecuted hereunder by reason of any failure of any of said fruit to conform to the provisions of this act as a result of deterioration subsequent to the original inspection.

Standard containers. All wrapped apples shall be in standard containers numbers 17A and 18 established in section 11 of this act; *provided*, that packed or loose unwrapped apples may be in other sized containers, if these are conspicuously marked, in letters not less than one-half inch in height, "irregular container"; *provided* that such marking shall not be required on open containers of apples which are not packed.

Standard
containers

SEC. 2. A new section is hereby added to said act, as amended, to be numbered 38a and to read as follows:

Stats. 1927,
p. 1881,
amended.

Sec. 38a. Upon the date this act takes effect all moneys remaining in the department of agriculture fund created by chapter seventy of the statutes of 1929 which were transferred from the standard apple fund to said department of agriculture fund shall be expended in accordance with law in carrying out the provisions of this act.

When moneys
in agricul-
ture fund
available

SEC. 3. "The California standard apple act," approved June 3, 1921, as amended, is hereby repealed.

Repealed.

CHAPTER 667.

An act to amend section 3714 of the Political Code, relating to the preparation, submission and adoption of county and district budgets and to the levy of taxes and prescribing limitations on county expenditures.

[Approved by the Governor June 4, 1929. In effect immediately.]

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

SECTION 1. Section 3714 of the Political Code is hereby amended to read as follows:

Stats 1927,
p. 721,
amended.

3714. On or before the tenth day of July in each year, at such time as the county board of supervisors may direct, each county official elective or appointive, or person in charge of any office, department, service, institution or district of the county, excepting irrigation and reclamation and any other district where a tax levy for such district is not carried on the regular county, or city and county assessment roll including township officers and the judges of any court of record, and the executive head of each special district whose affairs and funds are under the supervision and control of the county board of supervisors or for which the county board of supervisors is ex officio the governing body, shall file with the county auditor of such county, an itemized estimate showing both the probable revenues from sources other than taxation that will accrue to his department, office, service, institution, or district, during the fiscal year, to which the budget is intended to apply, and all expenditures required by such department, office, service, institution or district, for the same period, together with a brief explanatory statement of the

Annual
financial
estimates.

requested increases in expenditures over the current fiscal year, or if such estimate is not presented before the first day of July, such statement should show the increases in expenditures over the last completed fiscal year. The county board of supervisors shall submit to the county auditor a statement showing all new road and bridge construction and grade separation, classified by funds from which the same are to be financed, for the fiscal year to which the budget is intended to apply, together with the estimated cost thereof. The county board of supervisors shall also submit a similar statement showing their road and bridge maintenance or betterment program, as nearly as can be estimated, as well as an estimate of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bonds or other income not yet authorized; *provided*, that not to exceed twenty per cent of the moneys belonging to any road district may be carried in an "unappropriated reserve," and shall be available for the use of said district to cover expenditures that may have been insufficiently provided for or for unforeseen requirements as they may arise.

School district estimates shall be submitted, on the twentieth day of July through the county superintendent of schools in the manner heretofore prescribed by law, on forms prescribed by the state department of education, all other estimates required in this section shall be submitted on forms prescribed by the state department of finance, and may only be varied or departed from with the approval of said department; *provided, however*, that any county may without disturbing the uniformity of the forms and data prescribed, add to the information required or show the same in more detail. The county auditor is hereby directed to provide such forms, and it is made his duty to prepare the estimates for interest and debt redemption requirements and any other estimates, the preparation of which properly falls within the duties of his office; *provided*, that in the absence, failure, or disability of any official, or person, required to furnish estimates hereunder, such estimates shall be furnished by the official or employee in charge of such office, department, service, institution, or district, during such absence or disability, or such estimates may be prepared and furnished by the county board of supervisors.

Auditor's
tabulation of
proposed
expenditures

2. From such estimates, the county auditor shall prepare a tabulation showing the complete expenditure program of the county, school districts and special districts for the fiscal year to which the budget is intended to apply, and the sources of revenue by which it is to be financed. Such tabulation shall set forth the estimated revenue from sources other than taxation for each office, department, service, institution, or district, for the fiscal year to which the budget is intended to apply, compared with the corresponding figures of the last completed fiscal year, the estimated unencumbered surplus, after allowing for outstanding orders, contracts or other commitments, at the close of the current fiscal year, if such estimate is pre-

sented before July first, or the actual unencumbered surplus at the close of the last completed fiscal year, if such estimate is presented after July first, and the amount proposed to be raised by taxation; the estimated expenditures for each office, department, service, institution, or district, for the fiscal year to which the budget is intended to apply, the actual expenditures for the last completed fiscal year, together with the actual expenditures that have accrued for the current fiscal year and an estimate of the expenditures that will accrue for the remainder of such current fiscal year, if such estimate is presented before July first, and the sums necessary to be provided as "general reserves," or a general reserve as hereinafter provided.

Such estimates of expenditures shall be classified to set forth the data by funds, organization units, character and objects of expenditure; the organization units may be subclassified by functions and activities at the discretion of the county board of supervisors, but the expenditures for each organization unit shall be classified under the general classes of (1) salaries and wages; (2) maintenance and operation; (3) capital outlay; (4) interest and debt redemption; and, (5) expenditures proposed to be made from bonds or other income not yet authorized.

Classification
of items.

Within the general class of "salaries and wages" each salary shall be set forth separately, together with the title or designation of the recipient; *provided and excepted*, that in counties empowered by charter to increase or decrease the number of deputies and assistants in any office an unitemized estimate may be made to cover the salaries and wages of such deputies and assistants. Wages for day labor may be given in totals by designating the general purpose or object for which the expenditure is to be made. Expenditures coming under the general classification of "maintenance and operation" shall show the major subdivisions and objects for which such expenditure is to be made. Expenditures coming under the general classification of "capital outlay" shall show the major subdivisions and objects for which such expenditure is to be made, except that expenditures for structural or nonstructural improvements shall be listed separately as to each project. Under the general class of "interest and debt redemption" shall be set forth separately each series or issue of bonds, together with its individual requirements for interest and redemption. The total amount of emergency appropriations made during the last completed fiscal year shall be set forth separately together with a statement showing the amount issued for each emergency, a list of appropriations canceled showing the amount of each and a list showing each appropriation made from the unappropriated reserves and the amount thereof.

3. The said tabulation shall be submitted by the county auditor to the clerk of the county board of supervisors on or before the thirtieth day of July of each year, at such time as the county board of supervisors may direct. Said county board of

Consideration
by
supervisors.

supervisors shall, upon receipt thereof, consider the same in detail, and shall on or before the tenth day of August of each year at such time as the county board of supervisors may direct, make, except as otherwise provided in this section, any revisions, reductions or additions therein, that it may deem advisable, setting forth thereon such changes as have been made to make said budget conform to the judgment and conclusion of the county board of supervisors as to a proper financial program for the county for the fiscal year to which the budget is intended to apply; *provided, however*, that the estimate submitted by any official, or person, as designated herein shall not be increased or reduced until such official or person shall have first had a hearing thereon before said county board of supervisors; *it is further provided*, that no school district budget shall be revised, reduced or added to except by the board of school district trustees, except to bring it within the maximum tax limits provided by law. In counties empowered by charter to increase or decrease the compensation and number of deputies and assistants in any office, the county board of supervisors shall, on or before the thirtieth day of May of each year adopt a salary ordinance. The county board of supervisors may, if it deem advisable, set aside a portion of each fund, other than school funds, to be known as "unappropriated reserves" which shall not exceed ten per cent of the total amount of said fund exclusive of surplus; *provided*, that in any fund from which expenditures are to be made wholly from surplus ten per cent of the estimated expenditures may be so reserved, or in lieu thereof a general unappropriated reserve which shall not exceed ten per cent of the total budget exclusive of all items for bond interest and redemption. The money in such unappropriated reserves shall be available for appropriation by a four-fifths vote of the members of the county board of supervisors present at any meeting of which all members shall have had reasonable notice, to cover expenditures that have not been provided for or that may have been insufficiently provided for or for unforeseen requirements as they may arise. Said budget shall contain an amount or amounts to be known as a general reserve or "general reserves," if carried in separate funds, in such sum or sums as the county boards of supervisors shall deem sufficient, for the fiscal year for which the budget is intended to apply, to meet the cash requirements of any fund to which the county's credit may be legally extended for that portion of such fiscal year prior to the receipt of taxes therein. Sums withdrawn from such "reserves" shall be returned thereto out of the respective appropriations in favor of which they were so withdrawn, and the amount thereof if found excessive, may, at the end of the fiscal year, be reduced by the county board of supervisors by applying such excess to the reduction of the tax levy. It shall be the duty of the county auditor or a deputy designated by him to attend the board's hearings on the matter contained in his tabulation and the preliminary

Unappropriated reserves.

General reserve fund

budget, and to furnish said county board of supervisors with any additional data or information it may require. Said tabulation with such revisions, additions, or changes as have been made therein as herein provided, shall constitute the preliminary county budget for the fiscal year to which the budget is intended to apply. Said budget in which shall be set forth the auditor's tabulation and each individual estimate required as per subdivisions one and two hereof, shall, on or before the tenth day of August of each year at such time as the county board of supervisors may direct, be printed or mimeographed in full in pamphlet form in quantities sufficient to supply one copy to each taxpayer requesting same, and said county board of supervisors shall on or before such date cause to be published once in a newspaper of general circulation throughout the county, notice that said budget has been prepared and is available for distribution to the taxpayers desiring a copy thereof. Such notice shall also set forth that on a date named therein, which date shall be not less than ten days subsequent to date that said budget is available to taxpayers desiring a copy thereof, the county board of supervisors will meet for the purpose of fixing the final budget designating the time and place of such meeting, and setting forth that any taxpayer may appear thereat and be heard for or against any part of said budget.

Preliminary
budget

4. On or before the twentieth day of August of each year at such time as the county board of supervisors may direct, said board, shall meet at the time and place designated in the notice, provided in subdivision three hereof, at which time and place any taxpayer may appear and be heard for or against any part of such budget. Such hearing shall be continued from day to day until concluded, but not to exceed a total of ten days; *provided, however,* that such hearing shall be concluded before the expiration of ten days if there are no requests or applications on file with the board for further hearing. The county board of supervisors shall have power to call in the official or person in charge of any office, department, service, institution, or district, other than school districts at the time the estimates for their respective offices are under consideration, for examination concerning such estimates, and such official or person shall be called by said county board of supervisors upon the request of any taxpayer for questioning upon such estimates.

Hearings on
preliminary
budget.

Upon the conclusion of such hearing but not later than the thirtieth day of August of each year at such time as the county board of supervisors may direct, said board shall by resolution, adopt the budget as so finally determined, which resolution may specify appropriations by general classes for "salaries and wages," "maintenance and operation," and "interest and debt redemption," and shall specify by items all appropriations for "capital outlays" and shall file in their offices a copy of the completed budget. The several amounts specified in the resolution as finally enacted, shall be and become appropriated for the several offices, departments, services,

Adoption
of budget.

institutions or districts, for the fiscal year to which the budget is intended to apply; *provided, however*, that if the budget as adopted, for any fund, special or school district, requires a tax levy greater than the legal limit as determined by the equalized valuations as shown on the assessment roll, such budget shall be decreased so as to come within the legal requirements, and this revised amount shall be the amount deemed to be appropriated for such purposes for such fiscal year. Nothing in this section shall be construed as removing or in any way affecting any tax limit heretofore fixed by law.

Levy of
taxes.

5. The county board of supervisors shall, not later than the first day of September, fix the rates of county and district taxes designating the number of cents levied for each fund upon each one hundred dollars of assessed value of the county for the current fiscal year to raise the amount of the estimated expenditures as finally determined, less the total of the estimated revenues from sources other than taxation, including available surplus, and such expenditures as are to be made from bond sources, and must levy the state, county and district taxes. All taxes shall be levied, upon the taxable property in the county, as provided by law, in specific sums, and the tax for county and local purposes shall not exceed the amount specified in the budget, after allowing for delinquency as provided by law; *provided*, that it shall not be lawful for any board of supervisors of any county in the state to levy, nor shall any tax greater than seventy-five cents on each hundred dollars (\$100) of property be levied and collected in any one year, to pay the bonded indebtedness or judgments arising therefrom, of this state, or of any county or municipality in this state.

Copies of
budget to
state officers

The clerk of the county board of supervisors shall immediately forward a copy of the completed budget and tax levies to both the state department of finance and the state controller.

Estimates
adopted
constitute
appropriation.

The estimates of expenditures, classified as required in subdivision two hereof, and as finally fixed and adopted by said county board of supervisors, shall constitute the appropriations for the county for the fiscal year to which the budget is intended to apply and the county board of supervisors and every other county official, or person, including township officers and judges of any court of record, shall be limited in the making of expenditures or the incurring of liabilities to the amount of such appropriations and classifications respectively; *provided*, that upon a resolution, formally adopted by the county board of supervisors at a regular or special meeting, and entered upon its minutes, transfers or revisions within the general classes of "salaries and wages," "maintenance and operation," and "capital outlay" may be made. Transfers between the general classes provided in subdivision two hereof, shall not be permitted; *provided*, that in the case of road and bridge maintenance appropriations, any lawful transfer, deemed necessary, may be made; *and it is further provided*, that the county board of supervisors may by a four-

fifths vote of the members present at any meeting of which all members have had reasonable notice cancel any appropriation in whole or in part that is not needed, and return such amount to the "unappropriated reserve" of the fund from which such appropriation was originally made.

Where any budget shall contain an expenditure program to be financed from a bond issue to be authorized thereafter, no such expenditure shall be made or obligations therefor incurred, except such preliminary expenditure as may be now provided by law, until such bonds have been duly authorized and sold. Expenditures made, liabilities incurred, or warrants issued in excess of any of the budget appropriations as originally determined, or as thereafter increased from the "unappropriated reserves" or as thereafter revised by transfer, as herein provided, shall not be a liability of the county, but the official making or incurring such expenditure in an amount known by him to be in excess of the available balance of the appropriation against which it is drawn, shall be liable therefor personally and upon his official bond. The county board of supervisors shall approve no claim, and the county auditor shall issue no warrant for any expenditure in excess of said budget appropriations, as finally adopted or as thereafter increased from the "unappropriated reserves" or by a transfer as herein provided by said county board of supervisors, or as revised under the provisions herein except upon an order of a court of competent jurisdiction, or for an emergency, as hereinafter provided. Nothing herein contained shall be construed as affecting any authority now granted the county board of supervisors to enter into any contract for governmental services for a period exceeding one year, provided that such contract shall only be considered an encumbrance of the fund from which it is to be liquidated in the amount of indebtedness accruing to June thirtieth of each fiscal year covered by such contract. It is expressly provided that school districts are included herein for the sole purpose of making possible the printing or mimeographing of a proposed expenditure program of moneys collected through county and district tax levies, in order to make possible a ready analysis of such tax levies by the taxpayers and county officials of the county, and it is further expressly provided that nothing in this section shall be construed as requiring any greater detail in school district budgets, nor as allowing any control, alteration or revision thereof or expenditure thereunder not heretofore provided by law, nor as placing any penalty upon any action of any school district board or officer not so heretofore provided.

6. Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or of public health, or for the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed by accident, or for the relief of a stricken com-

munity, overtaken by calamity, or the settlement of approved claims for personal injuries, or for property damages, exclusive of claims arising from the operation of any public utilities, owned by the county, or to meet mandatory expenditures required by law, the county board of supervisors may upon the adoption, by a four-fifths vote of the members present at any meeting, of the time and place of which all of the members of such board shall have had reasonable notice, of a resolution stating the facts constituting the emergency and entering the same upon the minutes, make the expenditure necessary to meet such emergency.

All emergency expenditures shall be paid by warrant from any moneys on hand in the county treasury, in any fund properly chargeable with such expenditure, and the county treasurer is hereby authorized and directed to pay such warrants out of any moneys in the treasury in such fund. If, at any time, there shall be insufficient moneys on hand in the treasury to pay any of such warrants, then such warrant shall be registered, bear interest, and be called in the manner provided by law for other county warrants.

Unencumbered
balances

The unencumbered balance remaining in any fund at the end of the fiscal year shall be carried over to the credit of such fund for the next fiscal year, and shall be deducted from the amount finally determined as necessary to be expended by that fund, for such fiscal year; *provided, however*, that nothing in this act shall be construed as affecting the right of a county to levy, budget, and expend for highway purposes, the maximum tax provided in sections 2653 and 4041 of the Political Code in addition to such unencumbered balance; *provided*, that all balances remaining to the credit of any fund which is not to be continued in the succeeding fiscal year, shall revert to the general fund, except as to such funds as belong to special districts and are not a part of general county finances.

All contractual services rendered or deliveries made prior to the first day of July of each fiscal year, shall be taken into account as expenditures of the year in progress.

If at the beginning of any fiscal year the appropriations necessary for the support of the various county offices, departments, services, institutions or districts for such fiscal year shall not have been made, the several amounts appropriated in the budget of the preceding year for the objects and purposes therein specified, so far as the same shall relate to the operation and maintenance expenses, shall be deemed to be reappropriated for the several objects and purposes specified in said previous year budget until the county board of supervisors shall complete the budget for the current fiscal year and the county auditor shall approve the payments necessary for the support of the various county offices, departments, services, institutions, or districts on the basis of the appropriations of the preceding fiscal year.

7. On or before the tenth day of each month, or such other date in any month as the county board of supervisors may direct, the county auditor shall submit to the county board of supervisors a statement showing such information with respect to the condition of each separate budget appropriation as the county board of supervisors may require.

Auditor's monthly statement

8. It is hereby made the duty of the state department of finance to prescribe forms, to initiate or approve changes therein whenever in its judgment same are advisable, and to promulgate such rules, regulations and classifications as may be necessary to carry out the provisions of this act.

Duty of department of finance

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

Constitutionality

10. All acts and parts of acts in conflict with this act are hereby repealed.

Repealed.

11. Inasmuch as this act provides the method by which the appropriations for the usual current expenses of the various counties and districts of the state are to be prepared and submitted and inasmuch as this information and data must be compiled before the beginning of the next fiscal year, it is hereby declared an urgency measure and shall under the provisions of section 1 of article four of the constitution of the State of California take effect immediately.

Urgency measure

CHAPTER 668.

An act to amend section 767 of the Political Code of the State of California, relating to reporters' salaries.

[Approved by the Governor June 4, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 767 of the Political Code is hereby amended to read as follows:

Stats 1927, p 950, amended

767. The reporter of the decisions of the supreme court and of the district courts of appeal and not more than three assistant reporters thereof shall be appointed by the supreme court, and said court shall also appoint a clerk and a secretary to said reporter, each of whom shall be removable at the pleasure of the supreme court. The salary of the reporter of the decisions of the supreme court and of the district courts of appeal is six thousand dollars per annum; the salaries of the assistant reporters of decisions of the supreme court and of

Reporters' salaries

the district courts of appeal are one at four thousand five hundred dollars per annum and two at four thousand dollars per annum each; the salary of the clerk of said reporter is three thousand dollars per annum and the salary of the secretary to said reporter is one thousand eight hundred dollars per annum.

CHAPTER 669.

An act to amend section 1 and the title of an act entitled "An act authorizing and providing for the abandonment and disposal of cemeteries and cemetery lands, or parts of either in incorporated cities, cities and counties or towns having a population of not less than one hundred thousand persons by cemetery corporations, associations, corporations sole or other persons owning or controlling such cemeteries, and authorizing and providing for the removal of the human remains therefrom and the reinterment of such remains or the depositing of the same in a mausoleum or columbarium and repealing all acts in conflict therewith," approved May 20, 1921, relating to the abandonment of cemeteries, and making the provisions of said act applicable in any city, city and county, or town, irrespective of population.

[Approved by the Governor June 4, 1929. In effect August 14, 1929.]

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

Stats 1921,
p 199,
amended

SECTION 1. Section 1 of an act entitled "An act authorizing and providing for the abandonment and disposal of cemeteries and cemetery lands, or parts of either in incorporated cities, cities and counties or towns having a population of not less than one hundred thousand persons by cemetery corporations, associations, corporations sole or other persons owning or controlling such cemeteries, and authorizing and providing for the removal of the human remains therefrom and the reinterment of such remains or the depositing of the same in a mausoleum or columbarium and repealing all acts in conflict therewith," approved May 20, 1921, is hereby amended to read as follows:

Abandon-
ment of
cemeteries

Section 1. Any cemetery corporation or association owning or controlling any cemetery within the boundaries of an incorporated city, city and county or town in this state, may, by resolution of its board of directors or other governing body, when assented to in writing filed with the secretary by at least three-fourths of the lot owners and holders of such corporation or association, or ratified and approved by like vote thereof at any regular meeting of the cemetery corporation or association, or at a meeting specially called for that purpose, declare for the abandonment in whole or in part of such cemetery as a burial place for the human dead, and for the removal of human

remains interred therein to another cemetery or cemeteries without the boundaries of said city, city and county or town or for the depositing of such remains in a memorial mausoleum or columbarium, as hereinafter provided. Any corporation sole or other person owning or controlling any cemetery in any incorporated city, city and county, or town of this state may also declare for the abandonment in whole or in part of any such cemetery owned or controlled by such corporation sole or other person, and for the removal of human remains interred therein to a cemetery or cemeteries without the boundaries of such incorporated city, city and county or town, or the depositing of such remains in a memorial mausoleum or columbarium as hereinafter provided.

SEC. 2. The title of an act entitled "An act authorizing and providing for the abandonment and disposal of cemeteries and cemetery lands, or parts of either in incorporated cities, cities and counties or towns having a population of not less than one hundred thousand persons by cemetery corporations, associations, corporations sole or other persons owning or controlling such cemeteries, and authorizing and providing for the removal of the human remains therefrom and the reinterment of such remains or the depositing of the same in a mausoleum or columbarium and repealing all acts in conflict therewith," approved May 20, 1921, is hereby amended to read as follows:

Stats 1921,
p. 199,
amended.

An act authorizing and providing for the abandonment and disposal of cemeteries and cemetery lands, or parts of either in any incorporated city, city and county or town of this state by cemetery corporations, associations, corporations sole or other persons owning or controlling such cemeteries, and authorizing and providing for the removal of the human remains therefrom and the reinterment of such remains or the depositing of the same in a mausoleum or columbarium, and repealing all acts in conflict herewith.

Title
amended

CHAPTER 670.

An act to amend section 4235 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the sixth class.

[Approved by the Governor June 4, 1929. In effect August 14, 1929]

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

SECTION 1. Section 4235 of the Political Code is hereby amended to read as follows:

Stats 1927,
p. 739,
amended.

4235. In counties of the sixth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

Counties of
6th class
(Santa
Clara)
officers and
employees.

Clerk.

1. The county clerk, four thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy county clerk who shall act as clerk of the probate department, who shall receive a salary of two thousand four hundred dollars per annum; also one deputy county clerk to act as clerk to the board of supervisors, who shall receive a salary of two thousand four hundred dollars per annum; also one deputy county clerk who shall be the registrar of voters and who shall receive a salary of two thousand four hundred dollars per annum; also one deputy county clerk who shall serve as general office clerk who shall receive a salary of two thousand four hundred dollars per annum; also three deputy county clerks who shall serve as clerks of the several departments of the superior court who shall receive a salary of two thousand one hundred dollars per annum each; also one deputy county clerk who shall serve as desk clerk, who shall receive a salary of two thousand one hundred dollars per annum; *provided, however*, that the county clerk shall not be allowed the additional deputy provided by section 4290 of the Political Code of the State of California; also one deputy county clerk who shall serve as assistant to the clerk of the probate department and who shall receive a salary of two thousand one hundred dollars per annum; also one deputy county clerk in the probate department, who shall receive a salary of two thousand one hundred dollars per annum; the deputies herein provided for shall be appointed by the clerk of said county and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerks. The county clerk shall also be allowed two additional deputies at an annual salary of two thousand one hundred dollars per annum to be paid as are other deputies herein provided for; *provided, further*, that in any year in which a general election is held the said clerk may appoint two deputies who shall serve for a term of twelve months, who shall each receive a salary of one hundred twenty-five dollars per month, to be paid as are other deputies herein provided for; two deputies who shall serve for a term of ten months, and two deputies who shall serve for a term of eight months who shall each receive a salary of one hundred twenty-five dollars per month, to be paid as are other deputies herein provided for; and two deputies who shall serve for a term of six months who shall each receive a salary of one hundred twenty-five dollars per month, to be paid as are other deputies herein provided for; also, in the event of special elections in any odd-numbered year, the county clerk shall be allowed additional deputies at a compensation to be fixed by said county clerk, such compensation, however, not to exceed in the aggregate for all of such deputies the sum of one thousand dollars in any one year; and he shall be allowed each year such number of registration deputies, to be appointed by him, as may be necessary for the regis-

tration of voters outside of the office of said county clerk, each of said deputies to receive the sum of ten cents per name for each elector legally registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim therefor on the general fund of said county after proper allowance of said claim by said board of supervisors; *provided*, that said county clerk may be allowed the actual and necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

2. The sheriff, four thousand six hundred dollars per annum; ^{Sheriff.} *provided*, that there shall be and there hereby is allowed to the sheriff one undersheriff whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; also thirteen deputies who shall each receive a salary of two thousand one hundred dollars per annum, one of whom shall speak the Italian language and shall be competent to act as an Italian interpreter; also two deputies who shall each receive a salary of one thousand eight hundred dollars per annum; also one deputy who shall act as matron of the county jail who shall receive a salary of one thousand three hundred twenty dollars per annum. The undersheriff and deputies herein provided for shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; *provided*, that said sheriff shall be allowed the actual and necessary expenses incurred in the performance of his official duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this state.

3. The county recorder, four thousand two hundred dollars ^{Recorder} per annum, and said recorder may appoint one deputy recorder who shall receive a salary of two thousand four hundred dollars per annum; also four deputy recorders who shall each receive a salary of two thousand one hundred dollars per annum; also two deputy recorders who shall each receive a salary of eighteen hundred dollars per annum; also as many deputies to act as copyists as may be required, who shall receive as compensation the sum of seven cents per folio for recording all instruments or notices, except maps and plats, and for copies of any record seven cents per folio; *provided*, that such recorder may be allowed the actual and necessary expense incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

4. The county auditor, four thousand two hundred dollars ^{Auditor.} per annum; and said auditor may appoint one deputy auditor who shall receive a salary of two thousand four hundred dollars per annum; also one deputy auditor to serve as accountant

who shall receive a salary of two thousand one hundred dollars per annum; also two deputy auditors who shall receive a salary of two thousand one hundred dollars each per annum; also one redemption clerk who shall receive a salary of two thousand one hundred dollars per annum; *provided*, that the auditor shall be allowed additional deputies who shall each receive a salary or compensation of five dollars per day for each day actually employed, the total amount to be paid such additional deputies not to exceed the sum of two thousand six hundred dollars in any one year. The deputies herein provided for shall be paid at the same time and in the same manner as is the county auditor; *provided*, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

Treasurer.

5. The county treasurer, four thousand two hundred dollars per annum, and said treasurer may appoint one deputy treasurer, who shall receive a salary of two thousand four hundred dollars per annum. The treasurer may also appoint a deputy county treasurer, which office is hereby created, at an annual salary of two thousand one hundred dollars per annum. All fees and commissions collected by said treasurer in his official capacity shall be paid into the county treasury. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the county treasurer.

Tax collector.

6. The tax collector, four thousand two hundred dollars per annum; and said tax collector may appoint one deputy tax collector who shall receive a salary of two thousand four hundred dollars per annum, three additional deputy tax collectors who shall receive a salary of two thousand one hundred dollars each per annum; also two additional deputy tax collectors to serve as such only for a period of two and one-half months in each year, and who shall receive a salary of one hundred fifty dollars each per month; also thirteen additional deputy tax collectors to serve as such only for a period of two and one-half months in each year, and who shall receive a salary of one hundred twenty-five dollars each per month; also five additional deputy tax collectors who shall serve as such only during two months of each year and who shall receive a salary of one hundred twenty-five dollars each per month; also twelve copyists who shall serve only during one and one-half months of each year, and who shall each receive a salary of one hundred twenty-five dollars per month. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the salary of the tax collector; *provided*, that said tax collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties, including the making and compiling of the necessary indices to the assessment roll, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived; *provided*, that checks, drafts and post-

office orders received or accepted by the tax and license collector at his own risk, the proceeds of which are to be applied on tax or license collections, may be deposited in bank and a reasonable time allowed for "clearance" not to exceed one week, before depositing the money in the county treasury; *provided, further*, that nothing herein shall be construed to authorize the payment of taxes other than in "lawful money of the United States," as provided by section 3888 of the Political Code.

7. The license collector, fifteen per cent of the whole amount of license collected by him; *provided*, that the entire compensation of said license collector shall not exceed the sum of one thousand five hundred dollars per annum. License collector.

8. The county assessor, four thousand two hundred dollars per annum; and said assessor may appoint one chief deputy assessor who shall receive a salary of two thousand four hundred dollars per annum; one supervising deputy assessor who shall receive a salary of two thousand one hundred dollars per annum; seven office deputy assessors who shall each receive a salary of two thousand one hundred dollars per annum; one deputy assessor who shall be a draftsman, whose duties shall include the preparation of maps for the county assessor, who shall receive a salary of two thousand one hundred dollars per annum; also twenty-three deputy assessors who shall serve as such during the months of March, April, May, and June of each year who shall each receive a salary of one hundred fifty dollars per month; three deputy assessors to serve as such during six months of each year who shall receive a salary of one hundred twenty-five dollars each per month; four deputy assessors to serve as such during four months of each year who shall receive a salary of one hundred twenty-five dollars each per month; also two proofreaders to serve as such for only four months in any one year and who shall each receive a salary of one hundred twenty-five dollars per month; and also seven copyists to serve as such only during four months of each year who shall receive a salary of one hundred twenty-five dollars each per month; *provided*, that the above salaries and compensations shall be in full for all services rendered by him as such assessor and that no commission for the collection of state or infirmity poll taxes or personal property taxes shall be retained by him but that all of such commissions shall be paid into the county treasury. The deputies, copyists and proofreaders herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of official duties; *and provided, further*, that all deputies herein specified shall be allowed actual and necessary traveling expenses incurred in the performance of official duties, not to exceed, however, for each deputy the sum of twenty-five dollars per month. Assessor.

District
attorney.

9. The district attorney, four thousand two hundred dollars per annum; he may appoint a chief deputy at a salary of three thousand three hundred dollars per annum; four assistant district attorneys at a salary of two thousand seven hundred dollars each per annum; one detective who shall serve at a salary of two thousand one hundred dollars per annum; one clerk at a salary of one thousand eight hundred dollars per annum; and one stenographer at a salary of one thousand six hundred twenty dollars per annum; all of whom shall be paid in the same manner as said district attorney; *provided*, that said district attorney shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury.

Coroner and
public ad-
ministrator.

10. The coroner and public administrator, such fees as are now or may hereafter be allowed by law. Said coroner may appoint deputies not to exceed three in number; *provided*, that said deputy coroner shall receive only such fees as the coroner would receive if acting.

Superin-
tendent
of schools.

11. The county superintendent of schools, four thousand two hundred dollars per annum; and the said superintendent of schools may appoint a deputy superintendent of schools who shall receive a salary of two thousand four hundred dollars per annum, and one deputy superintendent of schools who shall receive one thousand eight hundred dollars per annum. He may also appoint an additional deputy superintendent of schools, which office is hereby created, at an annual salary of one thousand five hundred dollars per annum. The said superintendent of schools shall also be paid actual traveling expenses when visiting the schools of the county. The deputies *herein provided for shall be paid at the same time and in the manner and out of the same fund as is the superintendent of schools.*

Surveyor

12. The county surveyor, the sum of four thousand two hundred dollars per annum; and said surveyor may appoint a deputy surveyor who shall receive a salary of two thousand five hundred eighty dollars per annum; also, one deputy who shall receive a salary of two thousand four hundred dollars per annum; one deputy who shall receive a salary of two thousand two hundred eighty dollars per annum; one deputy who shall receive a salary of two thousand two hundred twenty dollars per annum; three deputies who shall receive a salary of two thousand one hundred dollars each per annum one of whom shall be a draftsman whose duties shall include the preparation of maps for the county assessor, one deputy at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand six hundred twenty dollars per annum. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for surveying other than for the county, shall be paid into the county treasury; *provided*, that said county surveyor shall be allowed all neces-

sary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties. Such salaries shall be paid at the same time and in the same manner as the salaries of other county officers are paid. Said surveyor shall also have power to appoint such inspectors as he may deem necessary, for the proper supervision of all roads and bridges under construction, and the compensation of said inspectors shall be a proper charge against the county.

13. The fish and game warden, one thousand two hundred dollars per annum and the actual and necessary expenses incurred by him in the performance of his official duties.

Fish and
game
warden.

14. In counties of this class, justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

Justices of
the peace.

(1) In townships having a population of twenty thousand or more, justices of the peace shall each receive a salary of four thousand two hundred dollars per annum as full compensation for all services rendered by them, except as hereinafter provided; *provided, however*, that in all such townships having a population of twenty thousand or more, there shall be two township justices of the peace in and for any such township; *provided*, that in townships of this class there is hereby allowed to each justice of the peace two clerks, to be appointed by said justice, and to receive the following salaries: One clerk at a salary of two thousand one hundred dollars per annum; one deputy clerk at a salary of one thousand eight hundred dollars per annum. Said salaries shall be paid monthly in the same manner as salaries of county officers are paid.

Said clerks shall take the oath of office prescribed for county officers and shall each give a bond in the sum of five thousand dollars conditioned upon and for the faithful discharge of the duties of the office, which said bond shall be approved and filed in the same manner as are bonds of county officers. If a surety company be the surety on such bond, the premium or charge thereon shall be paid by the county in the same manner as are the bonds of county officers. Such clerks shall perform the duties required of them by law, and also, such clerical duties in connection with the business of the court as are required of said clerks by the justices of said court; they shall keep a record of the proceedings of said court and shall have the custody of all records and papers in said justice's court and in addition to the other powers conferred upon them by law, shall be authorized in civil actions to issue, sign, certify and file all pleadings, summonses, writs, notices, subpoenas, abstracts, certificates, transcripts, records, papers, and proceedings which are required to be issued, signed, certified or filed by the justice of the peace by whom they are appointed, and in criminal matters pending before said justice of the peace, to file all papers and to issue subpoenas, to prepare bonds, justify bail when the amount has been fixed by the court

Justices of
the peace.

or justice, and may administer and certify oaths, and to attest and authenticate said acts in substantially the following form:

“-----
Justice of the Peace.

By-----
Clerk.

Said clerks shall exact in advance and receive all fees which are allowed by law for any official service of the justice of the peace, and shall collect and receive all fines and forfeitures in criminal cases, and said clerk shall account for the same under oath and shall pay the same to the authorities legally entitled to receive the same at the time and in the manner provided by law, except as hereinafter provided.

(2) In townships having a population of fifteen thousand and less than twenty thousand, justices of the peace shall each receive a salary of one hundred seventy-five dollars per month for all services rendered by them, except as hereinafter provided.

(3) In townships having a population of ten thousand and less than fifteen thousand, justices of the peace shall each receive a salary of one hundred thirty-seven dollars and fifty cents per month for all services rendered by them, except as hereinafter provided.

(4) In townships having a population of five thousand and less than ten thousand, justices of the peace shall each receive a salary of one hundred thirty-five dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(5) In townships having a population of two thousand five hundred and less than five thousand, justices of the peace shall each receive a salary of seventy-five dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(6) In townships having a population of two thousand and less than two thousand five hundred, justices of the peace shall each receive the sum of sixty dollars per month as salary for all services rendered in both civil and criminal cases. All fees collected by them shall be paid monthly by them into the county treasurer; *provided*, that where a township census has been ordered taken and adopted by the board of supervisors, as in this act contained, said census shall be and remain the official census of such township; and shall not be affected by any provision of this act with respect to the application of the federal census of 1920, in classifying townships.

(7) In townships having a population of one thousand and less than two thousand, justices of the peace shall each receive a salary of fifty dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(8) In townships having a population of less than one thousand, justices of the peace shall each receive a salary of

thirty dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

Justices of the peace in all townships in counties of the sixth class shall be permitted to receive and retain for their own use, fees for celebrating marriages and returning certificates thereof, but all other fees shall be collected by them and by them paid into the county treasury at least once a month. They shall be furnished with offices and necessary supplies, including light, heat, telephone service and incidental expenses, by the board of supervisors.

Disposition
of fees.

15. In counties of this class constables shall be compensated as follows, and all salaries herein provided shall be paid in the same manner as the salaries of county officers are paid, viz:

Constables.

(1) In townships having a population of twenty thousand or more, constables shall each receive a salary of one hundred fifty dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now, or may hereafter be allowed by law.

(2) In townships having a population of fifteen thousand and less than twenty thousand, constables shall each receive the sum of one hundred twenty-five dollars per month as salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all matters wherein they may charge fees for their services, constables in such townships may collect and retain for their own use such fees as are now or may hereafter be allowed by law.

(3) In townships having a population of ten thousand and less than fifteen thousand, constables shall each receive the sum of one hundred dollars per month as salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all other matters wherein they may charge fees for their services, constables may collect and retain for their own use as compensation such fees as are now or may hereafter be allowed by law.

(4) In townships having a population of five thousand and less than ten thousand, constables shall each receive the sum of one hundred dollars per month as salary for all services rendered by them in criminal cases, civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible in both criminal cases, civil cases, and in all other cases wherein fees are chargeable by constables, shall be collected in advance and paid monthly into the county treasury.

(5) In townships having a population of two thousand five hundred and less than five thousand, constables shall each receive the sum of seventy-five dollars per month as a salary for all services rendered by them in both civil and criminal cases. All fees collected by them in civil and criminal cases

shall be paid monthly by them into the county treasury. For all other services performed by them, they may charge and retain for their own use such fees as are chargeable by law.

(6) In townships having a population of two thousand and less than two thousand five hundred, constables shall each receive the sum of seventy-five dollars per month as salary for all services rendered in both civil and criminal cases. All fees collected by them shall be paid monthly by them into the county treasury; *provided*, that in townships in which a township census has been ordered, taken and adopted by the board of supervisors, as in this act hereinafter provided, constables shall each receive the sum of seventy-five dollars per month as salary for all services rendered in criminal cases, and that for all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

(7) In townships having a population of one thousand and less than two thousand, constables shall each receive the sum of fifty dollars per month as salary for all services rendered in criminal cases. All fees collected by them in criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

(8) In townships having a population of less than one thousand, constables shall each receive the sum of forty dollars per month as a salary for all services rendered by them in criminal cases. All fees collected by them in criminal cases shall be paid monthly into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

Expenses Constables shall be allowed all necessary expenses incurred in conveying prisoners.

Population of townships The population herein referred to in classifying townships for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the federal census taken in the year 1920; *provided, however*, that a township census may be taken for the purpose of establishing the official census of such township in the manner hereinafter specified and when so taken, such census shall be known as and shall become the official census of such township in which it is taken and the population therein determined shall be and become the official population of such township. Whenever there shall be presented to the board of supervisors of the county a petition signed by the qualified electors of any township or townships in number equal to twenty-five per cent of the votes cast at the preceding general election, praying that said township or townships may be allowed to take the census of said township or townships for the purpose of ascertaining the population therein contained, the board of supervisors may order such census to be taken by one or more suitable persons appointed therefor by the board of supervisors and such census shall be taken by such persons so appointed, of all of the inhabitants of such

Special census.

township or townships. The full name of each person shall be plainly written, the names alphabetically arranged and regularly numbered in one complete series and when completed, shall be verified by the proper official authorized to administer oaths and be filed with the county clerk and thereupon the same shall be known and shall be the official census of said township or townships.

16. Each supervisor, three thousand dollars per annum and mileage of ten cents per mile for each mile actually traveled in going to and from their residence to the county seat or in the performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month and that the total mileage allowed shall not exceed five hundred dollars in any one calendar year. Supervisors

17. The fees of grand jurors and trial jurors in the superior courts of said counties of the sixth class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriation for the payment of the fees herein provided for. Jurors in superior courts.

Whenever under the provisions of law or otherwise a bond is required of any county officer or of any of his deputies, the premium of such bond shall be paid from the general funds of the county. Official bonds

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act

CHAPTER 671.

An act to amend section 4257 of the Political Code, relating to the compensation of officers in counties of the twenty-eighth class.

[Approved by the Governor June 4, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 4257 of the Political Code is hereby amended to read as follows: Stats 1925,
p. 77,
amended

Counties of
28th class
(Mendo-
cino):
officers and
employees.
Clerk

4257. In counties of the twenty-eighth class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

1. The county clerk, three thousand dollars per annum. In counties of this class the county clerk is hereby allowed a deputy clerk, which office is hereby created, at an annual salary of one thousand eight hundred dollars. In counties of this class there shall be and there is hereby allowed to the county clerk for his own use and to be paid out of the county treasury monthly in the same manner as salaries of other county officers are paid the sum of five cents for the name of each defendant entered in the index labeled "general index defendants" as provided in subdivision four of section 4178; and the further sum of five cents for each document recorded by said county clerk under the provisions of section 1387 of the Code of Civil Procedure; and the further sum of five cents for each name contained in the index of registration books, to be prepared by said clerk, under the provisions of section 1115 of this code; and the further sum of ten cents each for the filing and indexing of proceedings in coroner's inquests; *and provided, further*, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the convenient registration of voters, each of said deputies to receive the sum of ten cents per name for each and every elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, as proper allowance of said claim by said board of supervisors.

Sheriff.

2. The sheriff, six thousand dollars per annum. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; *provided*, that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this title; *provided, further*, that the sheriff shall be entitled to receive and retain for his own use, all expenses necessarily incurred in conveying insane persons to and from the insane asylum, and in conveying persons to and from the state prisons, or other state institutions, which expenses shall be allowed by the board of examiners and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or execution, to be paid out of the fees collected in the action. The sheriff shall not be entitled to any per diem for conveying persons to or from the said prisons or to or from the insane asylums or other state institutions. He shall have one deputy to be appointed by the sheriff, at a salary of one thousand five hundred dollars per annum, which office is hereby created.

3. The recorder, two thousand four hundred dollars per annum; *provided*, that said salary shall not become effective until January 1, 1927. He shall have two deputies, to be appointed by the recorder, at a salary of one thousand two hundred dollars per annum, each, which offices are hereby created. Recorder.

4. The auditor, three thousand dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per annum, to be appointed by the auditor, which office is hereby created, and one deputy at a salary of one thousand two hundred dollars per annum, to be appointed by the auditor, which office is hereby created, and shall employ such assistants as may be necessary for the purpose of extending the tax rolls; *provided*, that no more than seven hundred dollars shall be expended for such assistants in any one year. Auditor.

5. The treasurer, two thousand five hundred dollars per annum; *provided*, that said salary shall not become effective until January 1, 1927. Treasurer

6. The tax collector, two thousand two hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per annum, to be appointed by the tax collector, which office is hereby created. Tax collector.

7. The license collector, seven hundred dollars per annum, but he shall receive no fees nor commissions on the amount of licenses collected, nor for any other service required by law. License collector

8. The assessor, three thousand six hundred dollars per annum, but he shall receive no fees nor commissions on personal property taxes collected, nor for making up military roll, nor for any other service required by law. He shall have one office deputy at a salary of one thousand eight hundred dollars per annum, and eight field deputies for a period not exceeding two months of each year, at a salary of one hundred fifty dollars per month, each, all to be appointed by the assessor; *provided, however*, that the provisions of this section shall not take effect during the term of office of the present incumbent. Assessor.

9. The district attorney, three thousand dollars per annum, and his traveling, office and other expenses in criminal matters, and cases, and in civil actions, proceedings and all other matters in which the county is interested, incurred by him in the performance of his duties, and all the expenses incurred by him in the detection of crime and prosecution of criminal cases and in civil actions and proceedings and in all other matters in which the county is interested; he may also appoint an assistant district attorney, which office is hereby created, whose salary shall be twenty-four hundred dollars per annum. District attorney

The district attorney is hereby allowed a stenographer, which office is hereby created, at an annual salary of one thousand two hundred dollars.

10. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

11. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

Superintendent of schools.

12. The superintendent of schools, three thousand dollars and actual traveling expenses when visiting the schools of his county. He shall have one deputy, to be appointed by the superintendent of schools, at a salary of one thousand two hundred dollars per annum, which office is hereby created.

Surveyor.

13. The surveyor, such fees as are now or may be hereafter allowed by law.

Justices of the peace

14. The justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of the county officers are paid, which shall be payment in full for all services rendered by them: (1) In townships having a population of five thousand or more, one hundred dollars per month; *provided*, that where there is now or may be hereafter created in such township, more than one justice of the peace, the monthly salary of said two justices shall each be seventy-five dollars per month; (2) in townships having a population of two thousand five hundred and less than five thousand seventy-five dollars per month; (3) in townships having a population of one thousand five hundred and less than two thousand five hundred, sixty dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, fifty dollars per month; (5) in townships having a population of five hundred and less than one thousand, forty dollars per month; (6) and in townships having a population of less than five hundred, thirty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. The population of townships shall, for the purposes of this section, be determined by the census last had by the federal government.

Supervisors

15. Each member of the board of supervisors shall be allowed the sum of seventy-five dollars for each meeting of said board; *provided*, that no member shall be allowed to receive pay for more than twelve meetings during any one year; and the further sum of twenty cents per mile, mileage in traveling to and from his residence to the county seat; and for his services as road commissioner, he shall receive twenty cents per mile for all distances actually traveled by him in the performance of his duties within the county; *provided*, he shall not in any one year receive more than six hundred dollars as such road commissioner.

Constables.

16. Constables, the following monthly salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases, except as in this subdivision provided: (1) In townships where the population is five thousand or more, sixty dollars per month; (2) in townships having a population of two thousand five hundred and less than five thousand, fifty dollars per month; (3) in townships having a population of one thousand five hundred and less than two thousand five hundred, forty dollars per month; (4) in townships having a population of one thousand and less than one thousand five hundred, thirty dollars per month; (5) in townships having a population of

less than one thousand, twenty dollars per month. In addition to the monthly salaries allowed herein, each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. The constable shall also, in addition, receive three dollars per day for attending court when required to do so during the actual trial of the issue of fact of a case, or during the examination of a criminal charge before a magistrate, while the evidence is being taken, and not otherwise; *provided*, that no more than three dollars shall be charged or received for any one day; *and provided, further*, that when the constable is required to attend upon the trial of more than one civil case on the same day, his fees for attendance shall be equally apportioned to the civil cases. Constables may also, when necessary, by first obtaining an order from the district attorney of the county or from a judge of the superior court of this state, employ a temporary guard for the safekeeping or protection of prisoners, and shall be entitled to collect the actual reasonable cost thereof as a county charge. Constables shall also be entitled to receive, in addition to the fees and salaries in this subdivision provided for, the moneys actually disbursed by them in conveying prisoners or insane persons to the county seat, and all expenses, actually incurred in the pursuit within the county of insane persons or criminals charged with a felony, and the same shall be a county charge. The population of townships shall, for the purposes of this section, be determined by the census last had by the federal government.

17. In counties of this class grand jurors and trial jurors Jurors. in the superior courts of said counties, shall receive the sum of three dollars for each day's attendance, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of twenty cents per mile, such mileage to be allowed but once during any one session of such court or grand jury. In counties of this class, jurors in justices' courts and recorders' courts and coroner's inquests, shall receive for each day's attendance, the sum of two dollars, and for each mile actually and necessarily traveled from their residence to the place of service, in going only, the sum of ten cents per mile; *provided*, that the fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by municipalities in which such court is or may be established.

The Legislature hereby declares that if any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. Constitutionality

18. The salaries of all deputies and assistants provided for in this act shall be paid by the county, monthly, in the same manner and from the same fund as the county officers are paid. Payment of salaries.

CHAPTER 672.

An act to amend section 4231 of the Political Code, relating to salaries, fees and expenses of officers in counties of the fifty-second class.

[Approved by the Governor June 4, 1929. In effect August 14, 1929]

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

Stats 1927,
p. 864,
amended.

Counties of
52d class
(Modoc) ·
officers and
employees.

Clerk.

SECTION 1. Section 4281 of the Political Code is hereby amended to read as follows:

4281. In counties of the fifty-second class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

The county clerk, two thousand four hundred dollars per annum; *provided*, that in counties of this class the county clerk shall be allowed a copyist, who shall be appointed by the county clerk and paid the salary of one thousand five hundred dollars per annum; said salary to be paid at the same time, in the same manner and out of the same fund as the salary of the county clerk; *and provided, further*, that in counties of this class, during the years when the compilation of a great register is required by law, the county clerks of the county shall be allowed the sum of ten cents per name for each affidavit legally taken for registration; said sum to be allowed and paid to said county clerks by the board of supervisors as other county charges are allowed and paid.

Sheriff.

The sheriff shall receive two thousand five hundred dollars per annum, and in counties of this class, there is hereby allowed to the sheriff, one deputy, to be appointed by him, who shall receive the salary of one thousand eight hundred dollars per annum; *provided, further*, that in counties of this class, there shall be and is hereby allowed to the sheriff, a jailer to be appointed by the sheriff, which office is hereby created, at a salary of one thousand five hundred dollars per annum. The salaries of said deputy and said jailer shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder

The recorder, one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder two copyists who shall be appointed by the recorder, and one copyist paid the salary of one hundred twenty-five dollars per month, and one copyist to be paid a salary of seventy-five dollars per month; said salaries to be paid by the said county in monthly installments, at the time and in the same manner and out of the same fund as the salary of the recorder is paid.

Auditor.

The auditor, eight hundred dollars per annum.

Treasurer.

The treasurer, one thousand eight hundred dollars per annum.

The tax collector, one thousand eight hundred dollars per annum, and ten per cent on all licenses collected by him as license collector; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector, an assistant to be appointed by tax collector for whatever time each year he may elect, and paid the salary of seventy-five dollars per month for each month employed, said salary to be paid by the said county in monthly installments, at the time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided*, that such assistant shall not be so employed for more than eight months in each calendar year. Tax collector.

The assessor, two thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor, two deputies, to be appointed by him, to serve at such times as he deems fit, who shall receive the salary of one hundred twenty-five dollars per month, each; *provided, however*, that the salaries of each of said deputies shall not exceed the sum of five hundred dollars per annum, and said salaries to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid. Assessor.

The district attorney, one thousand eight hundred dollars per annum; *provided*, that in counties of this class, the district attorney shall be allowed one stenographer, who shall be appointed by the district attorney, and paid a salary of nine hundred dollars per annum, said salary to be paid by the county in monthly installments at the same time, and in the same manner, and out of the same fund as the salary of the district attorney is paid. District attorney.

The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator

The superintendent of schools, two thousand one hundred dollars per annum and actual traveling expenses when visiting the schools of his county, and the sum of five dollars per day for each day's services on the board of education; said sum, together with the traveling expenses, to be allowed and paid the same as other county charges are allowed and paid; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one deputy to be appointed by him at a salary of six hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid. Superintendent of schools

The county surveyor shall receive six dollars per day for office work and ten dollars per day for field work; *provided, however*, that he shall be given all work for the county in which the county employs one surveyor or civil engineer. He shall also receive all actual expenses when at work in the field. Surveyor.

Justices of
the peace

Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them; in townships having a population of more than one thousand, fifty dollars per month; in townships having a population of more than five hundred and less than one thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of the state and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business.

Constables

Constables shall receive the following salaries, to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of five hundred or more, twenty dollars per month; (2) in townships having a population of less than five hundred, ten dollars per month; *provided further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fee allowed by law.

It is hereby declared that the salaries provided for in this subdivision do not constitute an increase and shall apply to present incumbents.

Supervisors

Each member of the board of supervisors to receive a flat rate of eight hundred dollars per annum, in full for all services.

Reporter

In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said courts, and for preliminary examinations in justices' courts, and at coroners' inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for original and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county,

and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

For attending as a grand juror or as a trial juror in the superior court, in criminal cases, four dollars per day for each day's attendance. For each mile actually traveled in attending upon the superior court, in going only, per mile, twenty-five cents; *provided*, that in counties of this class the grand jurors and trial jurors in criminal cases shall be paid warrants drawn by the county auditor, issued upon the order of the court, or judge thereof.

Jurors in
the superior
court

The county librarian shall receive one thousand eight hundred dollars per annum.

Librarian

CHAPTER 673.

An act to add a new section to the Political Code to be numbered 3897a, relating to the termination of the right of redemption in tax-deeded lands.

[Approved by the Governor June 4, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 3897a and to read as follows:

New section

3897a. Whenever the state shall have become the owner of any property sold for taxes, and the deed to the state has been filed with the controller, as provided in section 3785, the right of redemption may be terminated absolutely by the state in the following manner:

Right of
redemption
of tax-
deeded lands
terminated

Whenever any state officer, duly authorized therefor, on behalf of the state, certifies in writing to the state controller that certain tax-deeded lands, giving a legal description thereof, are suitable for public purposes, setting forth the purposes, and deposits with the tax collector of the county wherein the land is situated sufficient funds to pay all delinquent taxes, penalties and expenses of notice herein required, the state controller may thereupon by written authorization direct the tax collector of the county in which said lands are situate, to give the notice herein required. It shall thereupon be the duty of the tax collector to give notice by publication or posting and by registered mail, for the same time and in the same manner as provided in section 3897 of this code. The notice shall embody a copy of the authorization received from the controller; shall contain a description of the property, shall contain a detailed statement, as required in a notice given under the provisions of section 3897 of this code, of the moneys required to be paid to effect a redemption of the

Procedure

property up to the time fixed for termination of the right of redemption; shall give the name of the person to whom the property was assessed for each year on which there may be delinquent taxes against said property or any part thereof; and shall state that if said property is not redeemed within six months after the date of the first publication of said notice, specifying the date of said first publication, said right of redemption will terminate.

Time of
termination.

In all cases where the right to redemption exists such right shall terminate six months after the date of first publication of the notice herein required.

When title
vests in
state.

Upon payment to the tax collector of all delinquent taxes and penalties due the county in which said lands are situate, and costs of notice herein required, title to said lands described in the notice herein provided for will vest in the state absolutely.

Records

The controller shall keep a record of all of the tax-deeded lands to which the right of redemption has been terminated under the provisions of this act in a book to be kept in the office of the state controller for that purpose.

Immediately following the termination of the right of redemption in any tax-deeded lands the controller shall note upon his records a description of said lands, and shall forward to the recorder of each county wherein any of said lands may be situate a description thereof. It shall be the duty of the recorder of the several counties to enter upon the official records with appropriate entries the fact that the right of redemption has been terminated in said lands so described in the notice from the state controller.

CHAPTER 674.

An act to amend section 1766 of the Code of Civil Procedure, relating to guardians.

[Approved by the Governor June 4, 1929. In effect August 14, 1929.]

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

Stats 1909,
p. 944,
amended.

SECTION 1. Section 1766 of the Code of Civil Procedure is hereby amended to read as follows:

Petition for
restoration
to capacity.

1766. Any person who has been declared insane or incompetent, or the guardian, or any relative to such person within the third degree, or any friend, may apply, by petition, to the superior court of the county in which he was declared insane, to have the fact of his restoration to capacity judicially determined; *provided, however,* if the secretary of the state department of institutions has been appointed guardian for such person the said secretary may file the petition herein

provided for in the county of the state in which he was appointed guardian. The petition must be verified, and must state that such person is then sane or competent. On receiving the petition, the court must appoint a day for a hearing before the court, and if the petitioner requests it, must order an investigation before a jury, which must be summoned and impaneled in the same manner as juries in civil actions. The court must cause notice of the trial to be given to the guardian of the person so declared insane or incompetent, if there is a guardian, and to his or her husband or wife, if there is one, and to his or her father or mother, if living in the county. On the trial, the guardian or relative of the person so declared insane or incompetent, and, in the discretion of the court, any other person, may contest the right to the relief demanded. Witnesses may be recovered to appear and testify, as in civil cases, and may be called and examined by the court on its own motion, if it is found that the person is of sound mind, and capable of taking care of himself and his property, his restoring to capacity must be adjudged and the guardianship of such person, if such is not a minor, must cease.

Procedure.

CHAPTER 675.

An act to amend section 14 of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913 (Stats. 1913, page one thousand forty-nine), as amended relating to duties of officers of board.

[Approved by the Governor June 4, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 14 of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, is hereby amended to read as follows:

Stats 1913,
p. 1059,
amended.

Sec 14. The president shall sign all contracts on behalf of the district and perform such other duties as may be imposed by the board of directors. The secretary shall countersign all contracts on behalf of the district and perform such other duties as may be imposed by the board of directors. The general manager shall have full charge and control of the maintenance of the district.

Duties of
officers of
board.

nance, operation and construction of the waterworks or waterworks system of said water district, with full power and authority to employ and discharge all employees and assistants at pleasure, prescribe their duties, and shall, subject to the approval of the board of directors, fix their compensation. The general manager shall perform such other duties as may be imposed upon him by the board of directors. The general manager shall report to the board of directors in accordance with such rules and regulations as they may adopt. The auditor shall be charged with the duty of installing and maintaining a system of auditing and accounting that shall completely and at all times show the financial condition of the district. He shall draw warrants to pay demands made against the district when such demands have been first approved by at least three members of the board of directors and by the general manager. The board of directors shall also designate a depository or depositaries to have the custody of the funds of the district, all of which depositaries shall give security sufficient to secure the district against possible loss, and who shall pay the warrants drawn by the auditor for demands against the district under such rules as the directors may prescribe. The general manager, secretary and auditor, and all other employees or assistants of said district who may be required so to do by the board of directors, shall give bonds to the district conditioned for the faithful performance of their duties as the board of directors from time to time may provide.

Depository
of funds

Officers'
bonds

CHAPTER 676.

An act to amend an act entitled "An act to provide for the apportionment and assessment upon the district or districts benefited of the cost or a portion of the cost of the separation of the crossing of a railroad or street railroad by a street, highway or public way and for the letting of contracts for the said work and for the enforcement and collection of such assessments. and providing for the issuance and effect of bonds therefor, whether said street or highway or the district to be benefited, lies entirely within the unincorporated territory of a county or entirely within a municipality, or within such unincorporated territory and one or more municipalities, or within two or more municipalities, or where such highway or street forms a portion of the boundary of a municipality; and providing for the payment of a portion of the expenses for such improvement by counties or municipalities at their election," approved May 21, 1927, by adding thereto a new section to be known as section 13a authorizing the inclusion in one proceeding for the separation of grades under the provisions of said

act the separation or elimination of two or more grade crossings.

[Approved by the Governor June 4, 1929. In effect August 14, 1929]

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

SECTION 1. There is hereby added to the act entitled "An act to provide for the apportionment and assessment upon the district or districts benefited of the cost or a portion of the cost of the separation of the crossing of a railroad or street railroad by a street, highway or public way and for the letting of contracts for the said work and for the enforcement and collection of such assessments, and providing for the issuance and effect of bonds therefor, whether said street or highway or the district to be benefited, lies entirely within the unincorporated territory of a county or entirely within a municipality, or within such unincorporated territory and one or more municipalities, or within two or more municipalities, or where such highway or street forms a portion of the boundary of a municipality; and providing for the payment of a portion of the expenses for such improvement by counties or municipalities at their election," approved May 21, 1927, a new section to be known as section 13a thereof, reading as follows:

Stats 1927,
p 1165,
amended

Sec. 13a. The terms "grade separation," "separation of grades" and "crossing," and all other terms herein used, whenever used in this act in the singular, shall be deemed to include the plural, and the legislative body of any city or of any county or city and county are hereby authorized and empowered to provide for the separation of grades at two or more grade crossings in one proceeding whenever the public interest and convenience may so require, and nothing contained in this act shall be deemed or construed as preventing the inclusion in any one proceeding of two or more separations of grades.

Separation
of two or
more grades
in one
proceeding

CHAPTER 677.

An act authorizing and empowering the department of natural resources to acquire tax-deeded lands for the use of said department and making an appropriation therefor.

[Approved by the Governor June 4, 1929. In effect August 14, 1929]

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

SECTION 1. The department of natural resources is hereby authorized, through the director thereof, to acquire under the provisions of section 3897a of the Political Code, land deeded to the state for delinquent taxes under the provisions of 3785 of said code. Said lands must be selected by the California state board of forestry and must be adaptable and suitable for

Department
authorized
to acquire
tax-deeded
lands

forestry purposes or for the purposes of reforestation or afforestation and the department of natural resources must devote any land acquired under this act to the purposes herein specified.

Purchase at
tax sale.

SEC. 2. The department of natural resources, with the approval of the department of finance, is hereby authorized through the director thereof to enter bids and to do any and all other necessary acts to acquire lands at any tax sale held under the provisions of section 3897 of the Political Code; *provided, however*, that all such land or lands must be adaptable and suitable for forestry purposes or for the purposes of reforestation or afforestation. In the event that said department of natural resources should be the successful bidder at any sale, the land shall be deeded by the tax collector to the people of the State of California, in the same manner that lands are deeded to purchasers under the provisions of section 3898 of the Political Code and the director of the state department of natural resources is hereby authorized to accept such deeds in the name of the people of the State of California.

Appropriation.

SEC. 3. Out of any moneys in the state treasury not otherwise appropriated, the sum of eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated to the department of natural resources for the carrying out of the purposes of this act.

Title

SEC. 4. The director of the department of natural resources is hereby empowered and authorized to execute and deliver all papers, documents, notices and to take all deeds necessary to take title to any land deeded to the people of the State of California under the provisions of this act.

CHAPTER 678.

An act to amend sections 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14 of an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, as amended, relating to collection agencies.

[Approved by the Governor June 4, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 822,
amended

SECTION 1. Section 3 of an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, as amended, is hereby amended to read as follows:

Application
for license

Sec. 3. Application for such license shall be made in writing to the secretary of state and shall state the name

of the applicant together with the name under which the applicant does, or expects to do business, with full residence address of the applicant, including street and number, city and state, the character of business sought to be carried on, the location by street and number, city and state of the main office of the business and of any branch thereof, and in the case of a firm the full names and residence addresses of all partners; and in the case of a corporation or voluntary association the name and residence address of each of the directors and officers thereof. Such application shall be subscribed by the applicant and duly acknowledged as required for deeds to be recorded, and shall be filed with the secretary of state, together with the bond required by the next section.

SEC. 2. Section 4 of said act is hereby amended to read as follows:

Stats. 1927,
p. 823,
amended.
Surety
bond.

Sec. 4. The applicant shall file with the application a bond which shall run to the people of the State of California. If the surety be a corporation there need be but one surety and the bond shall be in the sum of one thousand dollars. If the surety be not a corporation there shall be not less than two sufficient sureties and the bond shall be in the sum of two thousand dollars. In either case the bond shall be conditioned that the principal, who shall be the applicant, shall and will, upon demand in writing, pay and turn over to or for the use of any customer from whom any claim is taken or received for collection the proceeds of such collection, in accordance with the terms of the agreement made between the said principal and the said customer, and conditioned that the principal will comply with all requirements of this or of any other statute now in force or hereafter enacted with respect to the duties, obligations and liabilities of collection agencies. Such bond shall cover all matters placed with said licensee during the term of said license so applied for, or renewal thereof and liability thereunder shall continue in accordance with the provisions of section 10. Such bond may be enforced in the manner provided for the enforcement of bonds and undertakings in actions or special proceedings.

SEC. 3. Section 5 of said act is hereby amended to read as follows:

Stats 1927,
p. 823,
amended
License

Sec. 5. Upon receiving and filing such application and bond, and upon payment of the license fee hereinafter provided, the secretary of state shall grant and issue a license to the applicant which shall state the name of the licensee and the location by street and number where the licensee is authorized to carry on business, together with the number and date of such license, and shall further state that it is issued pursuant to this act, and that the licensee is duly authorized hereunder. The license issued for any branch office of the licensee shall bear on its face in conspicuous type the words "branch office certificate" and shall bear the business address of the branch office only but in all other respects shall be the same as the license issued for the main office of the licensee.

Upon receipt of such license the licensee shall have the right to conduct the business of a collection agency with all the powers and privileges contained in and to be subject to all the provisions of this act.

Stats 1927,
p 823,
amended
License fees

SEC. 4. Section 6 of said act is hereby amended to read as follows:

Sec. 6. Before the applicant shall be entitled to receive a license hereunder he shall pay to the secretary of state for the initial license a fee in the sum of twenty-five dollars, and for each renewal license fee in the sum of fifteen dollars. In addition a fee of two dollars shall be paid to the secretary of state for each branch office certificate to be issued. All moneys so received by the secretary of state shall be turned into the state treasury to constitute a fund from which the expenses of carrying out the provisions of this act shall first be defrayed.

Stats 1927,
p 824,
amended

SEC. 5. Section 7 of said act is hereby amended to read as follows:

Change of
location

Sec. 7. Upon removal from any location as stated in any license issued hereunder, the licensee shall within five days thereafter, deposit said license with the secretary of state, accompanying same with written notification of such removal, and the secretary of state shall note said removal upon the face of the license, and shall enter in his records in an appropriate place therefor, a notation of such removal and shall thereupon return said license.

Change of
personnel

When the personnel of a collection agency is changed but the name of such collection agency remains the same it shall be necessary to secure a new license and file a new surety bond. Upon the transfer of the business to a new owner, the license shall be returned to the secretary of state to be canceled.

Change of
firm name

If the firm name is changed but the personnel remains the same it shall be necessary to secure a new license and file a new surety bond.

Branch
office

If any branch office or branch offices are opened after a license has been issued, a license certificate may be secured from the secretary of state upon application in writing and payment of the fee specified for branch office certificates as provided in section 6 of this act.

Stats 1927,
p 824,
amended

SEC. 6. Section 10 of said act is hereby amended to read as follows:

Limitation
of actions

Sec. 10. No action shall be brought upon any bond herebefore required to be given and filed, after the expiration of two years from the revocation or expiration of the license issued thereunder. From and after the expiration of said period of two years, all liability of the surety upon the said bond shall cease; *provided*, no action shall have been commenced upon said bond before the expiration of the said period.

Stats 1927,
p 824,
amended.

SEC. 7. Section 11 of said act is hereby amended to read as follows:

See 11. The secretary of state shall have power upon the filing with him of a complaint under oath against any licensee to require, under oath, and within ten days after notice to such licensee a reply to said complaint, and the secretary of state may, upon proper cause shown, extend the time of filing such reply, not to exceed sixty days. Should such reply when filed be deemed insufficient by the secretary of state or should the charges not have been withdrawn, and should the complaint contain allegations of fraud, the secretary of state shall have power to appoint an auditor to visit and audit the books, papers and records of such licensee, and to take any action under any provision of this act which the result of such auditing may indicate to be appropriate. The secretary of state shall have the power to issue subpoenas for the production of books, papers and records and upon failure or refusal of any officer or agent of any collection agency to produce such books, papers and records the superior court in and for the county or city and county in which such collection agency is doing business shall have power to compel the production of books, papers and records as requested by any subpoena issued by the secretary of state. The secretary of state may appoint one or more field inspectors to assist him in carrying out the provisions of this act.

Complaints
against
licensee

Whenever any complaint shall have been filed with the secretary of state against any licensee hereunder, the secretary of state must send a copy of such charge to the licensee, and another copy to the attorney general and afford an opportunity to said licensee to answer the same, and to be heard with reference thereto, and if after such notice and hearing the licensee shall be found guilty of fraud or misrepresentation or of any act or omission inconsistent with the faithful discharge of its duties and obligations, or in violation of any provision of this act, or if the licensee shall in any court of law be adjudged liable for breach of any bond given hereunder, the secretary of state shall have power by an order to be made in writing, and filed in his office and served on the licensee by registered mail at the address shown in the records of the secretary of state to revoke said license and all rights of the licensee under this article shall forthwith terminate, and no application shall be received hereunder from any person, firm, corporation or voluntary association whose license has once been revoked. The determination of the secretary of state revoking any license shall be subject to review by writ of certiorari within thirty days after the date of filing the order of revocation.

Revocation
of license

SEC. 8. Section 12 of said act is hereby amended to read as follows:

Stats 1927,
p 825,
amended

Sec. 12. The secretary of state shall keep in his office in a suitable record provided for the purpose all applications for licenses and all bonds required to be filed hereunder, and such record shall state whether or not a license has been issued under such application and bond, and if revoked the date of

Record of
applications,
bonds and
licenses
revoked

filing the order of revocation. The secretary of state shall keep a list of all persons, firms, corporations and voluntary associations who have had licenses revoked. In such record all licenses issued shall be indicated by their serial numbers as well as by the name and address of the licensee. This section applies to the renewal applications and renewal licenses which shall be entered in said record in their proper order like original applications and licenses, except that with respect to them, said record shall show in addition the word "renewal" with the number of the last preceding license granted to the same licensee. Such book shall be open for inspection as a public record in the office of the secretary of state.

Stats 1927,
p. 825,
amended.
Offenses
and
penalties.

SEC. 9. Section 13 of said act is hereby amended to read as follows:

Sec. 13. In addition to any other penalty, any person, firm, corporation or voluntary association, or any officer or director of any such corporation or association carrying on the business specified in this act without first having obtained from the secretary of state a license therefor, as herein provided, or who shall carry on such business after the revocation or expiration of any license so obtained, shall be guilty of a misdemeanor and punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months or by both fine and imprisonment.

It shall be the duty of the prosecuting officer of any city, city or county, or county to prosecute all violations of the provisions of this act occurring within his county.

Stats. 1927,
p. 825,
amended
. Attorneys.

SEC. 10. Section 14 of said act is hereby amended to read as follows:

Sec. 14. Nothing contained in this act shall be construed as requiring any attorney and counselor at law, licensed to practice in this state, to obtain the license provided for by this article as long as he is retained by his client or clients to collect or to solicit or obtain payment of such client's claim in the usual course of his practice of his profession. Any attorney or counselor at law who is conducting a collection agency must secure a license as provided in section 3 of this act.

CHAPTER 679.

An act to amend section 30 and section 31 of the workmen's compensation, insurance and safety act of 1917, as amended, relating to insurance policies of workmen's compensation insurance.

[Approved by the Governor June 4, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 30 of the workmen's compensation, insurance and safety act of 1917, as amended, is hereby amended to read as follows: Stats 1917, p. 858, amended.

Sec. 30. (a) Nothing in this act shall affect the organization of any mutual or other insurance company, or any existing contract for insurance, or the right of the employer to insure in mutual or other companies, in whole or in part, against liability for the compensation provided by this act; or to provide by mutual or other insurance, or by arrangement with his employees, or otherwise, for the payment to such employees, their families, dependents or representatives, of sick, accident or death benefits, in addition to the compensation provided for by this act; or the right of the employer to waive the waiting period provided for herein by insurance coverage; *provided, however,* that it shall be unlawful for any employer to exact or receive from any employee any contribution, or make or take any deduction from the earnings of any employee, either directly, or indirectly, to cover the whole or any part of the cost of compensation under this act, and it shall be a misdemeanor so to do. Right of employer to insure in mutual companies, etc

(b) Liability for compensation shall not be reduced or affected by any insurance, contribution, or other benefit whatsoever due to or received by the person entitled to such compensation, except as otherwise provided by this act, and the person so entitled shall, irrespective of any insurance or other contract, except as otherwise provided in this act, have the right to recover such compensation directly from the employer, and in addition thereto, the right to enforce in his own name, in the manner provided in this act, either by making the insurance carrier a party to the original application or by filing a separate application, the liability of any insurance carrier, which may, in whole or in part, have insured against liability for such compensation; *provided, however,* that payment in whole or in part of such compensation by either the employer or the insurance company shall, to the extent thereof, be a bar to recovery against the other of the amount so paid; *and provided, further,* that as between the employer and the insurance company, payment by either directly to the employee, or to the person entitled to compensation, shall be subject to the conditions of the insurance contract between them. Liability not reduced by insurance

Insurance carrier directly liable to employee

(c) Every contract insuring against liability for compensation, or insurance policy evidencing the same, must contain a clause to the effect that the insurance carrier shall be directly and primarily liable to the employee and, in the event of his death, to his dependents, to pay, to the extent provided in and subject to the provisions, conditions and limitations of the policy, the compensation, if any, for which the employer is liable; that, as between the employee and the insurance carrier, the notice to or knowledge of the occurrence of the injury on the part of the employer shall be deemed notice or knowledge, as the case may be, on the part of the insurance carrier; that jurisdiction of the employer shall, for the purpose of this act, be jurisdiction of the insurance carrier; and that the insurance carrier shall in all things be bound by and subject to the orders, findings, decisions or awards rendered against the employer under the provisions of this act, to the extent provided in and subject to the provisions, conditions and limitations of the policy.

Lien of employer on amount owing on policy

(d) Such policy must also provide that the employee shall have a first lien upon any amount which shall become owing on account of such policy to the employer from the insurance carrier, and that in case of the legal incapacity or inability of the employer to receive the said amount and pay it over to the employee or his dependents, the said insurance carrier may and shall pay the same directly to the said employee or his dependents, thereby discharging, to the extent of such payment, the obligations of the employer to the employee; and such policy shall not contain any provisions relieving the insurance carrier from payment when the employer becomes insolvent or is discharged in bankruptcy, or otherwise, during the period that the policy is in operation or the compensation remains owing. Every contract insuring against liability for compensation, provided by this act, or insurance policy evidencing the same shall be conclusively presumed to contain all of the provisions required by this act.

Employer relieved from liability by insurance carrier

(e) (1) If the employer shall be insured against liability for compensation with any insurance carrier, and if after the suffering of any injury such insurance carrier shall serve or cause to be served upon any person claiming compensation against such employer a notice that it has assumed and agreed to pay the compensation, if any, for which the employer is liable, and shall file a copy of such notice with the commission, such employer shall thereupon be relieved from liability for compensation to such claimant and the insurance carrier shall, without notice, be substituted in place of the employer in any proceeding theretofore or thereafter instituted by such person to recover such compensation, and the employer shall be dismissed therefrom. Such proceedings shall not abate on account of such substitution but shall be continued against such insurance carrier. If at the time of the suffering of an injury for which compensation is claimed, or may be claimed, the employer shall be insured against liability for the full amount of compensation payable,

or that may become payable, the employer may serve or cause to be served upon any person claiming compensation on account of the suffering of such injury and upon the insurance carrier a notice that the insurance carrier has in its policy contract or otherwise, assumed and agreed to pay the compensation, if any, for which the employer is liable, and may file a copy of such notice with the commission. If it shall thereafter appear to the satisfaction of the commission that the insurance carrier has, through the issuance of its contract of insurance or otherwise, assumed such liability for compensation, such employer shall thereupon be relieved from liability for compensation to such claimant and the insurance carrier shall, after notice, be substituted in place of the employer in any proceeding theretofore or thereafter instituted by such person to recover such compensation, and the employer shall be dismissed therefrom. Such proceeding shall not abate on account of such substitution, but shall be continued against such insurance carrier.

(2) The commission may, with or without the filing of the notice required by the preceding paragraph, enter its order relieving the employer from liability where it appears from the pleadings, stipulations or proof that an insurance carrier joined as party to the proceeding is liable for the full compensation which the employer in such proceeding is liable to pay.

Order of
commission

(f) Where any employer is insured against liability for compensation with any insurance carrier and such insurance carrier shall have assumed the liability of the employer therefor in the manner provided by this section, or shall have paid any compensation for which the employer is liable, or furnished or provided any medical services required by this act, such insurance carrier shall be subrogated to all the rights and duties of such employer and may enforce any such rights of its own name.

Insurance
carrier
subrogated
to rights of
employer

(g) The state compensation insurance fund may insure against any liability fixed under this act to the same extent as any insurance carrier.

State fund
may insure

SEC. 2. Section 31 of said act is hereby amended to read as follows:

Stats 1917,
p 860,
amended

Sec. 31. (a) Policies of compensation insurance may be issued insuring either the whole or any part of the liability of any employer for compensation, and any such policy may restrict or limit such insurance in respect to locations, employees, operations or risks, or restrict or limit the amount or kind of compensation to be furnished or paid or limit or restrict such insurance in any other manner whatsoever; *provided, however*, that any compensation insurance policy issued by any insurance carrier must be previously approved, as to substance and form, by the insurance commissioner, after consultation with the industrial accident commission; *and provided, further*, that no such approved form of policy may be otherwise limited or restricted, except by endorsement thereon in accordance with a form or forms prescribed by the insurance commissioner or in accordance with rules and regulations adopted by the insurance commissioner after consultation with the industrial acci-

Policy may
be limited

dent commission. Failure to observe the requirements of the foregoing proviso of this section shall render any policy not complying therewith unlimited.

(b) No insurance carrier shall insure against the liability of the employer for the additional compensation recoverable under the provisions contained in section 6 (b) hereof.

CHAPTER 680.

An act to amend the California irrigation district act, approved March 31, 1897, as amended, by amending sections 41, 43, 44, 45 and 46 thereof, relating to the delinquency of assessments, the sale and resale of property therefor, and the keeping of a record of such property sold thereunder.

[Approved by the Governor June 4, 1929. In effect August 14, 1929.]

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

Stats. 1913,
p 1002,
amended

SECTION 1. Section 41 of the California irrigation district act, approved March 31, 1897, is hereby amended to read as follows:

Publication
of notice
that assess-
ments are
due

Sec. 41. On or before the first day of November, the secretary must deliver the assessment book to the collector of the district, who shall within twenty days start the publication of a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable and will become delinquent at six o'clock p.m. on the last Monday of December next thereafter, except as provided in section 41c hereof, and that unless paid prior thereto ten per cent of the amount thereof will be added thereto as a penalty for delinquency. Said notice shall also state the time and place at which payment of assessments may be made. Said notice shall be published at least two times; to wit, once a week for two successive weeks. The collector must attend at the time and place specified in the notice to receive assessments, which must be paid in gold and silver coin; he must mark the date of payment of any assessment in the assessment book, opposite the name of the person paying and give a receipt to such person, specifying the amount of the assessment and the amount paid, with the description of the property assessed. On the last Monday in December at six o'clock p.m. of each year, except as provided in section 41c hereof, all unpaid assessments are delinquent and thereafter the collector must collect thereon, for the use of the district, an addition of ten per cent of the amount thereof as a penalty for delinquency.

Date of
delinquency

Stats 1913,
p 1003,
amended.

SEC. 2. Section 43 of said act is hereby amended to read as follows:

Sale of
property for
delinquent
assessment

Sec. 43. The collector must collect, in addition to the assessments due on the delinquent list, and ten per cent penalty added, for delinquency, costs in the sum of fifty cents on each lot, piece or tract of land separately assessed. On

the day fixed for the sale, or some subsequent day to which he may have postponed it, of which he must give notice, the collector, between the hours of ten o'clock a.m. and three o'clock p.m., must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically, or in the numerical order of the lots or blocks, until completed. He may postpone the day of commencing the sales, or the sale, from day to day, but the sale must be completed within three weeks from the day first fixed; *provided*, that if any sale or sales shall be stayed by legal proceedings, the time of the continuance of such proceedings is not part of the time limited for making such sale or sales.

SEC. 3. Section 44 of said act is hereby amended to read as follows:

Stats 1927,
p 189,
amended
Rights of
owner
at sale.

Sec. 44. The owner or person in possession of any property offered for sale for assessments due thereon may designate, in writing, to the collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the collector may designate it and the person who will take the least quantity of the property assessed, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessments, penalties and costs due, including two dollars for the duplicate certificate of sale, is the purchaser. If the purchaser does not pay the assessments, penalties and costs before ten o'clock a.m. the following day, the property on the next sale day must be resold for the assessments, penalties and costs. But in case there is no purchaser in good faith for the same on the first day that the property is offered for sale, then, when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the irrigation district within which such lands are situated, as the purchaser, and the duplicate certificate delivered to the treasurer of the district, and filed by him in his office. No charge shall be made for the duplicate certificate where the district is the purchaser, and, in such case, the collector shall make an entry, "sold to the district" and he shall be credited with the amount thereof in his settlement. An irrigation district as a purchaser at such sale, shall be entitled to the same rights as a private purchaser, and the district as such purchaser may sell, assign and transfer such certificate of sale for a consideration of not less than the amount of the assessments, penalties and costs.

Resale on
default of
payment

Purchase
by district

SEC. 4. Section 45 of said act is hereby amended to read as follows:

Stats 1897,
p 270,
amended
Certificate
of sale.

Sec. 45. After receiving the amount of assessments, penalties and costs, the collector must make out in duplicate a certificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the property sold, the amount paid therefor, that it was sold for assessments, giving the amount and year of the assessment, and specifying

the time when the purchaser will be entitled to a deed. The certificate must be signed by the collector, and one copy delivered to the purchaser, and the other filed in the office of the county recorder of the county in which the property is situated.

Stats. 1927,
p. 134,
amended
Record of
property
sold for
assessment

SEC. 5. Section 46 of said act is hereby amended to read as follows:

Sec. 46. The collector, before delivering any certificate, must in a book enter a description of the property sold, corresponding with the description in the certificate, the date of the sale, purchaser's name, and amount paid, regularly number the description on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use. On filing the certificate with such county recorder the lien of the assessments vests with the purchaser, and is only divested by the payment to him or to the collector for his use, of the purchase money, and a penalty of one and one-half per cent per month from the date of sale until redemption.

CHAPTER 681.

An act to amend section 1 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of Coronado in furtherance of navigation, commerce and fisheries and providing for the government, management and control thereof," approved April 27, 1923.

[Approved by the Governor June 4, 1929. In effect August 14, 1929.]

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

Stats. 1923,
p. 85,
amended

SECTION 1. Section 1 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of Coronado in furtherance of navigation, commerce and fisheries and providing for the government, management and control thereof," approved April 27, 1923, is hereby amended to read as follows:

Lands
granted to
Coronado.

Section 1. There is hereby granted and conveyed to the city of Coronado, a municipal corporation in the county of San Diego, State of California, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all the tidelands and submerged lands (whether filled or unfilled), within the present boundaries of said city and situated upon the Coronado side of the bay of San Diego, in the county of San Diego, State of California, lying between the line of mean high tide and the pierhead line in said bay, as the same has been or may hereafter be established by the federal government, and between the pro-

longation of the easterly boundary line of the city of Coronado into Glorietta bay, a portion of the said San Diego bay, and the prolongation of the westerly boundary line of the city of Coronado into Spanish bight, a portion of said San Diego bay; to be forever held by said city of Coronado in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city for the establishment, improvement and conduct of the harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion of commerce, navigation and fisheries, and for the establishment and maintenance of bath houses and bathing facilities and boat houses necessary or convenient for the inhabitants of said city and said city shall not at any time grant, convey, give or alien said lands or any part thereof to any individual, firm or corporation for any purpose whatsoever; *provided, however, that said city of Coronado may grant franchises thereon for wharves, docks, piers, slips, quays, bath houses and bathing facilities, boat houses and any other public uses and purposes. and may lease said lands or any part thereof for any of said uses or purposes hereinabove enumerated, for any purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce or navigation of said harbor, to person, firms or corporations for a period not exceeding fifty years; provided, however, that said city may have the right to renew such lease or leases for the further term not exceeding twenty-five years, or to terminate the same upon such terms, reservations and conditions as may be stipulated in such lease or leases.*

Every such lease shall provide for the payment of rentals to the city of Coronado, which said rentals shall either be at an agreed figure, or shall be arrived at in such manner as may be mutually agreed upon, and provided for in said lease or leases.

Said leases shall also provide that at no time during their term, shall the said city of Coronado be required to make any improvements on or for the benefit of the leased lands. Every lease so executed shall reserve to the board of trustees and to the people of the city of Coronado, the right and privilege by ordinance duly adopted, to terminate, change or modify such lease or leases on such terms, reservations and conditions as may be stipulated in such lease or leases.

(b) That said harbor shall be improved by said city without expense to the State of California, and it shall always remain a public harbor for all purposes of commerce, navigation, and the State of California shall have at all times the right to use without charge all wharves, docks, piers, slips, quays and other improvements constructed on said land or any part thereof for any vessel or other water craft or railroad, owned and operated by the State of California.

No discrimi-
nation in
rates

(c) That in the management, conduct or operation of said harbor or of any of the utilities, structures or appliances mentioned in paragraph (a) no discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city.

Right
to fish
reserved

Reserving, however, for the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purpose.

CHAPTER 682.

An act to add a new chapter to the Penal Code to be numbered chapter eleven, comprising sections 258, 259 and 260, to title eight of part one of said code, relating to slander.

[Approved by the Governor June 4, 1929 In effect August 14, 1929]

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

New chapter

SECTION 1. A new chapter, to be numbered chapter eleven, comprising sections 258, 259 and 260, is hereby added to title eight of part one of the Penal Code, to read as follows:

CHAPTER XI.

Slander
defined.

258. Slander is a malicious defamation, orally uttered, whether or not it be communicated through or by radio or any mechanical or other means or device whatsoever, tending to blacken the memory of one who is dead, or to impeach the honesty, integrity, virtue or reputation, or disclose the actual or alleged defects of one who is living, or of any educational, literary, social, fraternal, benevolent or religious corporation, association or organization, and thereby to expose him or it to public hatred, contempt, or ridicule. Every person who wilfully, and with a malicious intent to injure another, utters any slander, is punishable by a fine not exceeding five thousand dollars, or imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. Words uttered in the proper discharge of an official duty, or in any legislative or judicial proceeding, or in any other official proceeding authorized by law, shall be privileged and shall never be deemed a slander within the meaning of this section.

Presumption

259. The injurious utterance of slander is presumed to have been malicious save when it is a communication to a person interested therein, by one who is also interested, or by one who stands in such relation to the person interested as to afford a reasonable ground for supposing the motive for the communication innocent, or who is requested by the person interested to give the information.

260. In all criminal prosecutions for slander, the truth may be given in evidence to the jury, and if it appears to the jury that the matter charged as slanderous is true, and was uttered with good motives and for justifiable ends, the party shall be acquitted.

Truth of statement

CHAPTER 683.

An act to provide for the establishment of a state hospital for the insane, providing for commitments thereto and the management thereof, and making an appropriation therefor.

[Approved by the Governor June 4, 1929. In effect August 14, 1929]

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

SECTION 1 A state hospital shall be established in southern California for the care of the insane.

Establishment of hospital Commission

SEC. 2. A commission composed of the director of institutions, who shall be chairman of the commission; the director of finance; the director of public works; and two other persons, one of whom shall be a woman, to be appointed by the governor, is hereby created and is hereby authorized to select and purchase a suitable site for a hospital for insane persons.

SEC. 3. Upon the completion of such state hospital, insane persons may be committed or admitted thereto in the manner provided by law for the commitment of insane persons, and for the admission of insane persons, under special agreements, to state hospitals for the insane.

Admission

SEC. 4. Upon the purchase of a site as herein provided for such institution, the commission herein created shall cease to exist and the control and management of said institution as a hospital for the insane shall be continued as and in the manner provided by law for the control, management and operation of state hospitals for the care of the insane.

Management

SEC. 5. The title to land and water rights thereunto appertaining acquired in pursuance of this act shall be approved by the attorney general and shall be taken in the name of the State of California. The deeds therefor shall be filed with the secretary of state.

Title to property.

SEC. 6. Out of moneys in the state treasury there is hereby appropriated the sum of one million dollars, of which sum the sum of six hundred eighty thousand dollars is appropriated from the appropriation "For major construction and equipment at Norwalk State Hospital including six ward buildings, two physicians' cottages and employees' quarters, six hundred ninety thousand dollars (\$690,000)"; the sum of one hundred fifty thousand dollars from the appropriation "For purchase and survey of land at Norwalk State Hospital, one hundred fifty thousand dollars (\$150,000)" made by chapter thirty-nine of the statutes of 1929, and the balance thereof, the sum

Appropriation

of one hundred seventy thousand dollars, out of any moneys in the general fund in the state treasury not otherwise appropriated.

Site The site selected shall contain sufficient acreage to meet the requirements of the institution to be established.

CHAPTER 684.

An act to establish a state prison; creating a commission to select and purchase a suitable site therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

[Approved by the Governor June 4, 1929 In effect August 14, 1929]

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

Establishment of prison SECTION 1. There shall be established in southern California, a prison for the confinement, discipline, instruction and training of prisoners committed thereto as hereinafter provided.

Age limit of prisoners SEC. 2. Any person, not less than eighteen and not more than twenty-four years of age at the time of sentence, who, for the first time, is convicted of a crime which is punishable by imprisonment in the state prison, shall be sentenced to confinement in the prison hereby created, unless in the judgment of the court he should be confined in one of the other existing state prisons.

SEC. 3. Said prison shall be so administered as to provide, so far as is practicable, the most beneficial training, education and discipline of the prisoners therein confined.

Management SEC. 4. The prison hereby created shall be under the management and control of the state board of prison directors and all laws applying to the existing state prisons and the prisoners therein confined are hereby made applicable to the prison to be constructed in accordance with the provisions of this act.

Commission to purchase site SEC. 5. A commission consisting of the director of the department of penology, the director of the department of public works, the director of the department of finance, the director of the department of social welfare and the president of the board of prison directors, is hereby constituted for the selection and purchase of a suitable site for said prison, with the necessary water and water rights. The said commission is directed to secure land susceptible of irrigation and suitable for the agricultural, vocational and industrial training of prisoners committed thereto. Title to said land shall be taken in the name of the State of California.

It shall be the duty of the state board of prison directors to construct and equip on such site acquired all necessary buildings as provided for by law to accomplish the purpose of the provisions of this act.

SEC. 6. Any prisoner may be removed from the prison hereby created to any one of the existing state prisons to serve the remainder of the term for which he was sentenced when, in the judgment of the state board of prison directors, such transfer is desirable. Transfer of
prisoners.

The state board of prison directors may transfer from either of the existing state prisons to the prison created by this act any prisoner under the age of twenty-four years serving a first term when, in its judgment, such transfer is desirable.

SEC. 7. The probation officers of the state shall cooperate with the state board of prison directors and the state parole officer in procuring employment for and supervising prisoners paroled from the prison hereby created, and the probation officers of each county shall act as parole officers for all such prisoners on parole living within the limits of their respective counties, under such rules as may be established by the state board of prison directors and under the supervision of the state parole officer. Parole.

SEC. 8. When the prison to be constructed in accordance with the provisions of this act is ready for the confinement of prisoners the state board of prison directors shall certify such fact to the governor, who shall make proclamation thereof.

SEC. 9. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of three hundred and seventy-five thousand dollars (\$375,000) for the purposes of this act, and the controller of the state is hereby directed on the request of the state board of prison directors, duly audited by the state department of finance, to draw his warrant on the state treasurer in favor of said board, for any moneys duly appropriated to meet any expenditures under this act. Appropriation.

CHAPTER 685.

An act to amend section 16x21 of an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in the process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies

of the state's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including the state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, relating to the salary of the sealer and deputies of counties of the twenty-first class.

[Approved by the Governor June 4, 1929 In effect August 14, 1929]

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

Stats 1927,
p 1837,
amended

SECTION 1. Section 16r21 of an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection, and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in the process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the state's standards of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including the state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended, is hereby amended to read as follows:

Counties of
21st class
(San
Mateo).
sealer.

Sec. 16r21. The sealer of weights and measures in counties of the twenty-first class shall receive a salary of two hundred dollars per month and deputies shall receive five dollars per day for each day actually employed.

CHAPTER 686.

An act to amend section 737g of the Political Code, relating to the salaries of superior court judges in and for the county of Contra Costa.

[Approved by the Governor June 4, 1929 In effect August 14, 1929]

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

Stats 1927,
P 559,
amended.
Contra
Costa
county

SECTION 1. Section 737g of the Political Code is hereby amended to read as follows:

737g. The annual salary of each of the judges of the superior court in and for the county of Contra Costa is seven thousand dollars,

CHAPTER 687.

An act to amend section 602 of the Penal Code, relating to malicious injury to real property.

[Approved by the Governor June 5, 1929 In effect August 14, 1929]

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

SECTION 1. Section 602 of the Penal Code is hereby amended to read as follows:

602. Every person who wilfully commits any trespass by either:

(a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another;

(b) Carrying away any kind of wood or timber lying on such lands;

(c) Maliciously injuring or severing from the freehold of another anything attached thereto, or the produce thereof;

(d) Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, or stone;

(e) Digging, taking, or carrying away from land in any city or town laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil, or stone;

(f) Maliciously tearing down, damaging, mutilating, or destroying any sign, signboard or notice placed upon, or affixed to, any property belonging to the state, or to any city, county, city and county, town or village, by the state or by an automobile association, which sign, signboard or notice is intended to indicate or designate a road or roads, or a highway or highways, or is intended to direct travelers from one point to another, or putting up, affixing, fastening, printing, or painting upon any property belonging to the state, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto;

(g) Entering upon any lands owned by any other person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away any oysters or other shellfish planted, growing, or being on any such lands, whether covered by water or not, without the license of the owner or legal occupant thereof; or destroying or removing, or causing to be removed or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of any such lands;

Stats. 1927,
p. 1339,
amended.
Malicious
injury
to real
property.

(h) Wilfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and wilfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property; or

(i) Building fires upon any lands owned by another where signs forbidding trespass are displayed at intervals not greater than one-third mile along the exterior boundaries and at all roads and trails entering such lands, without first having obtained written permission from the owner of such lands or his agent, or the person in lawful possession thereof; or

(j) Entering any lands belonging to or occupied by another where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering such lands, for the purpose of hunting, shooting, killing or destroying any animal or bird on such lands, without having first obtained written permission from the owner of such lands, or his agent, or the person in lawful possession thereof is guilty of a misdemeanor.

CHAPTER 688.

An act to amend section 627 of the Penal Code, relating to trespass.

[Approved by the Governor June 5, 1929 In effect August 14, 1929.]

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

Stats 1901,
p 821,
amended
Trespass

SECTION 1. Section 627 of the Penal Code is hereby amended to read as follows:

627. Every person who, for the purpose of hunting, pursuing, taking, killing or destroying any animal or bird, trespasses upon any lands where signs are displayed not less than three to the mile along all exterior boundaries and at all roads and trails entering such lands forbidding such trespassing, without the written permission of the owner of such lands, or his agent, or the person in lawful possession thereof, or who maliciously tears down, mutilates or destroys any sign, signboard, or other notice forbidding hunting on such private lands, is guilty of a misdemeanor.

Construction
of section

Nothing in this section shall be construed as making the entering or use of any road or trail on such lands unlawful when entered and used for the purpose of communicating with the owner of such lands, or his agent, or the person in lawful possession of such lands. The provisions of this section shall not apply to any person employed as a hunter by the state or by the United States to hunt and destroy predatory animals, or birds, when acting in the course of his employment,

CHAPTER 689.

An act relating to the maintenance of the professorship of nursing education at the University of California at Berkeley, defining the powers and duties of the state director of finance in relation thereto, and making an appropriation therefor.

[Approved by the Governor June 5, 1929. In effect August 14, 1929.]

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

SECTION 1. The director of finance is hereby authorized and empowered to enter into an agreement with the regents of the University of California by which not more than thirty thousand dollars from the fund for the examination and registration of nurses shall be granted in trust to the regents of the University of California for the maintenance of the professorship of nursing education at the University of California at Berkeley. Such agreement shall provide that the fund granted in trust shall not be diminished, and that the income from the fund shall be expended for the professorship of nursing education and shall provide for an additional instructor or instructors for assistance in said university, or for other expenses connected with the chair of nursing education in said university. Professorship
of nursing
education

SEC. 2. Out of any moneys not otherwise appropriated, in the fund for examination and registration of nurses, there is hereby appropriated the sum of thirty thousand dollars for the purpose of carrying out the provisions of this act. In case there is enacted at the forty-eighth session of the Legislature of the State of California a statute abolishing such fund, and creating a nurses' fund as a special fund in the state treasury, said appropriation of thirty thousand dollars shall be and is hereby made out of and from any moneys in said nurses' fund which are not otherwise appropriated. Appropriation.

CHAPTER 690.

An act to amend and to revise an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith'," approved May 19, 1915, as amended.

[Approved by the Governor June 5, 1929. In effect August 14, 1929.]

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

SECTION 1. The act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish See
Stats 1917,
p 1047,
as amended

and game districts and to repeal an act entitled "An act to divide the State of California into six fish and game districts," approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 19, 1915, as amended is hereby amended and revised to read as follows:

See
Stats 1925,
p. 793.
State
divided
into fish
and game
districts.

Section 1. The State of California is hereby divided into fish and game districts to be known and designated as described in this act.

See
Stats 1925,
p. 794
District 1

Sec. 2. Fish and game district "one" shall consist of and include all those portions of the following counties not included in other fish and game districts, Trinity, Shasta, Tehama, Plumas, Butte, Sierra, Sutter, Yuba, Nevada, Placer, Sacramento, El Dorado, Amador, Calaveras, Alpine, Tuolumne, Mariposa, Madera, Tulare, those portions of San Joaquin county lying east and north of the east bank of San Joaquin river and not included in fish and game districts three and twelve "B"; those portions of Stanislaus county lying east of the west bank of San Joaquin river; those portions of Merced county lying east of the west bank of the San Joaquin river; those portions of Fresno county lying east of the west bank of Fresno slough, Fish slough and Summit lake, not included in fish and game districts one "K" and twenty-six; those portions of Kings county east of the main power line of the San Joaquin Light and Power Company, crossing the north line of Kings county, in section four, township eighteen south, range nineteen west, Mount Diablo base and meridian, and crossing the south line of said county on the section line between sections thirty-three and thirty-four; township twenty-four south, range nineteen west, Mount Diablo base and meridian; those portions of Kern county lying east of the west bank of Bull slough and the west and south banks of Buena Vista lake to the southeast corner of the lake and lying north of a line extending from this point directly east and intersecting the Tejon state highway and lying east of the said state highway from the above-mentioned point of intersection to where the said state highway crosses the northern boundary line of Los Angeles county, not included in other fish and game districts.

See
Stats 1925,
p. 795
District 1 1/2

Sec. 3. Fish and game district "one and one-half" shall consist of and include all those portions of Del Norte, Siskiyou and Humboldt counties not included in other fish and game districts.

See
Stats 1927,
p. 1129
District 1 1/4

Sec. 4. Fish and game district "one and three-fourths" shall consist of and include all those portion of Modoc and Lassen counties not included in other fish and game districts, and all that portion of Siskiyou county lying east of the easterly bank of the Klamath river between the Oregon line and the Siskiyou line of the Southern Pacific railway and east of the Siskiyou line of the Southern Pacific railway between the south line of Siskiyou county and the Klamath river; *provided, however,* that in incorporated cities and towns through which said railway right of way passes the eastern boundary line of

said incorporated city or town shall be the westerly boundary of said fish and game district one and three-fourths.

Sec. 5. The Klamath river fish and game district shall consist of and include the waters of the Klamath river as described in the initiative act to create the Klamath river fish and game district approved by electors November 4, 1924.

Klamath
river
district

Sec. 6. Fish and game district "one A" shall consist of and include all lands lying within the county of Siskiyou within the following boundaries: Beginning at the junction of Beaver creek trail and road and the north line of the Klamath river state highway; thence following the northerly line of the state highway to its junction with the Horse creek road; thence following the easterly line of said Horse creek road to its junction with Buck Horn creek; thence following Buck Horn creek to its source; thence to the summit of the Siskiyou mountains; then following the summit of said Siskiyou mountains to the head of the west fork of Beaver creek; thence following the trail down the west fork of Beaver creek and Beaver creek to point of beginning.

See
Stats 1925,
p. 795
District
1 "A"

Sec. 7. Fish and game district "one B" shall consist of and include all lands within the county of Modoc lying within the following boundaries: Starting at a point where Willow creek crosses the north line of section thirty-two, township forty-six north, range nine east, thence along said Willow creek to a point where the creek crosses the section line between sections fourteen and fifteen, township forty-five north, range nine east, thence due south to where the Deerhill and Canby road crosses the section line between sections thirty-four and thirty-five, township forty-three north, range nine east, thence in a northwesterly direction along said road to where it crosses the north line of section twenty-four, township forty-four north, range six east, thence due east approximately four and one-half miles to the section corner common to sections fourteen, fifteen, twenty-two and twenty-three, township forty-four north, range seven east, thence north one mile, thence east two miles, thence north three miles, thence east three miles to the section corner common to sections twenty-seven, twenty-eight, thirty-three, and thirty-four, township forty-five north, range eight east, thence north two miles, thence east three miles, thence north four miles following the range line between townships eight and nine east, forty-five and forty-six north, to the northwest corner of section thirty-one, township forty-six north, range nine east, thence east approximately one and one-half miles to point of beginning. All townships and ranges mentioned herewith being referred to Mount Diablo base and meridian.

See
Stats 1917,
p. 1048
District
1 "B."

Sec. 8. Fish and game district "one C" shall consist of and include all lands lying within the county of Modoc within the following boundaries: Commencing at the boundary of the Modoc national forest on the east side of section twenty-eight, township forty-two north, range fourteen east, where Parker creek crosses the national forest boundary and follow-

See
Stats 1925,
p. 795
District
1 "C"

ing thence Parker creek and the south fork of Parker creek to the summit of the Warner mountains; thence southerly along summit of said Warner mountains to the head waters of Mill creek, thence following course of Mill creek to Mill creek ranger station and Mill creek stock corrals in approximately section fifteen, township forty north, range fifteen east, Mount Diablo meridian (unsurveyed); thence along road from Mill creek ranger station and stock corrals running north of Cantrall's sawmill to the Bowman ranch, thence along same road to the Modoc national forest boundary on the center line of section thirty-three, township forty-one north, range fourteen east; thence north along said national forest boundary to Parker creek, the point of beginning.

See
Stats 1921,
p. 197.
District
1 "D"

Sec. 9. Fish and game district "one D" shall consist of and include all lands and water lying within the county of Trinity within the following boundaries: Commencing at the intersection of the Waldorf trail and the line of the north fork of Placer flume northeasterly of Twin Peaks, thence southerly following said flume to its end near the Trinity river, thence due south to the north bank of the Trinity river, thence westerly following said north bank to Logan gulch, thence southerly across Trinity river to the ridge east of Eagle creek, thence southerly following said ridge to Big creek trail; thence southerly along said trail to the ridge south of Donaldson creek, thence westerly following said ridge to the head of the east fork of Little creek, thence southerly and westerly following the east fork of Little creek and Little creek to its intersection with the Hayfork-Hyampon road, thence northerly and westerly following the north side of said road to a point due north of the main ridge between Miners creek and Little Corral creek, thence northerly across Hayfork creek to said ridge thence northerly following the summit of said ridge to Pattison Peak thence easterly along the summit of the ridge north of Miners creek to the section corner common to sections twenty, twenty-one, twenty-eight and twenty-nine, township thirty-three north, range twelve west, Mount Diablo base and meridian, thence due north to Price creek, thence northerly following the east bank of Price creek to the Western States Gas and Electric power line in approximately section eight, township thirty-three north, twelve west, thence northeasterly following said power line to the north side of the Trinity river highway, thence westerly following the north line of said highway to its intersection with the Big Bar-Twin Peaks trail in approximate section five, township thirty-three north, twelve west, Mount Diablo base and meridian, thence northerly along said trail and ridge between Manzanita creek and Trelor creek to the Waldorf trail, thence northeasterly following said trail to the point of beginning.

See
Stats 1927,
p. 1129
District
1 "E"

Sec. 10. Fish and game district "one E" shall consist of and include all lands lying within the county of Shasta within the following boundaries: Beginning at the point of intersection of the east bank of the McCloud river with the south

bank of the more southerly and smaller of the two creeks, each of which is known as Bollibokka creek, said point of intersection being at approximately the center of the north-east quarter of the northwest quarter of section twenty-eight in township thirty-six north, range three west, Mount Diablo base and meridian, and running thence in a general southerly direction along the summit of the ridge dividing the watershed of said creek from the watershed of the McCloud river to the summit of Bollibokka mountain and likewise of the ridge dividing the watershed of said creek from the watershed of Nasoni creek, thence in a general northeasterly direction along the summit of the ridge dividing the watershed of said Nasoni creek from the watershed of the said two Bollibokka creeks to its intersection with the summit of the ridge dividing the watershed of Chatterdown creek from the watershed of said Nasoni creek, thence in a general direction along the summit of said last mentioned ridge to the summit of the main ridge dividing the drainage of the McCloud river from that of Squaw creek, thence in a general northerly direction along the summit of said last mentioned ridge to its intersection with the Camp Welcome trail, thence in a general easterly direction along said trail to its intersection with the west bank of Squaw creek at Fish Camp, thence in a general southerly direction downstream along the west bank of said last named creek to its intersection with Salt creek, thence in a general southwesterly direction along the summit of the ridge dividing the watershed of Salt creek from that of Squaw creek below the mouth of Salt creek to the summit of Winnibull mountain, thence in a general westerly direction along the summit of the ridge dividing the watershed of Salt creek from that of Didalla's creek to the summit of the main ridge dividing the drainage of McCloud river from that of Squaw creek, thence in a general northerly direction along the summit of said last mentioned ridge to its intersection with the summit of the ridge forming the northerly boundary of the watershed of Mathless creek, thence in a general westerly direction along the summit of said last mentioned ridge to the intersection of the north bank of said creek with the east bank of said river, thence northerly along the east bank of said river to the point of beginning.

Sec. 11. Fish and game district one "F" shall consist of and include that certain tract of land lying in Lassen county within the following boundaries: Beginning at the fork of the Puls Camp road and the Poison Lake-Harvey Valley road near the quarter section corner between sections thirty-three and thirty-four, township thirty-three north, range eight east; thence northerly following the westerly side of said road by Dixie Springs and Puls Camp in section thirty-three, township thirty-four north, range eight east, to Shroder lake in section nineteen, township thirty-four north, range eight east; thence southwesterly about one mile to the junction of said Puls Camp road and the Little Valley road in section twenty-four,

See
Stats 1917,
p. 1050
District
1 "F."

township thirty-four north, range seven east; thence northwesterly following the southerly side of said Little Valley road to its junction with the Blacks Lake road; thence westerly following the southerly side of said Blacks Lake road to the Eldridge place in section thirteen, township thirty-four north, range six east; thence southerly following the easterly side of said road to Jelly Camp in section twenty-five, township thirty-four north, range six east; thence southeasterly following the easterly side of the Susanville-Pittville road to junction of the Poison Lake-Harvey Valley road; thence easterly following the northerly side of said Poison Lake-Harvey Valley road to the point of beginning. All townships and ranges mentioned herein being referred to Mount Diablo base line and meridian.

See
Stats. 1925,
p 797.
District
1 "G"

Sec. 12. Fish and game district one "G" shall consist of and include all lands within the counties of Plumas and Tehama within the following boundaries: Commencing at a point in section eighteen where Deer creek crosses the west township line of township twenty-five north, range two east; thence north along the west township line of townships twenty-five, twenty-six and twenty-seven north, range two east, to the northeast corner of section thirty-six, township twenty-seven north, range one east; thence west along the north line of said section thirty-six to its intersection with Mill creek; thence northerly and easterly along Mill creek to the state highway in section twenty-three, township twenty-nine north, range four east, thence following the northerly side of said highway westerly to the junction of the old Morgan summit road; thence westerly following the northerly side of said road to the junction of the new Mount Lassen volcanic national park highway; thence northerly following the easterly side of said highway to the south boundary of Mount Lassen volcanic national park; thence due east to where said boundary crosses Rice creek on the north line of section thirty-one, township thirty north, range five east; thence southerly following Rice creek and the north fork of the Feather river to the Red Bluff-Susanville state highway in section twenty-one, township twenty-nine north, range five east; thence westerly following the north side of said highway to the junction of Lost creek road; thence southerly following the westerly side of said road to its junction with the north line of the survey for the new state highway in approximate section twenty-five, township twenty-eight north, range five east; thence westerly following said survey to where said survey crosses the north fork of Deer creek; thence southerly and westerly following said north fork of Deer creek and Deer creek to the point of beginning. All townships and ranges mentioned herein being referred to Mount Diablo base line and meridian.

See
Stats 1917,
p 1050
District
1 "H"

Sec. 13. Fish and game district one "H" shall consist of and include all lands within the county of Plumas within the following boundaries: Beginning at the Hartman bar bridge on the middle fork of Feather river; thence north following

Hartman bar trail to Gravel range road; thence along Gravel range road to Haskins valley; thence easterly along Haskins valley road to Sheep driveway; thence along Sheep driveway to junction of Crescent hill mine road; thence south along Crescent hill mine road to its terminus on point of ridge above Crescent hill mine; thence down top of ridge to the middle fork of Feather river; thence southwesterly along middle fork of the Feather river to the point of beginning.

Sec. 14. Fish and game district one "I" shall consist of and include all lands within the county of Placer, within the following boundaries: Commencing at the junction of the north fork of the middle fork of the American river and the middle fork of the American river; thence northeasterly up the north fork of the middle fork to Grouse creek; thence northeasterly up main Grouse creek to its head at the approximate north one-quarter corner of section six, township fourteen north, range thirteen east, Mount Diablo base and meridian, thence due east along said township line to its intersection with Red Star ridge, this being the divide between Duncan creek and the middle fork of the American river. Thence northeasterly following the summit of Red Star ridge to the new Westville-French Meadows highway, thence northeasterly along said highway to a point in section four, township fifteen north, range fourteen east, where the said highway leaves the main divide between the north fork of the American river and the middle fork of the American river, thence easterly along the summit of the divide between the north fork of the American river and the middle fork of the American river to Needle peak, thence southerly following the summit of the divide to Mount Mildred; thence following the divide between Gray Horse creek and the middle fork of the American river to its intersection with the Big Meadows-Gray Horse valley trail; thence following said trail to the south fork of Long canyon, thence westerly down Long canyon and Rubicon river and the middle fork of the American river to the point of beginning at the mouth of the north fork of the middle fork of the American river.

Sec. 15. Fish and game district one "J" shall consist of and include all lands within the counties of Amador and Alpine within the following boundaries: Commencing at a point between sections thirteen and eighteen, township eight north, ranges fourteen and fifteen east, where the Carson pass highway enters section eighteen, township eight north, range fifteen east; thence northeasterly along the south side of said Alpine highway right of way to the Dufrane road in section thirty-two, township nine north, range sixteen east; thence southerly along the westerly side of said road to the old Amador ranger station cabin in section five, township eight north, range sixteen east; thence southerly and easterly along Bear river trail to Pardoes road in section fifteen, township eight north, range sixteen east; thence northeasterly along the south side of said road to the Bear-river Cedar Camp trail in

See
Stats 1927,
p 1130
District
1 "I"

See
Stats 1917,
p 1051.
District
1 "J"

section one, township eight north, range sixteen east; thence northeasterly to its intersection with the main Cedar Camp trail; thence southerly along Cedar Camp trail to intersection of said Cedar Camp trail with the Mokelumne river; thence down the north bank of the Mokelumne river in a southwesterly direction to the intersection of range line between townships seven north, ranges fourteen and fifteen east; thence north along range line between township eight north, ranges fourteen and fifteen east, to the intersection of Alpine state highway to the place of beginning.

See
Stats. 1917,
p 1052
District
1 "K"

Sec. 16. Fish and game district one "K" shall consist of and include all lands in the county of Fresno within the following boundaries: Beginning at the confluence of the north fork of Kings river and the middle fork of Kings river; thence easterly along the summit of the divide separating the drainage area of the north fork of Kings river from the drainage area of the middle fork of Kings river to Spanish mountain; thence southeasterly along the summit of Tombstone ridge, which separates the drainage area of Crown creek from that of Tombstone creek, to the middle fork of Kings river; thence westerly along the north bank of the middle fork of Kings river to the point of beginning.

See
Stats 1927,
p 1130
District
1 "L"

Sec. 17. Fish and game district one "L" shall consist of and include the area composing the watershed of Chimney creek north of the section line between sections eight and seventeen, township twenty-five south, range thirty-six east, Mount Diablo base and meridian, and all of the watershed of Long Valley, all lying within the counties of Tulare and Kern.

See
Stats. 1921,
p 154
District
1 "M"

Sec. 18. Fish and game district one "M" shall consist of and include all of that certain territory within the county of Kern bounded and described as follows: Beginning at the San Joaquin Power Company's plant located on the bank of the Kern river in section six, township twenty-nine south, range thirty east, Mount Diablo base and meridian, thence running in a northeasterly direction following the south bank of the Kern river to the mouth of Clear creek, thence following Clear creek in a southerly direction to the intersection of the Caliente-Kernville highway, thence following said highway in a southerly direction to the intersection of Walker basin creek; thence following the northerly bank of Basin creek in a southwesterly direction to the intersection of the west boundary line of township thirty south, range thirty-one east, thence following said township line north to the intersection of the west boundary line of township twenty-nine south, range thirty-one east, thence following said township line north to the intersection of the national forest boundary line as established January 1, 1919, thence following said national forest boundary line west to the San Joaquin Power Company's plant at the place of beginning.

Sec. 19. Fish and game district one "N" shall consist of and include all lands lying within the counties of Siskiyou and Modoc within the following boundaries: Commencing at the junction of the Lava ranger station road and the Egg Lake-Quaking Asp road, thence following westerly and northerly the northerly and easterly side of said Lava ranger station road to its junction with the Medicine Lake-Quaking Asp road near the northwest corner of section eighteen, township forty-two north, range five east, Mount Diablo base and meridian, thence following the southerly and westerly side of the Medicine Lake-Quaking Asp-Egg Lake road to the point of beginning.

See
Stats 1927,
p 1131.
District
1 "N."

Sec. 20. Fish and game district one "O" shall consist of and include all that certain territory within the county of El Dorado within the following boundaries: Commencing at the junction of Silver creek with the south fork of the American river in section twenty-four township eleven north, range twelve east; thence following easterly the American river to where said river crosses the Lincoln highway; thence following the northerly side of said Tahoe state highway to Georgetown junction; thence northerly following the westerly side of the Georgetown Junction-Wilson road to Wilson; thence northerly following the westerly side of the Wilson-Blakely-Slickrock road to where said road crosses the north fork of Silver creek in section nineteen, township twelve north, range fifteen east; thence following westerly down the north fork of Silver creek to Silver creek; thence westerly down Silver creek to the American river, the point of beginning.

See
Stats 1925,
p 798
District
1 "O."

Sec. 21. Fish and game district one "P" shall consist of and include all lands within the county of Plumas, lying within the following boundaries: Beginning at the junction of the Milford-Beckwith road and the Last Chance-Doyle road, thence following the easterly side of the said Milford-Beckwith road to its junction with the Dixie valley-Frenchman's cove road; thence following the easterly side of the Dixie valley-Frenchman's cove road to its junction with the Little Last Chance road; thence following the westerly side of the Little Last Chance road to its junction with the Last Chance-Doyle road; thence following the westerly side of the Last Chance-Doyle road to the place of beginning.

See
Stats 1925,
p 798
District
1 "P."

Sec 22. Fish and game district one "Q" shall consist of and include all lands within the county of Lassen lying within the following boundaries: Beginning at the southeast corner of section twelve, township thirty-four north, range seventeen east, thence following Painter creek to the northwest corner of section eleven, township thirty-four north, range sixteen east, thence westerly along the southerly side of the Spanish Springs road to Spanish Springs; thence southerly following the easterly side of the county road through Secret valley and the easterly side of the Wendall-Alturas road to the summit of the Hot Springs mountain divide between sections twenty-seven and thirty-four, township thirty north, range fifteen

See
Stats 1927,
p. 1131.
District
1 "Q"

east, Mount Diablo base and meridian; thence following easterly the summit of the said divide to the head of Skedaddle creek in section thirteen, township twenty-nine north, range sixteen east; thence easterly following said creek to the Nevada-California state line in section one, township twenty-nine north, range seventeen east; thence northerly following said state line to the point of beginning; all townships and ranges mentioned herein being referred to Mount Diablo base line and meridian.

District
1 "R"

Sec. 23. Fish and game district one "R" shall consist of and include all lands within the county of Tuolumne lying within the following boundaries: Commencing at Forebay near the northeasterly corner of section six, township three north, range fifteen east, Mount Diablo base and meridian; thence following easterly the Pacific Gas and Electric Company's flume to its junction with the middle fork of the Stanislaus river; thence easterly following the northerly bank of said river to the mouth of Shu-fly creek in approximate section eight, township five north, range eighteen east, Mount Diablo base and meridian; thence northerly following the westerly bank of said creek to its junction with the government trail in section eighteen, township six north, range eighteen east, Mount Diablo base and meridian; thence westerly following the government trail to its junction with Little Rattlesnake creek; thence westerly following the southerly bank of said creek to its junction with north fork of the Stanislaus river; thence southerly following the easterly bank of said river to a point due north of the place of beginning; thence due south to the point of beginning.

See
Stats 1925,
p 799
District 2.

Sec. 24. Fish and game district two shall consist of and include all those portions of the following counties not included in other fish and game districts: Mendocino, Glenn, Lake, Colusa, Yolo, Solano, Napa, Sonoma and Marin.

See
Stats 1927,
p 1131
District 2½

Sec. 25. Fish and game district two and one-half shall consist of and include those portions of townships twenty-four north, ranges eighteen and nineteen west; twenty-three north, ranges seventeen and eighteen west; twenty-two north, ranges seventeen and eighteen west; twenty-one north, range seventeen west, west of the summit of the divide between the Pacific ocean and the south fork of the Eel river.

All of townships twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen north, range sixteen west; and townships twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty north, range seventeen west, and townships seventeen and eighteen north; range eighteen west.

All being townships located in western Mendocino county.

See
Stats 1917,
p 1052
District
2 "A."

Sec. 26. Fish and game district two "A" shall consist of and include all lands lying within the following boundaries, located in the counties of Mendocino, Lake and Glenn: Beginning at the summit of Hull mountain in Mendocino county, in the southwest corner of section two, township nineteen north, range ten west; thence in a northeasterly direction down Hull

creek (sometimes known as Red Rock creek) to its junction with Sand creek, thence southeasterly down Sand creek to its junction with Corbin creek, thence in an easterly direction up Corbin creek to section thirty-six, township twenty north, range eight west; thence in a southerly direction up a ravine to the Sheetiron-Elk creek road on the summit of the Coast Range mountains in section twelve, township nineteen north, range eight west; thence southwesterly along the road and summit over Sheetiron mountain to Low gap, where the Bloody Rock trail crosses the summit in section twenty-seven, township nineteen north, range eight west; thence in a westerly direction down the Bloody Rock trail and Cold creek to South Eel river in section twenty-six, township nineteen north, range nine west; thence down the river to the mouth of a ravine in the southeast quarter of section twenty-seven, township nineteen north, range nine west; thence in a northwesterly direction up the ravine through sections twenty-seven and twenty-eight to the summit of Boardman ridge; thence in a northwesterly direction up Boardman ridge to the summit of Hull mountain.

Sec. 27. Fish and game district two "B" (Mount Tamalpais game refuge) shall consist of and include that certain tract of land described in an act entitled "An act to amend section 1 of an act entitled 'An act to further divide the state into fish and game districts by establishing a district specially suited for propagation of game and to provide for the management and protection thereof,' approved May 26, 1917, as amended." District
2 "B."

Sec. 28. Fish and game district three shall consist of and include all those portions of the following counties not included in other fish and game districts: San Francisco, Contra Costa, Alameda, San Mateo, Ventura, Santa Cruz, Santa Clara, San Benito, Monterey, San Luis Obispo, Santa Barbara, San Joaquin, Stanislaus, Fresno, Kings and Kern. See
Stats 1925,
p. 799.
District 3.

Sec. 29. Fish and game district three "A" shall consist of and include that certain area embraced in California Redwood Park, described as follows: All of section twenty-nine west of the China grade, the east half of section thirty, all of sections thirty-one and thirty-two, the west half of section thirty-three, township eight south, range three west, Mount Diablo base and meridian; the west half of section four, all of sections five and six; the northwest quarter of section nine except the southeast quarter of the northwest quarter, the northwest quarter of the southwest quarter of section nine, all of section eight except the southeast quarter of the southeast quarter; all of the east half of section seven except the west half of the southeast quarter, the north half of the northwest quarter of section seven, township nine south, range three west, Mount Diablo base and meridian; the east three-quarters of section one and the north quarter of section twelve except the northwest quarter of the northwest quarter, township nine south, range four west, Mount Diablo base and meridian. See
Stats 1917,
p. 1053
District
3 "A."

See
Stats 1917,
p. 1054.
District
3 "B."

Sec. 30. Fish and game district three "B" shall consist of and include those certain lands within the counties of San Benito and Monterey embraced within the Pinnacles National Monument, and more particularly described as follows, to wit: All of sections twenty to twenty-nine, inclusive, all of sections thirty-three, thirty-four and thirty-five and the west half of section thirty-six of township sixteen south, range seven east; the west half of section one, all of sections two and three, the east half of section four, the east half of section nine, all of sections ten and eleven, the west half of section twelve, the west half of section thirteen and all of sections fourteen and fifteen of township seventeen south, range seven east. All townships and ranges mentioned herein being referred to Mount Diablo base and meridian.

See
Stats 1917,
p. 1054.
District
3 "C."

Sec. 31. Fish and game district three "C" shall consist of and include all lands within the county of Santa Barbara within the following boundaries: Beginning at the summit of Mission Pine mountain, running thence northwest to the head of Manzana creek; thence along the north bank of said creek to its junction with the Sisquoc river; thence in an easterly direction along the south bank of the Sisquoc river to the junction of the south fork of the Sisquoc; thence along the west bank of the south fork of the Sisquoc river to the point of beginning.

See
Stats 1919,
p. 440.
District
3 "D."

Sec. 32. Fish and game district three "D" shall consist of and include all lands lying within the county of Ventura within the following boundaries: Beginning at a point where the Cuyama trail crosses Sespe creek near the mouth of Cherry canyon in approximate section thirteen, township six north, range twenty-four west, San Bernardino base and meridian; thence following the north bank of Sespe creek in an easterly direction to the mouth of Alder creek; then following Alder creek and Alder creek trail to Stone corral; thence continuing along said trail to point where it crosses the divide between the Agua Blanca creek and the Sespe watershed; thence southerly along the top of the ridge which forms the divide between the Piru and Sespe creeks to the point where said divide traverses the south boundary of the Santa Barbara national forest boundary which is the township line between townships four and five north, range nineteen west, San Bernardino base and meridian; thence following west along this township line to point where it intersects the top of the ridge which forms the divide between Sespe creek and Santa Paula canyon; thence northerly and easterly along this divide to where Sisar canyon trail intersects the top of the divide; thence down Sisar canyon trail to point where said trail intersects the south boundary of the Santa Barbara national forest; thence following said national forest boundary in a westerly direction to point where said boundary intersects the Matilija canyon road; thence along north side of said road up Matilija canyon to junction of the Matilija and upper north fork; thence following the Cuyama trail northerly to point of beginning.

Sec. 33. Fish and game district three "E" shall consist of and include all those portions of township seven south, range three east, Mount Diablo base and meridian, more particularly described as follows: All of sections three, four and nine; the southwest quarter of the southwest quarter of section two; the southeast quarter of section five; the northeast quarter of the northeast quarter of section eight; all of those portions of sections sixteen and seventeen of the southern three quarters of section eight lying east of the northeast boundary line of the Rancho Canada del Pala; and all of those portions of sections ten, fifteen and sixteen, and of the west quarter of section eleven, lying to the north of Sulphur creek.

See
Stats. 1919,
p 432.
District
3 "E"

Sec. 34. Fish and game district three "F" shall consist of and include all of sections twenty-nine, thirty, thirty-one and thirty-two, township one north, range one east, all of sections five, six, seven and eight, township one south, range one east, all of sections twenty-five, twenty-six, thirty-five and thirty-six of township one north, range one west, all of sections one, two, eleven and twelve of townships one south, range one west, all in Mount Diablo base and meridian.

See
Stats 1925,
p. 800.
District
3 "F."

Sec. 35. Fish and game district three "G" shall consist of and include all those lands of the Leland Stanford Junior University lying and being in the counties of San Mateo and Santa Clara, and consisting of lots numbers one to thirty-three, inclusive; that portion of lots thirty-five and forty-two lying outside of the town limits of the town of Mayfield; lots thirty-six, forty-three, forty-six to seventy-five, inclusive; eighty to eighty-six, inclusive; eighty-nine to ninety-eight, inclusive, as shown on the map entitled "map of the lands of the Leland Stanford Junior University at or near the site of the university in the counties of Santa Clara and San Mateo, by A. T. and F. A. Herrmann or Herrmann Bros.," dated November, 1908, which map is recorded in the office of the county recorder of the county of Santa Clara, State of California.

See
Stats 1925,
p. 800.
District
3 "G."

Sec. 36. Fish and game district four shall consist of and include all those portions of the following counties not included in other fish and game districts: Los Angeles, San Bernardino, Riverside and Orange.

See
Stats 1925,
p. 800
District 4.

Sec. 37. Fish and game district four and one-half shall consist of and include all those portions of the counties of Mono and Inyo not included in other fish and game districts.

See
Stats 1919,
p 432
District 4 1/2

Sec. 38. Fish and game district four and three-fourths shall consist of and include all those portions of San Diego and Imperial counties not included in other fish and game districts.

See
Stats 1925,
p 800
District 4 3/4.

Sec. 39. Fish and game district four "A" shall consist of and include all land lying within the county of San Bernardino within the following boundaries: Beginning at the junction of the east fork of the west fork of the Mojave river and the west fork of the Mojave river, thence easterly following the said east fork of the west fork to where it crosses the Rock

See
Stats 1925,
p 458
District
4 "A."

Camp Ash Meadow trail in section twelve, township two north, range four west, San Bernardino base and meridian, thence easterly following said trail to Deep creek, thence southerly following Deep creek to its junction with Holcomb creek, thence easterly following the ravine of Holcomb creek to Holcomb valley, thence easterly following the public road to the junction thereof with the road leading southeasterly to Rose mine, northerly from said junction to the north line of section thirty-one, township three north, range two east, San Bernardino meridian; thence easterly approximately five miles to the northeast corner of section thirty-six, township three north, range two east, San Bernardino meridian; thence south along the easterly line of section thirty-six and the easterly line of township two north, range two east, township one north, range two east and township one south, range two east, to where said easterly line of township one south, range two east crosses the White Water-Raywood Flat-Burnt canyon trail, thence westerly following said trail and Burnt canyon road to where it crosses the San Bernardino-Riverside county line, thence due west to the southwest corner of township one south, range one east, San Bernardino base and meridian, thence due north along the west line of township one south, range one east, San Bernardino meridian to the ravine of Mill creek, thence westerly along ravine of Mill creek to a point where Mill creek crosses the west line of township one south, range one west, San Bernardino meridian, thence north along the west line of township one south, range one west, and township one north, range one west, to the southeast corner of section twenty-four, township one north, range two west, thence due west along the southerly line of sections twenty-four, twenty-three, twenty-two, twenty-one, twenty, and nineteen of township one north, range two west, and the southerly line of sections twenty-four, twenty-three, twenty-two, and twenty-one, township one north, range three west, San Bernardino meridian to the line of the San Bernardino national forest as established July 1, 1926, thence in a general northwesterly direction following said national forest boundary to a point where the ravine of Devil's canyon crosses the said San Bernardino forest reserve line, thence northerly along the ravine of Devil's canyon, Sawpit canyon and the west fork of the Mojave river to the place of beginning.

Sec. 40. Fish and game district four "B" shall consist of and include all lands lying in Los Angeles and San Bernardino counties within the following boundaries: Beginning at the junction of the Tujunga canyon road and the Angeles national forest boundary in the northeast corner of township two north, range fourteen west, San Bernardino meridian, thence following the easterly side of said road to the Mount Gleason trail near Ybana ranch, thence northerly following the said trail to the summit of Mount Gleason, thence easterly following the summit of the divide between the Los Angeles river watershed and the Santa Clara river watershed to the summit of North Baldy near the range line between ranges eight and nine west,

See
Stats 1927,
p 952
District
4 "B"

thence north approximately one-half mile, thence east one-half mile to the boundary of the Los Angeles county park, thence following said park boundary north approximately one mile, east one-half mile, north one and one-half miles, east two and one-half miles, south one-half mile, east three and one-half miles to the northeast corner of section thirty-one, township four north, range seven west, San Bernardino meridian, thence south following the section line through township four north, range seven west, San Bernardino meridian, and township three north, range seven west, approximately six miles to the summit of Pine mountain and the east boundary of the Angeles national forest as it was established January 1, 1929, thence southerly and westerly following said national forest boundary to the point of beginning.

Sec. 41. Fish and game district four "C" shall consist of and include all that certain tract of land lying within the counties of Orange and Riverside within the following boundaries: Beginning at Sugarloaf peak in the southeast corner of township four south, range seven west; thence easterly along the main divide firebreak to a point where the McBride firebreak intercepts the main divide, thence southeasterly along the McBride firebreak to the Cleveland national forest boundary near the section corner common to sections thirty-three, thirty-four, twenty-eight and twenty-seven, township four south, range six west, thence due south two miles and east one mile along the said forest boundary to where it intercepts the Temescal firebreak, thence southerly following the westerly side of said firebreak to the section corner common to section twenty-eight, twenty-nine, twenty and twenty-one, township five south, range five west, thence south along the said national forest boundary three miles, thence east to the intersection of said boundary with the westerly side of the Elsinore-La Cienega road, thence southerly along the westerly side of said road to the summit of the Elsinore mountain divide, thence southeasterly following the summit to head of Wild Horse canyon, thence southwesterly down Wild Horse canyon and San Mateo canyon to the west boundary of the Cleveland national forest, thence northerly following said boundary to Verdugo canyon, thence northerly following the boundary firebreak to Santiago canyon, thence westerly down Santiago canyon to Harding canyon, thence easterly up Harding canyon about one mile to the Williams firebreak, thence northerly along said firebreak to Silverado canyon, thence westerly following said canyon to Ladd canyon, thence easterly up the main fork of Ladd canyon to the middle fork of Ladd canyon, thence northerly up said middle fork to the point of beginning. All townships and ranges mentioned herein being referred to San Bernardino base and meridian.

Sec. 42. Fish and game district four "D" shall consist of and include all of township six south, range five east; township six south, range six east, and township seven south, range six east, all lying within the county of Riverside.

See
Stats. 1917,
p. 1057.
District
4 "C."

See
Stats 1917,
p. 1057
District
4 "D."

See
Stats 1925,
p 367
District
4 "E"

Sec. 43. Fish and game district four "E" shall consist of and include all that certain tract of land within the county of San Diego within the following boundaries: Beginning at Garnet mountain in township fourteen south, range five east, San Bernardino base and meridian, thence southeasterly along the summit of the divide to Desert view, thence southerly following the easterly boundary of the Cleveland national forest to the head of the East fork of Kite ten creek, thence southeasterly down said creek to the easterly side of the San Diego-El Centro highway, thence northerly following the easterly side of said highway to the Glenncliff ranger pasture, thence southwesterly along the Glenncliff ranger pasture trail about one mile to the head of Bear valley creek, thence down said creek to the intersection with the Guard valley-Morena reservoir trail, thence northwesterly along said trail to Guard camp, thence northerly following the easterly side of Guard camp road to southerly side of the Corte Madera road, thence northeasterly following said road to where it intercepts the San Diego-El Centro highway, thence northwesterly following said road to Pine valley creek, thence northerly following up said creek to Indiar creek, thence northerly up said creek to the end of the old wagon road, thence along trail northerly to a point where trail crosses the south fork of Green valley creek, thence easterly up said creek to the summit of the divide between Noble creek watershed and the Imperial valley, thence easterly along said divide to Garnet mountain, the point of beginning.

See
Stats 1919,
p 431.
District
4 "F."

Sec. 44. Fish and game district four "F" shall consist of and include all lands lying within the following boundaries, located in the counties of Los Angeles, Ventura and Kern: Beginning at the point where the Cuddy canyon road joins the state highway near Tejon pass; thence following along the south line of the Cuddy canyon road in a westerly direction to point where Cuddy canyon road and road to Lockwood valley forks; thence along east side of said Lockwood valley road to where said road intersects Seymour creek; thence southeasterly along east bank of Seymour creek to Lockwood creek; thence along east bank of Lockwood creek to junction of Lockwood and Piru creeks; thence following trail east along north side of Piru creek to where trail intersects old road at the Herderson place; thence along north and west side of said road to where it connects with Hungry valley road; thence northerly along west side of Hungry valley road to point where said road connects with the state highway in front of Tejon ranger station; thence northwesterly along south and west side of state highway to junction of said state highway and Cuddy canyon road, the point of beginning.

District
4 "G."

Sec. 45. Fish and game district four "G" shall consist of and include all lands lying within the county of Riverside within the following boundaries: Beginning at the northwest corner of section twenty-eight, township three south, range three east; thence in a southerly direction up the ridge

between the branches of Snow creek to the summit of Mount San Jacinto; thence in a southerly direction along the summit of the main ridge of Marion mountain; thence to Tahquitz peak; thence in a southeasterly direction along the summit of the main ridge of Antsell rock, and thence following the ridge to the intersection of the east boundary line of the San Bernardino national forest at the southeast corner of section twenty-four of township five south, range three east; thence in a northerly direction along the boundary line of said national forest to the northeast corner of section one of township four south, range three east; thence in a northwesterly direction along the boundary line of said national forest to point of beginning.

Sec. 46. Fish and game district five shall consist of and include the waters of Smith river in Del Norte county from its mouth to Bailey's riffle. See Stats 1925, p 801 District 5

Sec. 47. Fish and game district six shall consist of and include the ocean waters and tidelands of the state to the high water mark lying between the northern boundary of the State of California and a line extending due west from the west end of the north jetty at the entrance to Humboldt bay. See Stats 1925, p 801 District 6

Sec. 48. Fish and game district seven shall consist of and include the ocean waters and tidelands of the state to high water mark between a line extending due west from the west end of the north jetty at the entrance of Humboldt bay and the southern boundary of Mendocino county and shall exclude the ocean waters between the north and south jetties at the entrance of Humboldt bay from the westerly end of each of said jetties in the Pacific ocean to their respective aprons or the shores of Humboldt bay, and shall also exclude all sloughs, streams and lagoons. See Stats 1925, p 801 District 7

Sec. 49. Fish and game district eight shall consist of and include the waters and tidelands to high water mark of Humboldt bay lying north of a straight line running east from the center of apron at the approach of the south jetty at the entrance of Humboldt bay to the east shore line of said bay and shall include the entrance of Humboldt bay not included in fish and game district seven and shall be exclusive of all rivers, streams and sloughs emptying into said bay. See Stats 1917, p 1058 District 8

Sec. 50. Fish and game district nine shall consist of and include the waters and tidelands to high water mark of Humboldt bay lying south of a straight line running east from the center of apron at the approach to the south jetty at the entrance of Humboldt bay to the east shore line of said bay, and shall be exclusive of all rivers, streams and sloughs emptying into said bay. See Stats 1917, p 1058 District 9

Sec. 51. Fish and game district ten shall consist of and include the ocean waters and the tidelands of the state to high water mark lying between the south boundary of Mendocino county and a line extending west from the Pigeon point light-house in San Mateo county; and shall include the waters of Tomales bay, to a line drawn from the western end of the See Stats 1921, p 198 District 10

railroad bridge across the entrance to Millerton gulch to Bailey's wharf at Inverness and shall be exclusive of all that portion of Bolinas bay lying inside of Bolinas bar, and of San Francisco bay lying east of a line drawn from Point Bonita to Point Lobos, and of all rivers, streams and lagoons.

See
Stats. 1927,
p. 1132
District 11.

Sec. 52. Fish and game district eleven shall consist of and include the waters and tidelands of San Francisco bay to high water mark bounded as follows: Beginning at the extreme westerly point of Point Bonita, thence in a direct line to the extreme westerly point of Point Lobos, thence around the shore line of San Francisco bay to the foot of Powell street; thence in a direct line to the southerly extremity of Peninsula point; thence in a direct line westerly to the shore end of the North Western Pacific railroad ferry slip at Sausalito; thence southerly and westerly around the shore of San Francisco bay to the point of beginning.

See
Stats. 1927,
p. 1132
District 12.

Sec. 53. Fish and game district twelve shall consist of and include all waters and tidelands of San Francisco bay to high water mark not included in fish and game districts eleven and thirteen, the waters and tidelands of high water mark of San Leandro bay, Oakland creek or estuary, San Antonio creek in Alameda county, Raccoon straits and San Pablo bay to a line drawn due south from the lighthouse station at the end of the jetty to the south entrance of Mare island straits and all lands and waters included within the exterior boundaries of said fish and game district and excluding all tributary sloughs, creeks, bays, rivers and overflowed areas not specifically described herein. For the purpose of this act that portion of San Francisco bay lying westerly of a line drawn from California point to San Quentin point, and that portion of San Francisco bay lying westerly of a line drawn from San Quentin point to San Pedro point, in Marin county, and that portion of San Pablo bay lying westerly of a line drawn from San Pedro point to the south side of the mouth of Novato creek, and that portion of San Pablo bay lying northerly of a line drawn due east from the south side of the mouth of Novato creek to the westerly shore of Mare island shall be included in fish and game district number two.

See
Stats. 1925,
p. 801.
District
12 "A"

Sec. 54. Fish and game district twelve "A" shall consist of and include all the waters of the Sacramento river flowing within the main channel between the M street bridge at Sacramento and the Vina ferry near the town of Vina, in Tehama county.

See
Stats. 1927,
p. 1199.
District
12 "B."

Sec. 55. Fish and game district twelve "B" shall consist of and include all waters and tidelands to high water mark of the Carquinez straits not included within fish and game district twelve, the waters and tidelands to high water mark of Suisun bay, all waters of the Sacramento river flowing within the main channel between the mouth thereof and the M street bridge at Sacramento and main channel of Steamboat slough and Sutter slough; and the waters of New York slough and Broad slough; also all waters of the San Joaquin

river flowing in the main channel thereof, between its mouth and the Santa Fe railroad bridge across said river near Stockton; all waters of Old river flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river at Orwood; all waters of Middle river flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river; all waters of Connection slough between the main channel of Old river and the main channel of Middle river; all waters of Columbia cut flowing therein between the main channel of Middle river and the main channel of the San Joaquin river; all waters of Lathan slough flowing therein between the main channel of Middle river and Empire cut; all waters of Burns cut-off around Rough and Ready island.

Sec. 56. Fish and game district thirteen shall consist of and include the waters and tidelands to high water mark of San Francisco bay lying to the south of a line drawn between the ferry building at the foot of Market street in San Francisco and the mouth of the Oakland creek or estuary in Alameda county, exclusive of all streams, sloughs and lagoons.

See
Stats 1919,
p. 431
District 13

Sec. 57. Fish and game district fourteen shall consist of and include the waters of Scotts creek, in Santa Cruz county, between its mouth and the mouth of Mill creek.

See
Stats 1917,
p. 1060
District 14

Sec. 58. Fish and game district fifteen shall consist of and include the waters and tidelands to high water mark of that portion of Monterey bay lying to the north of a line drawn from the extreme westerly point of Point Santa Cruz to the extreme westerly point of Soquel point; and shall consist of and include the waters of the San Lorenzo river and its tributaries.

See
Stats 1917,
p. 1060
District 15

Sec. 59. Fish and game district sixteen shall consist of and include the waters and tidelands to high water mark of that portion of Monterey bay lying to the south of a line drawn from the extreme northerly point of Point Pinos in a straight line easterly to the eastern shore of Monterey bay to a point north of the town of Seaside, said point being marked by a permanent monument placed by the United States government surveyors, and designated as "Monterey N. O. T. C. and G. S. Sta."

See
Stats 1917,
p. 1060
District 16

Sec. 60. Fish and game district seventeen shall consist of and include the waters and tidelands to high water mark of Monterey bay and Pacific ocean, lying between a line extending west from Pigeon Point lighthouse and a line extending due west from the mouth of Carmel river, in Monterey county, and exclusive of the areas included in fish and game districts fifteen and sixteen, and exclusive of all rivers, creeks, sloughs and lagoons emptying into the Pacific ocean and Monterey bay within the boundaries of this district.

See
Stats 1917,
p. 1060
District 17

Sec. 61. Fish and game district eighteen shall consist of and include the ocean waters and tidelands to high water mark of the state lying between a line extending due west from the mouth of Carmel river and the south boundary of Santa Bar-

See
Stats 1925,
p. 802
District 18

bara county, and shall exclude all rivers, streams, sloughs and lagoons.

See
Stats 1925,
p 802
District 19.

Sec. 62. Fish and game district nineteen shall consist of and include the ocean waters and tidelands to high water mark of the state lying between the south boundary of Santa Barbara county and the southern boundary of San Diego county, and shall include all islands and waters adjacent thereto belonging to the State of California and lying off the coast of southern California, south of a line extending due west into the Pacific ocean from the north boundary of Santa Barbara county, exclusive of Santa Catalina island and state waters adjacent thereto; exclusive of all rivers, streams, lagoons and bays.

See
Stats. 1921,
p 199.
District 20

Sec. 63. Fish and game district twenty shall consist of and include Santa Catalina island and the portion of the state waters on the westerly, southerly and easterly side of said island lying between a line extending southwest magnetic from Mills landing and a line extending east magnetic from the headland on easterly side of Goat harbor.

See
Stats 1921,
p. 199
District
20 "A."

Sec. 64. Fish and game district twenty "A" shall consist of and include all the state waters lying around Santa Catalina island not included in fish and game district twenty.

See
Stats 1917,
p. 1061
District 21

Sec. 65. Fish and game district twenty-one shall consist of and include those waters and tidelands to high water mark of San Diego bay lying inside of a straight line drawn from Point Loma to the offshore end of the San Diego breakwater.

See
Stats 1917,
p. 1061
District 22.

Sec. 66. Fish and game district twenty-two shall consist of and include the waters of Salton sea and the waters of the Colorado river.

See
Stats 1917,
p. 1061.
District 23

Sec. 67. Fish and game district twenty-three shall consist of and include all waters lying within the drainage area of the Rubicon and Little Rubicon rivers above their confluence: in section thirteer, township thirteen north, range thirteen east, Mount Diablo base and meridian; all waters lying within the drainage area of Silver creek and the American river above the confluence of said streams in section twenty-four, township eleven north, range twelve east, Mount Diablo base and meridian, except those waters lying within the boundary of fish and game district twenty-four; the waters of Lake Tahoe and the Truckee river, and all streams flowing into said lake and river, and all lands within the drainage basin of said lake and river lying within the State of California.

See
Stats 1917,
p. 1061
District 24

Sec. 68. Fish and game district twenty-four shall consist of and include the waters of Silver lake, Twin lakes, Blue lakes, Meadow lake and Wood lake and all streams flowing into said lakes and all lands lying within the drainage basin of said lakes and streams, all being within the counties of Alpine and Amador.

See
Stats. 1917,
p 1061.
District 25

Sec. 69. Fish and game district twenty-five shall consist of and include the waters of Lake Almanor and all streams flowing into said lake and all lands lying within the drainage

basin of said streams and lake, all being within the counties of Plumas and Lassen.

Sec. 70. Fish and game district twenty-six shall consist of and include all waters of Rae lakes and all waters flowing into said Rae lakes and all lands lying within the drainage basin of Rae lakes; all waters in all lakes lying within the Sixty lake basin; all waters flowing into said lakes; all waters flowing from the said lakes to the south fork of Woods creek and all lands lying within the Sixty lake basin, all lying in the county of Fresno.

See
Stats. 1917,
p 1061.
District 26

Sec. 71. Fish and game district one "S" shall consist of and include all lands lying within the county of Lassen within the following boundaries: Beginning at the old Haydenhill post office in the approximate center of section thirty-six, township thirty-seven north, range nine east, Mount Diablo base and meridian; thence following westerly along the old Juniper road through Windmill flat to the junction of the new Juniper road near Meyers springs; thence southeasterly along the new Juniper road to the shores of Silva flat reservoir; thence around the south and east shores of Silva flat reservoir to the Coon camp road; thence northerly following said road to Haydenhill to the point of beginning.

District
1 "S"

Sec. 72. Fish and game district one "T" shall consist of and include all lands within the county of Humboldt lying within the following boundaries: Beginning at the junction of Freeman creek and Little river in section three, township seven north, range one east, Humboldt base and meridian thence northerly following Freeman creek to its intersection with the west line of section thirty-four, township eight north, range one east, Humboldt base and meridian thence northerly one and one-half miles to the east one-quarter corner of section twenty-eight, township eight north, range one east, Humboldt base and meridian this being the summit of the divide between Maple creek and Railroad creek; thence northerly, easterly and southerly following the summit of said divide and the summit of the divide between Railroad creek and Camp Nine Gulch to the center of section twenty-six, township eight north, range one east thence westerly and southerly following the fence line to Little river thence down Little river to the place of beginning.

District
1 "T"

Sec. 73. Fish and game district three "H" shall consist of and include all lands lying within the county of Santa Barbara within the following boundaries: Beginning at the summit of the San Marcos pass in approximate section seven-teen, township five north, range twenty-eight west, San Bernardino meridian; thence following easterly the summit of the divide between the Pacific ocean and the Santa Ynez river approximately ten miles to the Tunnel trail; thence northerly along said trail to the south abutment of the Gibraltar dam; thence on the summit of said dam across the Santa Ynez river to the north abutment; thence due north approximately one and one-half miles to the summit of the divide between the

District
3 "H"

Santa Ynez river and Camuesa canyon; thence following northwesterly said divide to the southerly side of Camuesa road; thence in a general westerly and southerly direction following the southerly and easterly side of said road to the Santa Ynez river road; thence in a general westerly and southerly direction following the southerly and easterly side of said road to the San Marcos road; thence southerly following the easterly side of said road to the point of beginning.

District
18 "A"

Sec. 74. Fish and game district eighteen "A" shall consist of and include the ocean waters and tidelands to high water mark of the state extending southerly from La Grande beach pier or wharf in San Luis Obispo county to the mouth of the Santa Maria river.

Repealed

Sec. 75. All acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 691.

An act creating an additional district court of appeal known as the district court of appeal for the fourth appellate district, redividing the state into appellate districts, providing for the maintenance and operation of said court, and making an appropriation therefor.

[Approved by the Governor June 5, 1929. In effect August 14, 1929.]

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

Fourth
appellate
district
created

SECTION 1. Subject to the power of the supreme court to remove one or more counties from one appellate district to another as provided in the constitution, an additional appellate district is hereby created to be called the fourth appellate district, embracing the following counties: Fresno, Tulare, Kings, Kern, Inyo, San Bernardino, Riverside, Orange, San Diego and Imperial. Fresno county is hereby removed from the first appellate district and placed in said fourth appellate district; Tulare, Kings, Kern, San Bernardino, Riverside, Orange, San Diego, Imperial and Inyo counties are hereby removed from the second appellate district and placed in said fourth appellate district.

Court of
appeal for
the fourth
appellate
district
created.

SEC. 2. There is hereby created an additional district court of appeal, to be known as the district court of appeal for the fourth appellate district. It shall consist of one division having three justices.

SEC. 3. The district court of appeal for the fourth appellate district shall hold its regular sessions at Fresno during the months of January, February, March and April of each calendar year, and at San Diego during the months of May, June, July and August of each calendar year, and at San Bernardino during the months of September, October, November and December of each calendar year and shall always be open for the transaction of business.

SEC. 4. All laws now in force providing for the constitution, government, regulation, maintenance and operation of the district courts of appeal shall, in so far as may be consistent with the provisions of this act, continue in force and apply to the district courts of appeal, including the district court of appeal for the fourth appellate district, until otherwise provided by law.

SEC. 5. The district court of appeal for the fourth appellate district may employ and appoint the following officers: One clerk, three deputy clerks, one phonographic reporter and one bailiff, who shall respectively possess the same qualifications, receive the same salaries and hold office for the same term as provided by law for the clerk, deputy clerk, phonographic reporter and bailiff of the district court of appeal for the third appellate district and may also employ and appoint such assistants, secretaries, librarians and other employees as it may deem necessary for the performance of the duties and the exercise of the powers conferred by law upon said court and the members thereof, and except as otherwise provided by law, to determine the duties and fix the compensation of said assistants, secretaries, librarians and other employees. Officers of court

All salaries and expenses under the provisions of this section by said court shall be paid from the funds appropriated for the use of said court, when approved by the order or orders of said court, and approved by the department of finance.

SEC. 6. All acts and parts of acts in conflict herewith are hereby repealed. Repealed

SEC. 7. In addition to any other moneys otherwise appropriated for such purpose, for support, during the eighty-first and eighty-second fiscal years, of the district court of appeal for the fourth appellate district, the sum of one hundred thousand dollars is hereby appropriated out of moneys in the state treasury, of which sum the sum of twenty-four thousand dollars is appropriated from the appropriation "for support of judicial council, one hundred seventy thousand dollars (\$170,000)" made by chapter thirty-nine of statutes of 1929 and the balance thereof, the sum of seventy-six thousand dollars, out of moneys in the general fund in the state treasury not otherwise appropriated. Appropriation

SEC. 8. Each justice of the fourth appellate district shall be entitled to receive actual and necessary traveling expenses while engaged in the duties of the court in only two of any of the cities in which sessions of the court are held. Expenses of justices.

CHAPTER 692.

An act to amend section 1 of an act entitled "An act requiring the payment into the state treasury of all moneys belonging to the state, received by the various state institu-

tions, commissions, and officers and directing the disposition of the same," approved March 17, 1899, as amended and to add a new section, to be numbered 3 thereto, relating to the payment of state money into the treasury and abolishing certain special funds.

[Approved by the Governor June 5, 1929. In effect August 14, 1929.]

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

Stats 1925,
p. 376,
amended

SECTION 1. Section 1 of an act entitled "An act requiring the payment into the state treasury of all moneys belonging to the state, received by the various state institutions, commissions, and officers and directing the disposition of the same," approved March 17, 1899, as amended, is hereby amended to read as follows:

State
moneys to
be paid
into
treasury.

Section 1. All moneys belonging to the state, except appropriations, and the proceeds from the sale or exchange of surplus products between public institutions, the disposition of which is otherwise provided for by law, received from any source whatever by any officer, commission or commissioner, board of trustees, board of managers or board of directors shall be accounted for at the close of each month to the state controller, in such form as the controller may prescribe, and at the same time on the order of the controller be paid into the state treasury; *provided*, in the case of any state hospital, asylum, prison or school supported by or under the control of the state, said moneys shall be credited to the general fund of the state; *provided, however*, that any moneys received by any such hospital, asylum, prison or school for hospital care of persons not entitled thereto without charge or for meals served to persons not entitled thereto without charge, shall be remitted monthly to the state treasurer to become a part of and to be added to the current appropriation made available by law for the support of said hospital, asylum, prison or school; *and provided*, that in any case where the law directs the board of trustees, managers or directors, or officer to refund any money upon the death or discharge of any inmate of said hospital, asylum, prison, school or other institution, such amount of money necessary shall be paid by the board of trustees, managers or directors or officer, upon demand; and in the statement to the controller herein provided for, these amounts shall be itemized and the aggregate deducted from the amount to be paid into the state treasury; *provided, further*, that all money collected by boards of harbor commissioners shall be paid into the harbor improvement fund of the respective harbor where collected; *provided, further*, that nothing in this section shall affect in any manner the funds known as the industrial or amusement funds of the Agnews State Hospital, the Mendocino State Hospital, the Napa State Hospital, the Norwalk State Hospital, the Southern California State Hospital, the Stockton State Hospital, the Sonoma State

Home, Pacific Colony, the Whittier State School, the California School for Girls, and the Preston School of Industry.

SEC. 2. A new section is hereby added to said act to be numbered 3, and to read as follows:

Stats. 1925,
p. 577,
amended.

Sec. 3. The unenumbered balance remaining in the state treasury to the credit of any of the following funds: Detective license fee fund, board of education contingent fund, industrial accident fund, industrial farm for women contingent fund, industrial rehabilitation fund, mining bureau fund, Needles school district fund, Pacific Colony contingent fund, Panama-Pacific International Exposition fund, railroad commission fund, railroad tax fund, and Sacramento state building fund shall upon the date upon which the act takes effect, forthwith revert to and become a part of the general fund in the state treasury, whereupon all of said funds shall be and are hereby abolished.

Certain
funds
abolished

CHAPTER 693.

An act to amend section 6260 of the Penal Code, relating to the protection of game.

[Approved by the Governor June 5, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 6260 of the Penal Code is hereby amended to read as follows:

Stats. 1927,
p. 1586,
amended

6260. Every person, who, in the State of California, shoots at any kind of game bird or mammal, except whale, from powerboat, sailboat, automobile or airplane, is guilty of a misdemeanor.

Shooting
game birds
from
boats, etc.

2. Every person who in fish and game districts seven "A," eight and nine shoots at any kind of waterfowl from a scull boat on any day of the week other than Wednesday or Sunday, is guilty of a misdemeanor.

Use of
scull boats

3. Every person who in fish and game district number twelve and those portions of fish and game district number two embraced in that part of the Napa river, which extends from the junction of Mare Island strait and Carquinez strait northwesterly along Mare Island strait, approximately three miles to the Vallejo-Mare Island causeway, and thence in a northerly direction along the channel of Napa river to a point at the southerly end of Edgerly island, approximately ten miles above the junction of Mare Island strait and Carquinez strait, shoots any kind of a waterfowl from a scull boat, which is in open waters, is guilty of misdemeanor.

4. Every person who shall use a shotgun of larger gauge than that commonly known and designated as a number ten gauge or who shall use or have in possession any shotgun

Gauge of
guns, etc.

capable of carrying more than six shotgun shells is guilty of a misdemeanor.

Cane guns
and bird
nets.

5. Every person who shall use or have in his possession any firearms commonly known as a "cane gun" or gun of similar character or any bird net, is guilty of a misdemeanor.

Driving
game birds.

6. Every person who uses any powerboat, automobile, or airplane, for the purpose of driving any kind of game bird toward other persons with intent that such other persons shall hunt, pursue, take, catch, kill, or destroy such game birds, is guilty of a misdemeanor.

CHAPTER 694.

An act providing for the establishment and maintenance of cafeterias in state teachers colleges.

[Approved by the Governor June 5, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 695.

An act to pay the claim of Hans Hansen against the State of California.

[Approved by the Governor June 5, 1929. In effect August 14, 1929.]

Appropriation
claim
of Hans
Hansen.

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

SECTION 1. The sum of fifty-four dollars and eighty cents (\$54.80) is hereby appropriated out of any money in the state highway maintenance fund to pay the claim of Hans Hansen against the State of California.

CHAPTER 696.

An act relating to the adoption of textbooks for use in the public high schools of the state and to the furnishing of such textbooks for the use of the pupils of such schools.

[Approved by the Governor June 5, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 697.

An act to prevent fraud or misrepresentation in the distribution or sale of gasoline, distillate and lubricating oil; regulating the distribution or sale of such products; defining the powers and duties of the division of weights and measures, superintendent of weights and measures, department of agriculture, and the officers and employees thereof in relation thereto; prescribing penalties for the violation of the provisions hereof; repealing acts and parts of acts inconsistent therewith and making an appropriation to carry out the provisions of the act.

[Approved by the Governor June 5, 1929, with reduction hereunder noted.
In effect August 14, 1929.]

[I object to the item of fifty thousand dollars in section 9 and reduce the amount to thirty thousand dollars. With this reduction I approve the bill. Dated: June 5, 1929. C. C. YOUNG, Governor.]

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

SECTION 1. It shall be unlawful for any person, firm or corporation to sell, attempt to sell, offer for sale or assist in the sale of any gasoline, distillate, or lubricating oil for internal combustion engines, and wilfully and falsely represent such gasoline, distillate or lubricating oil to be gasoline, distillate or lubricating oil of any dealer, manufacturer or producer other than the true dealer, manufacturer, or producer thereof, and it shall be unlawful for any member of a firm, or any officer of a corporation knowingly to permit any employee of such firm or corporation to sell, offer for sale or assist in the sale of any gasoline, distillate or lubricating oil for internal combustion engines, and to falsely represent such gasoline, distillate or lubricating oil to be the gasoline, distillate or lubricating oil of any dealer, manufacturer or producer, other than the true dealer, manufacturer or producer thereof; *provided, however*, that this section shall not apply to any person who sells or offers for sale, under his own name or brand, the product or output of another manufacturer or producer, with the written consent of such manufacturer or producer.

Misrepresentation of oil or gas offered for sale.

SEC. 2. It shall be unlawful for any person, firm or corporation to sell, offer for sale or delivery, or to cause or permit to be sold, offered for sale or delivery, any gasoline, distillate or oil represented as lubricating oil for internal combustion engines, unless there shall be firmly attached to or painted at or near the point of outlet from which said gasoline, distillate or oil represented as lubricating oil for internal combustion engines is drawn or poured out for sale or delivery, a sign or label consisting of the word or words, in letters not less than one-half ($\frac{1}{2}$) inch in height, comprising the brand or trade name of said gasoline, distillate or lubricating oil; *provided*, that when said sign or label is attached to the faucet or valve of a tank-truck or tank-wagon, the letters shall be not

Labels.

less than three-fourths ($\frac{3}{4}$) inch in height, and provided that if any said gasoline shall have no brand or trade name, the above sign or label shall consist of the words, in letters not less than three (3) inches high, "gasoline, no brand," and if any said distillate shall have no brand or trade name, the above required sign or label shall consist of the words, in letters not less than three (3) inches high, "distillate, no brand," and if any said lubricating oil shall have no brand or trade name, the above required sign or label shall consist of the words, in letters not less than three (3) inches high, "lubricating oil, no brand."

Advertising
brands of
goods not
sold.

SEC. 3. It shall be unlawful for any person, firm, association or corporation engaged in or operating in the business of selling at retail any gasoline or distillate as fuel for internal combustion engines, or lubricating oil for internal combustion engines, to display any sign or other designating mark at or near the place of business of such person, firm, association or corporation, which describes or designates a brand or trade name of a gasoline, distillate or lubricating oil for internal combustion engines not actually sold or offered for sale or delivery at the place of business where the sign or other designating mark is displayed.

Adulteration

SEC. 4. It shall be unlawful for any person, firm or corporation to mix or adulterate any gasoline, distillate or lubricating oil, and to sell, attempt to sell, offer for sale or assist in the sale of any of the products resulting from the mixture or adulteration, and to represent such product as the gasoline, distillate or lubricating oil of a brand or trade name in general use by any other marketer or producer of gasoline, distillate or lubricating oil.

SEC. 5. It shall be unlawful for any person, firm, association or corporation to deposit or deliver into any tank, receptacle or other container, any gasoline, distillate or lubricating oil other than the gasoline, distillate or lubricating oil intended to be stored in such tank, receptacle or container and distributed therefrom, as indicated by the name of the producer, manufacturer or distributor or the trade name of the product displayed on the container itself, or on the pump or other distributing device used in connection therewith; *provided, however*, that this section shall not apply to any person, firm or corporation who sells or offers for sale under his or its own name or brand, the product or output of another manufacturer or producer, with the consent of such manufacturer or producer.

Sampling
by proper
officers

SEC. 6. The state superintendent of weights and measures, department of agriculture, and any person authorized by him and each county sealer and each deputy of a county sealer in the State of California, is hereby authorized and empowered to take such sample or samples, as he may deem necessary of any petroleum or any product thereof, when the same is kept or stored within the State of California. It shall be unlawful for any person, firm or corporation to refuse to permit the

state superintendent of weights and measures or any person authorized by him, or any county sealer or any deputy of a county sealer in the State of California, to take such sample or samples, or to prevent or to attempt to prevent said state superintendent of weights and measures or any person authorized by him, or any county sealer or deputy of a county sealer from taking the same. *Provided, however,* that if the person, firm or corporation from which said sample is taken, shall at the time of said taking demand it, then the said person taking such sample shall pay therefor the reasonable market price for the quantity and commodity so taken.

Payment
for sample
taken.

SEC. 7. Any person, firm or corporation who violates any of the provisions of this act is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. Each such person, firm or corporation shall be deemed guilty of a separate offense, for each day during any portion of which any violation of any provision of this act is committed, continued or permitted by such person, firm, or corporation, and shall be punishable therefor as provided in this act.

Offenses and
penalties.

SEC. 8. It shall be the duty of the division of weights and measures, department of agriculture, to enforce the provisions of this act, and of all other acts of the State of California, regulating the delivery and sale of gasoline, distillate or lubricating oils in said state, and to appoint and employ such state inspectors as may be necessary therefor. The state director of agriculture is authorized and empowered to employ and fix the compensation of such legal counsel as may be deemed necessary in the administration or enforcement of the provisions of this act by the division of weights and measures.

Enforcement.

SEC. 9. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of fifty thousand dollars, or so much thereof as may be necessary, to be expended by the division of weights and measures of the department of agriculture during the eighty-first and eighty-second fiscal years in carrying out the provisions of this act.

Appropriation.

SEC. 10. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Repealed.

CHAPTER 698.

An act appropriating money to pay the claim of H. W. Levers against the State of California.

[Approved by the Governor June 5, 1929. In effect August 14, 1929.]

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

Appropriation claim of H. W. Levers.

SECTION 1. The sum of ninety thousand two hundred seventy-four dollars and seventy-one cents is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of H. W. Levers against the State of California.

CHAPTER 699.

An act to amend section 22 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the state's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California fruit and vegetable standardization act,' approved May 23, 1925," approved June 2, 1927.

[Approved by the Governor June 5, 1929. In effect August 14, 1929.]

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

Stats 1927, p 1858, amended

SECTION 1. Section 22 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the state's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California fruit and vegetable standardization act,' approved May 23, 1925," approved June 2, 1927, is hereby amended to read as follows:

State divided into districts. District 1.

Sec. 22. For the purpose of this act the state shall be divided into districts as follows:

District 1. That part of the state south of the San Geronio pass in Riverside county and east of the Sierra Nevada range, comprising parts of the counties of Riverside and San Diego and all of Imperial county.

District 2

District 2. All of the state excepting the part included in district 1.

Classification of varieties. For the purpose of this act, ^{Grapes,} grape varieties shall be classified as follows: ^{classified.}

GROUP A.

Group A,
white.

(White)

Almeria	Golden Chasselas
Aspiran Blanc	Golden Queen
Bicane	Khalili
Chasselas de Fontainebleau	Khandahar
Chasselas Napoleon	Ladyfinger
Cornichon Blanc	Malaga
Dattier de Beyrouth	Ohanez
Dizmar	Olivette Blanche
Olivette de Vendemian	Rosaki
Palomino	Sultana
Persian 23	Thompson Seedless
Pizzutello di Roma	Verdal
Rish Baba	

(Red)

Group A,
red.

Angelino	Pink Thompson Seedless
Catawba	Piment
Chasselas Rose	Red Malaga
Emperor	Rose de Falloux
Flame Tokay	Sultanina Rose
Hunisa	Tokay
Maraville de Malaga	Zabalkanski
Molinera Gorda	Zabalkanskoi

(Black)

Group A,
black.

Black Corinth	Gros Guillaume
Black Ferrara	Isabella
Black Hamburg	Isabella Regia
Black Monukka	Muscat Albaradiens
Black Morocco	Muscat Hamburg
Black Prince	Olivette Noir
Black Zante	Panariti
Bleu Grau	Pierce
California Concord	Pierce Isabella
Concord	Pizzutello Nero
Corint.e Noir	Prune de Cazouls
Cornichon	Purple Damascus
Danugue	Rose of Peru
Drodelabi	Ribier
Frankenthal	Servian Blue
Fresno Beauty	Snow's Muscat Hamburg
Gros Colman	Zante Currant

and other similar varieties.

Group B,
whiteGROUP B.
(White)

Burger	Muscatel Gordo Blanco
Colombar	Pedro Ximenes
Elbling	Fiesling
Feher Szagos	Sauvignon
Folle Blanche	Sauvignon Vert
Huasco (Muscat)	Semillon
Muscat Bonod	Traminer
Muscat Bowood	White Hanepoot (Muscat)
Muscat of Alexandria	

Group B,
black

(Black)

Alicante-Bouschet	Black Pinot
Alicante-Ganzin	Burgundy
Aramon	Cabernet Sauvignon
Beclan	Calmette
Carignane	Mataro
Charbono	Mission
Early Black July	Mondeuse
Grand Noir	Mourastel
Grenache	Mourvedre
Jacquez	Petit-Bouschet
Lenoir	Petite Sirah
Madelaine	Serine
Madeleine	Syrah
Madelaine Angevine	Zinfandel
Malvoisie	

and other similar varieties which are not included in Group A.

Standards

Standards for Grapes. Grapes, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer, shall conform to one of the following standards:

Group A

Standards for Group A. Fancy Grapes. Fancy grapes shall consist of bunches of well developed grapes of one variety * which are uniformly well colored, well matured, firmly attached to cap-stems, which are not weak, shattered, split, crushed, wet, soft, wilted or scarred; which are free from shot berries, raisining or raisined berries, sunburned or dried berries, water berry, mildew, Almeria spot, mold, decay, and from damage caused by other disease, insects, discoloration, freezing, or other means.

Stems shall be mature and shall not be weak or dry and brittle, and shall be free from mold and damage caused by mildew.

Bunches shall not be straggly or excessively small excepting that a sufficient number of small bunches shall be allowed to insure a properly packed container.

In order to allow for variations incident to proper grading and handling, not more than five per cent, by weight, of the grapes in any container may be below the requirements of

this grade; but not more than a total of two per cent, by weight, may be seriously damaged, and not more than one-fourth of this amount, or one-half of one per cent, may be affected by mold or decay. Group A

*Special fancy packs of assorted varieties, when so marked, may be admitted to this grade.

Fancy Sawdust Packed Grapes. Fancy grapes, when packed in sawdust, cork, or similar packing material in addition to the specifications prescribed above for fancy grapes, shall comply with the following requirements:

Bunches may be loose but shall not be excessively straggly, and shall be not less than six inches in length, measured from shoulder to tip, excepting the Almeria (Ohanez) variety, which shall have bunches not less than four inches in length and weighing not less than one-half pound each. The berries shall have a diameter of not less than five-eighths of an inch, measured through the widest portion of cross section, excepting the Almeria variety, which shall have berries with a diameter of not less than nine-sixteenths of an inch, and the Thompson seedless variety, which shall have berries with a diameter of not less than seven-sixteenths of an inch.

The five per cent tolerance permitted above for fancy grapes also shall apply to fancy sawdust packed grapes, but total serious defects, including mold and decay, shall be limited to one-half of one per cent by weight. In addition, grapes of this grade when packed in sawdust, cork, or similar packing material, may have not to exceed ten per cent, by weight, of the bunches in any container, and not more than five per cent, by weight, of the berries, which are below the prescribed sizes or weights.

All grapes packed in sawdust, cork or similar packing material shall comply with the standard for fancy sawdust packed grapes as hereinbefore specified; *provided*, that varieties other than Emperor and Almeria (Ohanez) may be so packed, shipped or sold if they comply with all requirements of this standard, excepting that stems need not be mature, and/or that grapes may be well colored instead of uniformly well colored, and/or that each bunch shall test not less than seventeen per cent soluble solids in juice as determined by the Balling or Brix scale hydrometer; *provided* that the varieties Malaga and Thompson seedless shall test not less than eighteen per cent when produced in any section excepting district one. Emperor grapes which comply with the standard for fancy sawdust pack grapes, as hereinbefore specified, excepting that the grapes may be well colored instead of uniformly well colored, may be packed in sawdust, cork or similar packing material prior to the twenty-sixth day of September in each season. Grapes meeting the requirements for the fancy standard for sawdust pack, with the exceptions hereinbefore specified, shall be marked "Grade No. 1-A Sawdust Pack," and shall bear no other marks of quality or grade, excepting as hereinafter provided.

Group A.

It is hereby provided that the packer or owner of any grapes in sawdust, cork or similar packing material, which fail to meet the requirements of fancy or grade 1-A sawdust packed grapes only by reason of deterioration which has occurred after packing, shall not be held liable for violation of the provisions of this act on account of such deterioration.

Grade 1-A Grapes. Grade 1-A grapes shall consist of bunches of well developed grapes of one variety which are well colored, mature, firmly attached to capstems, which are not weak, shattered, split, crushed, wet, soft, wilted, or badly scarred; which are free from immature shot berries, raisining or raisined berries, sunburned or dried berries, waterberry, mildew, mold, decay, and from damage caused by other disease, insects, freezing, or other means; *provided*, that there shall be no color requirement in this grade for white varieties when the grapes test not less than twenty per cent soluble solids in juice.

Stems shall not be weak or dry and brittle and shall be free from mold and damage caused by mildew.

Bunches shall not be excessively straggly, or excessively small excepting that a sufficient number of small bunches shall be allowed to insure a properly packed container.

In order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of the grapes in any container may be below the requirements of this grade; but not more than a total of five per cent, by weight, may be seriously damaged, and not more than one-fifth of this amount, or one per cent, may be affected by mold or decay.

Special grade 1-A packs of assorted varieties, when so marked, may be admitted to this grade.

Grapes of varieties included in group A which have been placed in cold storage for a period of not less than thirty days, on a basis of storage in transit from the point of packing to interstate markets, and which, upon removal from storage, fail to meet the requirements of grade 1-A grapes only by reason of deterioration which has occurred after packing, shall not be required to show grade markings; *provided*, that such grapes shall at least meet the requirements of unclassified grapes.

Group B.

Standards for Group B. Grade 1-B Grapes. Grade 1-B grapes shall consist of bunches of well developed grapes of one variety, which are well colored, mature, firmly attached to capstems, which are not weak, shattered, split, crushed or wet; which are free from immature shot berries, raisining or raisined berries, sunburned or dried berries, waterberry, red-berry, severe freezing injury, mold or decay, and from damage caused by mildew or other disease, insects or other means; *provided*, that there shall be no color requirement in this grade for white varieties when the grapes test not less than twenty per cent soluble solids in juice; *provided, further*, that mixed grapes of the Alicante Bouschet, Alicante Ganzin, Petit

Bouschet and Grand Noir varieties may be admitted to this ^{Group B.} grade.

Bunches shall not be excessively straggly. In order to allow for variations incident to proper handling, not more than fifteen per cent, by weight, of the berries in any container may be raisining or raisined; *provided*, that not more than one-third of this amount, or five per cent, may be raisined. In addition, not more than ten per cent, by weight, of the berries in the container may be below the remaining requirements of this grade, but not more than a total of five per cent, by weight, may be seriously damaged, and not more than two-fifths of this amount, or two per cent, may be affected by mold or decay; but in no case shall more than fifteen per cent, by weight, of the bunches in any container have spots of mold or decay affecting three or more contiguous berries.

Grade 1-B Mixed Grapes. Grade 1-B mixed juice grapes shall consist of grapes of mixed varieties of the same color which meet the remaining requirements of grade 1-B grapes.

Grade 2 Grapes. Grade 2 grapes shall consist of grapes of one variety which are mature which are not detached from the capstems, split, crushed or wet; which are free from raisined berries, sunburned or dried berries, waterberry, redberry, mold or decay, and from other serious damage; *provided*, that mixed grapes of the Alicante Bouschet, Alicante Ganzin, Petit Bouschet and Grand Noir varieties may be admitted to this grade.

In order to allow for variations incident to proper handling, not more than fifteen per cent, by weight, of the berries in any container may be raisined, and in addition not more than ten per cent, by weight, of the berries in any container may be below the remaining requirements of this grade, but not more than a total of five per cent, by weight, may be affected by mold or decay.

Grade 2 Mixed Grapes. Grade 2 mixed grapes shall consist of grapes of mixed varieties of the same color which meet the remaining requirements of No. 2 grapes.

Unclassified Grapes. Unclassified grapes shall be mature and shall not include in excess of ten per cent, by weight, of berries affected by mold or decay in any one container; *provided*, that, in the case of varieties included in group A, not more than ten per cent, by weight, of the bunches in any container may be immature.

Grapes Below Unclassified. Any grapes which fail to meet the requirements for unclassified grapes, because of immaturity, mold or decay, may be disposed of only as provided in sections 13 and 14 of this act, excepting that nothing in this act shall prevent a grower of grapes from selling part or all of his crop, which may fail to meet the requirements of unclassified grapes, to a purchaser for the sole and express purpose of being used by such purchaser for the manufacture of a by-product in the State of California; *provided*, that each container of such grapes shall be plainly and conspicuously marked with the

name and address of the grower, and, in letters not less than one-half inch in height, with the words "by-product grapes"; *provided, further*, that each such sale shall be made only under written permit of an enforcing officer of this act, who may require from the grower and/or purchaser of such grapes such proof as he may deem necessary that they will be used only as herein provided.

General
require-
ments.

General requirements. For the purpose of the standards for grapes, and their respective tolerances, established above, the provisions shall apply to the bunch as the unit in the case of:

1. Maturity of group A varieties, regardless of grade.
2. Color.
3. Bunches which fail to meet requirements for size or compactness (straggly or excessively straggly).
4. Mixed varieties (except in grade 1-B mixed, grade 2 mixed or unclassified grapes when marked "mixed varieties" or with color of grapes).
5. Stems which are immature, weak, or dry and brittle in fancy and grade 1-A standards.
6. Stems which are not free from mold and damage caused by mildew in fancy, fancy sawdust pack, grade 1-A and grade 1-A sawdust pack.
7. Bunches damaged by discoloration in fancy and fancy sawdust pack standards.
8. Bunches having spots of mold affecting three or more contiguous berries in grade 1-B standard.

The maturity of group B varieties shall apply to the entire contents of any container, as hereinafter stated.

In regard to all other requirements and tolerances the individual grape berry shall be the unit considered.

Lot Tolerance. For the purpose of this section, although the tolerances specified for the various standards necessarily are placed on a package basis, not more than one-fourth of the packages in any lot may be permitted to exceed the tolerance established by not more than one-half of the amount allowed; *provided*, that the entire lot shall average within the tolerance established; *provided, further*, that no container shall have more mold or decay than the amount specified in the tolerance established.

No provision of this section shall be construed to prevent placing any varieties included in group A under the standards established for group B; *provided*, all containers are properly marked with the grade designations as hereinafter required, nor to prevent placing any varieties included in group B under the standards established for group A; *provided, however*, that regardless of grade, any varieties included in group A always shall be tested for maturity on a bunch unit basis.

Words and
phrases
defined

Definitions. When used in this section the words herein mentioned shall be defined as follows:

"Well matured," means that each bunch of grapes shall show a sugar test of not less than seventeen per cent soluble

solids in juice, as determined by the Balling or Brix scale hydrometer; except that the varieties Malaga, Thompson seedless and Muscat shall test not less than twenty per cent when produced in any section excepting district one.

Words and phrases defined.

“Mature,” as applied to the stems, means that they shall be firm and pliable but not limp or flabby, and shall have a yellowish green or straw color or shall have brownish woody seals at the cut ends.

“Mature,” in the standards for grapes shall mean that each bunch of the varieties classified above in group A shall test not less than seventeen per cent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; *provided*, that the varieties Malaga and Thompson seedless shall test not less than eighteen per cent when produced in any section excepting district one; *provided, further*, that the varieties Emperor, Gros Colman (Bleu Grau, Drodela, Fresno Beauty, Servian Blue), Pierce Isabella (Pierce, Isabella Regia, California Concord), Concord, Olivette Blanche, Ladyfinger, Rish Baba, Khalili and Persian 23 (Dizmar) shall test not less than sixteen per cent; *provided, further*, that in the case of varieties included in group B “mature” shall mean that the average or composite test of all the grapes in any container shall be not less than seventeen per cent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; *provided*, that white varieties of the Muscat type shall test not less than eighteen per cent; *provided, further*, that the variety Burger shall test not less than sixteen per cent.

Color. “Uniformly well colored” in standards for grapes, means in the case of:

“Black varieties” that each bunch shall have not less than ninety-five per cent, by count, of berries showing good characteristic color; excepting that in order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of the bunches in any container may have not less than eighty per cent, by count, of berries showing good characteristic color.

“Red varieties” that each bunch shall have not less than seventy-five per cent, by count, of well colored berries; excepting that in order to allow for variations incident to proper grading and handling not more than ten per cent, by weight, of the bunches in any container may have not less than sixty per cent of well colored berries; *provided*, that in the case of the Tokay variety each bunch shall have not less than sixty per cent, by count, of well colored berries, excepting that in order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of the bunches in any container may have not less than twenty-five per cent of well colored berries. Red grape berries shall be considered well colored when at least sixty per cent of the surface shows good characteristic color. Light or cherry red, dark red or purple are considered good characteristic color for the red varieties.

Words and
phrases
defined.

“White varieties” that each bunch shall have not less than twenty-five per cent, by count, of berries showing straw or amber color; excepting that in order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of the bunches in any container may be below this requirement; *provided*, that in the case of the Almeria and Vercaal varieties each bunch shall have not less than seventy-five per cent, by count, of berries showing light green, straw or amber color; excepting that in order to allow for variations incident to proper grading and handling, not more than 10 per cent, by weight, of the bunches in any container may be below this requirement.

“Well colored” in standards for grapes, means in the case of:

“Black varieties” that each bunch shall have not less than eighty-five per cent, by count, of berries, showing characteristic color; excepting that in order to allow for variations incident to proper grading and handling not more than ten per cent, by weight, of the bunches in any container may have not less than fifty per cent, by count, of berries showing characteristic color; *provided*, that in the case of the following varieties: Zinfandel, Rose de Peru, Black Prince, Black Hamburg, Blue Elba, Grignolino, Aramon, Mission, Zante and Black Monukka, each bunch shall have not less than seventy-five per cent, by count, of berries showing characteristic color; excepting that in order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of the bunches in any container may have not less than fifty per cent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for Cornichon, Malvoise, Grenache, Trousseau, Rose de Peru, Black Prince, Black Eamburg, and Aramon; and reddish purple to black shall be considered characteristic color for Mission, Grignolino, Zante and Black Monukka.

“Red varieties” that each bunch shall have not less than sixty per cent, by count, of well colored berries; excepting that in order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of the bunches in any container may be below this requirement; *provided*, that in the case of the Tokay variety each bunch shall have not less than forty-five per cent, by count, of well colored berries; excepting that in order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of the bunches in any container may be below this requirement.

“White varieties” that each bunch shall have not less than fifty per cent, by count, of berries showing light green, straw or amber color; excepting that in order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of the bunches in any container may be below this requirement.

Definition of Terms. As used in these standards:

“One variety” means grapes showing the same varietal characteristics. Definition of terms.

“Waterberry” means a disease characterized by a watery, soft or flabby condition of the berries. Such affected berries are low in sugar content, have tender skins and are very easily crushed.

“Weak berries” are those which approach a waterberry in condition but are not so far advanced or affected.

“Redberry” means a condition closely resembling waterberry generally found in black varieties. Such grapes show a red or brownish red color in addition to the general characteristics of waterberry.

“Raisining berries” means grape berries in a stage of normal curing process, which have developed to some extent the characteristic shriveled or wrinkled appearance of a raisin, but which contain sufficient juice to drop from the berry under ordinary pressure between thumb and finger. Change of color and flavor are in some cases additional characteristics of raisining berries.

While wilting is prerequisite to the raisining process, berries which merely are wilted, or which show the fine wrinkling of the skin characteristic of advanced maturity without distinct shriveling, or change of color or taste, are not considered as raisining.

“Raisined berries” means grape berries which are fully cured, resembling raisins, which do not contain sufficient juice to drop from the berry under ordinary pressure between thumb and finger.

“Sunburned or dried grapes” means grapes which show complete drying out from any cause, of part or all of any individual berries.

“Free from mildew” means berries free from active powdery mildew or any scars caused by that disease.

“Damage caused by mildew” means damage causing discoloration of the berries which seriously affects the appearance of the lot.

“Stems free from damage caused by mildew” means free from active powdery mildew or any scars caused by this disease which exceed one-half inch in length or completely girdle any part of the main or lateral stems.

“Seriously damaged” includes grapes which are split, crushed, wet, completely dried, or affected with redberry, waterberry, mold or decay.

“Wet” means moisture from crushing or rain.

“Damage caused by discoloration” means that more than fifteen per cent, by count, of the berries on any bunch, show a dark brown discoloration. Sunkissed berries of an amber or light brown color shall not be considered as damaged.

“Excessively small” means bunches which have less than twenty-five berries, unless they weigh at least one-fourth of a pound.

“Severe freezing injury” means damage affecting the pulp of the berries.

Markings on
containers.

Markings. Each container of grapes, packed in sawdust, cork or similar packing material, which meet the requirements of fancy sawdust packed grapes, as established above, may be marked “fancy” or “fancy sawdust pack,” but shall bear no other term designating quality or grade, excepting as hereinafter provided.

Any container of grapes, packed in sawdust, cork or similar packing material, which meet the requirements of grade 1-A sawdust pack, grapes shall be plainly and conspicuously marked, in letters not less than one-half inch in height, with the words “grade 1-A sawdust pack,” and shall bear no other term designating quality or grade excepting as hereinafter provided.

Any container of grapes, excepting those packed in sawdust, cork or similar packing material, may be marked with any proper designation of quality or grade; *provided*, that each container of grapes of a variety included in group A, established above, which fail to meet the requirements of the standard for grade 1-A grapes, established above, shall be plainly and conspicuously marked in letters not less than one-half inch in height, with the proper standard designation as “grade 1-B” or “grade 2,” as the case may be, but shall bear no other term designating quality or grade, excepting as hereinafter provided.

Each container of grapes which meet the requirements for unclassified grapes, but which fail to meet the requirements for grade 2 grapes, established above, shall be plainly and conspicuously marked, in letters not less than one-half inch in height, with the word “unclassified,” and shall bear no other term designating quality or grade.

In lieu of the standard grade markings required above, any container of grapes may be marked with the name for the equivalent grade established in United States standards for grapes promulgated by the United States department of agriculture and approved by the director of agriculture of the State of California.

In addition to the markings required above, and those required by section 9 of this act, all containers of grapes shall bear upon them in plain sight and in plain letters on the outside thereof the following: Net weight and name of the variety, provided that the words “variety unknown,” “mixed varieties” or the color of the grapes may be marked in lieu of the name of the variety; *provided, further*, that a mixture of any of the following varieties: i. e. Alicante Bouschet, Alicante Ganzin, Petit Bouschet and Grand Noir, may be marked “Alicante type” in lieu of the term “Mixed varieties”; *provided, further*, that open field picking boxes, filled with grapes of group “B” varieties with a capacity of not less than fifty pounds net contents, shall not be required to show any of the markings required by this act, if the contents meet the requirements for unclassified grapes.

Standard Containers. Grapes packed in sawdust, cork or similar packing material shall be in standard containers Nos. 24, 25, 38 or 39, and all other grapes shall be in standard containers Nos. 1, 1a, 4, 5, 6, 7, 21, 22 or 23, established in section 11 of this act; *provided*, that containers Nos. 21 and 23 shall be standard for grapes only when used without cleats or when used with cleats eleven-sixteenths of an inch in depth; *provided, however*, that standard display lugs shall have a total inside depth of five and three-fourths inches, including cleats which shall be one and one-fourth inches in depth, with inside width of thirteen and one-half inches, and inside length of sixteen and one-eighth inches; *provided, further*, that container No. 22 shall be standard for grapes only when used with a cleat on each end eleven-sixteenths of an inch in depth; *provided, further*, that other sized containers may be used if conspicuously marked in letters not less than one-half inch in height "Irregular container"; *provided, further*, that container No. 21 shall be standard only until January 1, 1930.

CHAPTER 700.

An act to provide for the government of high schools.

[Approved by the Governor June 5, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto

CHAPTER 701.

An act to amend section 4241 of the Political Code, relating to salaries of officers and employees of counties of the twelfth class.

[Approved by the Governor June 5, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 4241 of the Political Code is hereby amended to read as follows:

4241. In counties of the twelfth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, three thousand six hundred dollars per annum, and twelve and one-half cents for each elector registered; also such compensation as is now or may hereafter be allowed by law; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk, which

Stats. 1927,
p. 1519,
amended.

Counties of
12th class
(Kern) -
officers and
employees

Clerk.

said positions are hereby created, the following deputies, who shall be appointed by the county clerk of the said county and shall be paid salaries as follows: One chief deputy at a salary of two thousand five hundred fifty dollars per annum, two deputies at a salary of two thousand two hundred fifty dollars each per annum, three deputies at a salary of two thousand one hundred dollars each per annum, one deputy at a salary of one thousand nine hundred fifty dollars per annum, and one deputy at a salary of one thousand eight hundred dollars per annum; *provided*, that in such years as the compilation of a great register of voters is required by law, to be made, the county clerk in counties of this class, shall be, and he is hereby allowed the following additional deputies: As many deputies as are necessary, in his discretion, from January first to November twentieth, at one hundred twenty-five dollars, each, per month, and whose compensation shall not exceed two thousand five hundred dollars in the aggregate for all deputies so employed; *provided, further*, the county clerk may appoint such number of registration deputies in any precinct as he may deem necessary for the convenient registration of voters in their respective precincts and that each of said deputies so appointed for such purpose shall receive as compensation therefor the sum of eight cents for each elector registered by each of said deputies, said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of said county the duly verified claim therefor approved by said county clerk. The deputies herein provided for shall be paid by such county at the same time and in the same manner and out of the same fund that the salary of the county clerk is paid. In counties of this class the county clerk shall pay into the county treasury all fees received by him in his official capacity. The provisions herein contained shall apply to the deputies of the present incumbent.

Sheriff

2. The sheriff, four thousand eight hundred dollars per annum. The sheriff shall receive for his own use the fees for mileage which are now, or which may hereafter be allowed by law, and the fees and commission for the service of all papers whatsoever issued by any court in this state, outside of this county. The sheriff shall also receive the necessary expenses incurred in the pursuit of criminals; *provided*, that no constructive mileage shall be allowed. In counties of this class there shall be, and there is hereby allowed to the sheriff, which said positions are hereby created, the following deputies, who shall be appointed by the sheriff of such county, and shall be paid salaries as follows: One undersheriff at a salary of two thousand five hundred fifty dollars per annum; two deputies at a salary of two thousand two hundred fifty dollars, each, per annum; two deputies at a salary of two thousand one hundred dollars, each, per annum; six deputies at a salary of one thousand nine hundred fifty dollars, each, per annum; one deputy, who shall be a woman, at a salary of one

thousand eight hundred dollars per annum, and one stenographer at a salary of one thousand five hundred dollars per annum. The deputies herein provided for shall be paid by said county at the same time, and in the same manner, and out of the same fund, that the salary of the sheriff is paid. In counties of this class the sheriff shall make no charge for the boarding of prisoners over and above the actual cost of materials. The provisions herein contained shall apply to present incumbents.

3. The recorder, four thousand dollars per annum; *provided*,^{Recorder.} that in counties of this class there shall be, and there is hereby allowed to the recorder, which said positions are hereby created, the following deputies and copyists, who shall be appointed by the recorder of such county, and shall be paid salaries as follows: One chief deputy recorder at a salary of two thousand one hundred dollars per annum; two deputies at a salary of one thousand eight hundred dollars, each, per annum; two copyists at a salary of one thousand five hundred dollars, each, per annum; three copyists at a salary of one thousand two hundred dollars, each, per annum; and as many copyists as are necessary, in his discretion, at a salary of one hundred dollars each, per month, and whose compensation shall not exceed two thousand five hundred dollars in the aggregate per annum for all copyists so employed; *provided*, that said copyists being eligible, may also be appointed deputy recorders without further compensation. The compensation of such additional copyists shall be paid out of the general fund of said county at the rate of one hundred dollars a month, and proper claims therefor shall be presented to and allowed by the board of supervisors. The deputies and copyists herein provided for, other than additional copyists, shall be paid by said county at the same time, and in the same manner, and out of the same fund that the salary of the recorder is paid; *provided*, that in counties of this class the recorder may be allowed the actual necessary expenses incurred by him in the performance of his official duties and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived. The provisions herein contained shall apply to the deputies of present incumbents.

4. The auditor, four thousand dollars per annum; *provided*,^{Auditor} that in counties of this class there shall be, and there is hereby allowed to the auditor, which said positions are hereby created, the following deputies and assistants, who shall be appointed by the auditor of such county, and shall be paid salaries as follows: One chief deputy auditor at a salary of three thousand dollars per annum; one deputy at a salary of two thousand two hundred fifty dollars per annum; three deputies at a salary of two thousand one hundred dollars, each, per annum; and two deputies at a salary of one thousand eight hundred dollars, each, per annum; and one deputy, who shall be a stenographer, at a salary of one thousand six hundred eighty

dollars per annum; *provided, further*, that the auditor may appoint ten additional assistants for a period of employment not to exceed two months in each year, to be paid four dollars and fifty cents, each, per diem. The deputies and assistants herein provided for shall be paid by said county at the same time, and in the same manner, and out of the same fund, as the salary of the auditor is paid. In counties of this class the auditor shall pay into the county treasury all fees received by him in his official capacity. The provisions herein contained shall apply to the deputies of present incumbents.

Treasurer

5. The treasurer, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, which said positions are hereby created, one deputy, who shall be appointed by the treasurer of said county, and shall be paid a salary of two thousand seven hundred dollars per annum, and one additional deputy, who may be appointed by the treasurer of said county, and shall be paid a salary of two thousand one hundred dollars per annum. The deputies herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the treasurer is paid.

In counties of this class the treasurer shall pay into the county treasury all fees received by him in his official capacity. The provisions herein contained shall apply to the deputies of present incumbents.

Tax collector

6. The tax and license collector, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax and license collector, which said positions are hereby created, the following deputies and assistants, who shall be appointed by the tax and license collector of said county, and shall be paid salaries as follows: One chief deputy at a salary of two thousand four hundred dollars per annum, one deputy at a salary of two thousand one hundred dollars per annum, and two deputies at a salary of one thousand five hundred dollars, each, per annum, and as many additional assistants as are necessary, in his discretion, at a salary of four dollars and fifty cents, each, per day. The total compensation of such additional assistants shall not exceed eleven thousand dollars in the aggregate in any fiscal year. The deputies and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the tax and license collector is paid. The provisions herein contained shall apply to present incumbents.

Assessor

7. The assessor, five thousand dollars per annum. In counties of this class there shall be, and there is hereby allowed to the assessor, the following deputies and employees, who shall be appointed by the assessor, and who shall be paid salaries as follows: One chief deputy at a salary of two thousand four hundred dollars per annum; one outside deputy at a salary of two thousand four hundred dollars per annum, and actual necessary expenses; one deputy at a salary of

one thousand nine hundred fifty dollars per annum; one deputy assessor at a salary of one thousand six hundred fifty dollars per annum; one deputy assessor at a salary of one thousand five hundred dollars per annum, who shall be a stenographer; six extra deputies, not exceeding one hundred twenty days, at eight dollars, each, per day; ten extra deputies, not exceeding one hundred twenty days, at seven dollars, each, per day; and ten extra deputies, not exceeding one hundred twenty days, at four dollars and fifty cents, each, per day; such additional deputies whose aggregate compensation shall not exceed two thousand four hundred dollars in any fiscal year, as may be necessary to carry on the work of his office; *provided*, that the above salaries and compensations shall be in full payment for all services rendered by him as such assessor, and that no commission for the collection of state taxes or infirmity poll taxes for road taxes or personal property taxes shall be retained by him, nor shall the assessor receive any compensation for making out the military roll or persons returned to him as subject to military duty, as provided by section 1901 of the Political Code of the State of California, but that all fees and commissions shall be paid into the county treasury. The deputies herein provided for shall be paid at the same time, and in the same manner, and out of the same fund as the salary of the county assessor is paid; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. The provisions herein contained shall apply to present incumbents.

8. The district attorney, four thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the district attorney, which said positions are hereby created, the following: One assistant district attorney at a salary of four thousand dollars per annum; one deputy at a salary of three thousand six hundred dollars per annum; one deputy at a salary of three thousand six hundred dollars per annum; one stenographer at a salary of one thousand eight hundred dollars per annum; one stenographer at a salary of one thousand five hundred dollars per annum; and one detective at a salary of two thousand two hundred fifty dollars per annum. The district attorney, assistant district attorney, and the deputy district attorneys shall devote their entire time during office hours to the work of the county and state, and are prohibited from engaging in private work within such office hours. The assistant district attorney, deputies, detective and stenographers, herein provided for shall be appointed by, and hold office at the pleasure of, the district attorney, and shall be paid by said county at the same time, and in the same manner, and out of the same fund, that the salary of the district attorney is paid; *provided, further*, that the necessary traveling expenses of the detective shall constitute a county charge; *and provided, also*, that the assistant district attorney herein

District
attorney.

provided for shall possess the powers of, and may perform the same duties attached by law to the office as his principal; *provided, further*, that no employee of the district attorney's office shall accept any other compensation by reason of services rendered in any action or proceeding wherein fees or per diem would constitute a charge against the county. The provisions herein contained shall apply to the deputies of the present incumbents. It is understood that this provision relative to private work does not effect the district attorney until his salary is four thousand eight hundred dollars per annum.

Coroner and
public ad-
ministrator.

9. The coroner and public administrator, three thousand six hundred dollars per annum, and his actual necessary expenses in traveling outside of the county seat. He shall hold inquests as prescribed by chapter two, title twelve, part two, of the Penal Code. The coroner or other officer holding an inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post-mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner in counties of this class shall be and he is hereby allowed one deputy at a salary of one hundred dollars per month, and his necessary expenses in traveling outside of the county seat; said deputy shall have the power, and it shall be his duty, when directed by the coroner, to hold inquests, and all power conferred by law upon the coroner may be exercised by said deputy; one reporter, which office is hereby created, at a salary of two thousand four hundred dollars per annum, and his actual necessary expenses in traveling outside of the county seat, whose duty it shall be when called upon by the coroner, to attend all inquests and take down in shorthand the testimony of all witnesses at such inquests; when such testimony is taken down by such reporter, his transcription thereof, duly certified to by him, shall constitute the depositions of the witnesses testifying at such inquests so reported by such reporter; the salary of the said deputy and reporter herein provided for shall be paid by the county, in the same manner, at the same time, and out of the same fund as the salary of the coroner and public administrator is paid. Said deputy and said reporter shall be appointed by the coroner and public administrator, and shall hold office at the pleasure of the coroner and public administrator. All fees and commissions collected by the coroner and public administrator in his official capacity and by his said deputy in his official capacity shall be paid into the county treasury. The coroner may appoint as additional deputies as many as may be necessary, to serve without compensation. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation of this office, and it is intended that the same shall apply immediately to the present incumbent.

10. The superintendent of schools, four thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools, which said positions are hereby created, the following deputies, who shall be appointed by the superintendent of schools of such county, and shall be paid salaries as follows: Four deputies at a salary of two thousand two hundred fifty dollars, each, per annum. The deputies herein provided for shall be paid by said county, at the same time, and in the same manner, and out of the same fund that the salary of the superintendent of schools is paid. In counties of this class the superintendent of schools, and one deputy, shall receive their actual and necessary traveling expenses for visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools. The provisions herein contained shall apply to present incumbents.

11. The surveyor, four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the surveyor, which said positions are hereby created, the following deputies, who shall be appointed by the surveyor of such county: One chief deputy surveyor at a salary of three thousand dollars per annum; two deputies at a salary of two thousand four hundred dollars each per annum, one deputy at a salary of two thousand two hundred fifty dollars per annum, and one deputy at a salary of one thousand eight hundred dollars per annum. The deputies herein provided for shall be paid by the county at the same time, and in the same manner, and out of the same fund, as the salary of the surveyor is paid; *provided, further*, that the surveyor and his deputies shall during the time they are holding office be, and they are hereby prohibited from engaging in private employment at surveying. The provisions herein contained shall apply to the deputies of present incumbents.

12. Supervisors, four thousand dollars per annum, each, and actual and necessary expenses in the performance of the duties of their office; *provided*, that in counties of this class the board of supervisors shall have the power to provide for the maintenance and support of minor children under eighteen years of age who are orphans or half orphans, abandoned or destitute minors; to lease, construct, and maintain appropriate buildings therefor; to provide suitable salaries for the necessary teachers and superintendents thereof. In the event that any regularly organized corporation whose sole purpose is the care, welfare and support of orphans, half orphans, abandoned or destitute minors under eighteen years of age, has already a building, structure, grounds and officers and have been in the business of caring for such destitute minors for eight years prior to the passage of this act, then the board of supervisors of the county is authorized to pay to the directors of the said corporation so caring for said destitute

minors a sum not to exceed the sum of twenty dollars per month for each minor so cared for.

Records of
institutions
receiving aid.

Every institution receiving aid as above provided for must keep the following records which at all times must be open for inspection to the board of supervisors of such county, or to any person appointed by them to examine the same.

(1) A record on which must be entered the date of admission, name, age, sex, and place of birth of each and every orphan, half orphan, destitute or abandoned child, who is or may hereafter be received or admitted into such institution, and the date of discharge of any such child, when such discharge is made, the parentage, if known; the estate, if any, to which the child is heir, and the insurance, if any, on the father's or mother's life; so far as can be ascertained the place where either parent or both died, the nativity of the parents, where married, the marriage certificate, where recorded, when they came to California, place of residence in California, and habits of sobriety.

(2) A book entitled "monthly accounts." In it must be entered on the debtor side all the moneys received from any and all sources segregated under the proper heads; on the credit side must be entered all disbursements made, specifying for what purposes made, and the amount entered in detail so disbursed, segregated under their proper heads.

(3) A pay roll of the employees, and the amounts disbursed to each.

(4) A book in which must be entered in detail the amounts paid for the specific purpose of every orphan, half orphan, destitute or abandoned child, and the date of such payments.

Justices of
the peace
and con-
stables.

13. In counties of the twelfth class the township officers shall consist of the following, and shall receive the following compensation, to wit:

Judicial township number one, estimated population one thousand five hundred sixty, one justice of the peace at a salary of one thousand two hundred dollars per annum; one constable at a salary of one thousand two hundred dollars per annum.

Judicial township number two, estimated population five thousand five hundred twenty-six, one justice of the peace at a salary of one thousand five hundred dollars per annum; one constable at a salary of one thousand five hundred dollars per annum.

Judicial township number three, estimated population nineteen thousand four hundred eighty-five, one justice of the peace at a salary of one thousand nine hundred eighty dollars per annum; one constable at a salary of one thousand three hundred twenty dollars per annum; and one clerk at a salary of six hundred dollars per annum.

Judicial township number four, estimated population three thousand five hundred, one justice of the peace at a salary of one thousand two hundred dollars per annum; one constable at a salary of one thousand two hundred dollars per annum.

Judicial township number five, estimated population one thousand two hundred thirty, one justice of the peace at a salary of one thousand eighty dollars per annum; one constable at a salary of nine hundred dollars per annum; one deputy constable to be appointed by the constable, who must be a resident of Annette, at a salary of two hundred forty dollars per annum.

Justices of
the peace
and con-
stables.

Judicial township number six, estimated population twenty thousand four hundred ninety-three, one justice of the peace at a salary of three thousand dollars per annum; one constable at a salary of one thousand six hundred twenty dollars; and one clerk at a salary of one thousand five hundred dollars per annum.

Judicial township number seven, estimated population eighteen thousand four hundred fifty-three, one justice of the peace at a salary of one thousand nine hundred eighty dollars per annum; one constable at a salary of one thousand six hundred eighty dollars per annum, and one clerk at a salary of one thousand five hundred dollars per annum.

Judicial township number eight, estimated population five thousand nine hundred four, one justice of the peace at a salary of one thousand two hundred dollars per annum; one constable at a salary of one thousand eighty dollars per annum.

Judicial township number nine, estimated population five thousand eight hundred forty-four, one justice of the peace at a salary of one thousand two hundred dollars per annum; one constable at a salary of one thousand five hundred dollars per annum.

Judicial township number ten, estimated population one thousand five hundred sixty, one justice of the peace, at a salary of one thousand eighty dollars per annum; one constable at a salary of nine hundred dollars per annum.

Judicial township number eleven, estimated population one thousand three hundred seventy-one, one justice of the peace at a salary of one thousand eighty dollars per annum; one constable at a salary of one thousand five hundred dollars per annum.

Judicial township number twelve, estimated population one thousand five hundred twenty-one, one justice of the peace at a salary of six hundred dollars per annum; one constable at a salary of nine hundred dollars per annum.

Judicial township number thirteen, estimated population one thousand thirty-eight, one justice of the peace, with a salary of six hundred dollars per annum; one constable at a salary of six hundred dollars per annum.

Judicial township number fourteen, estimated population two hundred, one justice of the peace at a salary of two hundred forty dollars per annum; one constable at a salary of two hundred forty dollars per annum.

Judicial township number fifteen, estimated population five thousand, one justice of the peace at a salary of one thou-

sand two hundred dollars per annum; one constable at a salary of one thousand two hundred dollars per annum.

Salaries of justices of the peace shall be in full compensation for all services rendered by them in both civil and criminal cases. Salaries of constables shall be in full compensation for all services rendered by them in criminal cases, and in addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury. The salaries of justices of the peace and constables shall be paid monthly by the county in the same manner that the salaries of county officers are paid.

Jurors' and
witness'
fees

14. In the superior court, jurors' fees and witness fees shall be as follows:

For attending as a grand juror, for each day's actual attendance per day, three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

For attending as a trial juror, for each day's actual attendance, per day, three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

For attending as a witness in criminal cases and before the grand jury, for each day's actual attendance, the sum of two dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same; *provided, however*, that in criminal cases such per diem and mileage shall only be allowed on a showing to the court by the witness the same was necessary for the expenses of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

The fees for jurors in criminal cases in justice courts shall be two dollars per day, for each day of actual service as a juror, and the justice of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem, and the treasurer shall pay the same.

Librarian.

15. The county librarian shall receive three thousand dollars per annum.

Vacations

16. Each employee regularly employed in the service of the county who shall have been employed for a period of not less than six months shall be allowed, during each year of his serv-

ice, a vacation of not less than two weeks; said vacation to be without loss of pay, and the time allowed for said vacation to be designated by the heads of various departments of said county.

CHAPTER 702.

An act to provide for the making of snow surveys and the gathering and correlation of information pertinent to an annual forecast of seasonal water crop and making an appropriation therefor.

[Approved by the Governor June 5, 1929, with reduction hereunder noted.
In effect August 14, 1929.]

[I object to the item of \$40,000 in section 2 and reduce the amount to \$30,000. With this reduction I approve the bill. Dated June 5, 1929.
C. C. YOUNG, Governor.]

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

SECTION 1. The division of water rights of the department of public works is hereby authorized and instructed to make snow surveys and to gather and correlate information for the purpose of acquiring data necessary to an annual forecast of seasonal water crop and to do all or any of such work either independently or in cooperation with one or more persons, firms, associations, corporations, or other agencies, including county, state, and federal agencies.

Authoriza-
tion to
make snow
surveys

SEC. 2. For the purpose of carrying out the provisions of this act the sum of forty thousand dollars (\$40,000) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, and the state controller is hereby directed to draw warrants upon such sum from time to time upon requisitions of the division of water rights as approved by the department of finance and the state treasurer is hereby directed to pay such warrants.

Appropriation

CHAPTER 703.

An act to amend section 4278 of the Political Code, relating to salaries and fees of officials in counties of the forty-ninth class.

[Approved by the Governor June 5, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 4278 of the Political Code is hereby amended to read as follows:

4278. In counties of the forty-ninth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Stats 1927,
p 935,
amended
Counties of
49th class
(Calaveras)
officers and
employees

- Clerk. 1. The county clerk, one thousand five hundred dollars per annum.
- Sheriff. 2. The sheriff, three thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy at a salary of one thousand dollars per annum, and a jailer at fifty dollars per month, to be paid out of the county treasury; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and, provided further*, that the sheriff shall also receive for his own use and benefit the mileage, fees and commission for all services of all papers whatsoever issued by any court of the state.
- Recorder 3. The recorder, one thousand five hundred dollars per annum. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.
- Auditor. 4. The auditor, one thousand dollars per annum. In counties of this class the auditor may appoint a copyist for service in his office, which office of copyist for the county auditor is hereby created, and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.
- Treasurer. 5. The treasurer, one thousand five hundred dollars per annum.
- Tax collector. 6. The tax collector, one thousand two hundred dollars per annum and ten per cent of all licenses collected by him; and a deputy, at a salary of nine hundred dollars per annum to be paid out of the county treasury.
- Assessor. 7. The assessor, two thousand five hundred dollars per annum and two deputies at a salary of five dollars each per day for not more than one hundred days in any one year, and two deputies additional, at a salary of five dollars each per day for not more than fifty days in any one year; such deputies to be paid out of the county treasury. The above-named deputies shall each be allowed his actual and necessary traveling expenses, not to exceed in the aggregate one thousand dollars per annum, incurred in the assessment of real and personal property and in the collection of personal property taxes.
- District attorney. 8. The district attorney, two thousand dollars per annum and necessary traveling expenses to be allowed by the board of supervisors.
- Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, two thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. Superintendent of schools.

12. The surveyor, the sum of ten dollars per day for all services performed by him by virtue of his office and his necessary traveling expenses when performing official work in the field, such compensation and expenses to be allowed by, and paid on the order of, the board of supervisors; *provided*, he shall be given all work for the county in which the county employs a surveyor or civil engineer. Surveyor

13. In counties of this class, the township officers shall receive the following compensations, to wit: In townships having a population of over four thousand, justices of the peace shall receive a monthly salary of sixty dollars per month, and constables a monthly salary of sixty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases. Justices of the peace and constables.

In townships having a population of more than two thousand seven hundred, and not exceeding four thousand, justices of the peace shall receive a monthly salary of thirty dollars per month, and constables a monthly salary of forty dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than one thousand nine hundred and less than two thousand seven hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month and constables a monthly salary of thirty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of less than one thousand nine hundred, justices of the peace shall receive a monthly salary of twenty dollars per month and constables a monthly salary of twenty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases; *provided*, that where a constable shall be required to travel outside of his own township, in serving or executing a warrant of arrest or any other paper in a criminal case, he shall be allowed, in addition to the salary hereinbefore provided, his actual expenses

incurred in serving or executing the same, to be allowed by the board of supervisors; for transporting prisoners to the county jail, the actual expenses of such transportation; *and, provided further*, that for the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election of each township, by five. In addition to the above salaries allowed said justices of the peace and constables, for their services in criminal cases, they may retain for their own use the fees allowed by law in civil cases.

Supervisors. 14. Each supervisor, one thousand two hundred dollars per annum, in full payment for services as member of the board of supervisors, as member of the board of equalization and as road commissioner, and twenty cents per mile, going only, in traveling from his residence to the county seat at each session of the board. Each supervisor shall also receive his necessary and actual itemized traveling expenses when traveling outside the county of Calaveras by order of the board on business connected with his office; said traveling expenses not to exceed one hundred dollars per year per supervisor.

Jurors' fees. 15. For attending as a grand juror, or a trial juror in criminal and civil cases in the superior court, for each day's attendance, three dollars; for each mile actually traveled one way as such grand juror, or trial juror, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

Librarian. 16. The county librarian, one thousand eight hundred dollars per annum.

Effect of act. SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 704.

An act to amend sections 3, 4, 5, 6 and 8 of an act entitled "An act to promote the development of the California canned fruit industry and to prevent deception in the packing and sale of canned fruit by establishing and defining certain standards for canned fruit of the varieties herein named, defining the powers and duties of the director of the department of agriculture in relation hereto, including the collection of fees, creating a board of appeal and defining its powers and duties in relation hereto and fixing the compen-

sation of the members thereof, prescribing penalties for violations hereof and making an appropriation to carry out the provisions hereof," approved May 23, 1925.

[Approved by the Governor June 5, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 3 of an act entitled "An act to amend sections 3, 4, 5, 6 and 8 of an act entitled, 'An act to promote the development of the California canned fruit industry and to prevent deception in the packing and sale of canned fruit by establishing and defining certain standards for canned fruit of the varieties herein named, defining the powers and duties of the director of the department of agriculture in relation hereto, including the collection of fees, creating a board of appeal and defining its powers and duties in relation hereto and fixing the compensation of the members thereof, prescribing penalties for violations hereof and making an appropriation to carry out the provisions hereof,' approved May 23, 1925," is hereby amended to read as follows:

Stats. 1925,
p 908,
amended

Sec. 3. For the purposes of this act the following are hereby declared and established as the standard sizes of cans for canned fruits of the varieties mentioned in this act, packed, shipped, delivered for shipment, offered for sale or sold in the State of California, to wit:

Standard
sizes of
cans.

(a) Eight-ounce, which is hereby defined as a cylindrical can two and eleven-sixteenths inches in diameter by three or three and one-quarter inches in altitude;

(b) Picnic, which is hereby defined as a cylindrical can two and eleventh-sixteenths inches in diameter and four inches in altitude;

(c) No. 1 flat, which is hereby defined as a cylindrical can four inches in diameter and two and three-eighth inches in altitude;

(d) No. 1 tall, which is hereby defined as a cylindrical can three inches in diameter and four twenty-one thirty-second inches in altitude;

(e) No. 2 tall, which is hereby defined as a cylindrical can three and three-eighth inches in diameter and four and fifteen-thirty-second inches in altitude;

(f) No. 2½ tall, which is hereby defined as a cylindrical can four inches in diameter and four and eleven-sixteenth inches in altitude;

(g) No. 10 tall, which is hereby defined as a cylindrical can six and one-eighth inches in diameter and six and fifteen-sixteenth inches in altitude.

SEC. 2. Section 4 of said act is hereby amended to read as follows:

Stats 1925,
p 908,
amended.

Sec. 4. In any of the cases and under any of the conditions in this section provided with respect to the several varieties of canned fruits hereinbelow specified, packed, shipped, delivered for shipment, offered for sale or sold in the

Fruit designat-
ed as
"seconds."

State of California the same shall be and are hereby defined, declared and designated as "Seconds," to wit:

Apricots.

(A) Canned apricots, halved:

(1) If more than thirteen pieces thereof are packed in a three-inch eight-ounce can; if more than fifteen pieces thereof are packed in a three and one-fourth-inch eight-ounce can; if more than eighteen pieces thereof are packed in a picnic can; if more than twenty-three pieces thereof are packed in a No. 1 flat can; if more than twenty-six pieces thereof are packed in a No. 1 tall can; if more than thirty-one pieces thereof are packed in a No. 2 tall can; if more than forty-two pieces thereof are packed in a No. 2½ tall can; if more than one hundred fifty-one pieces thereof are packed in a No. 10 tall can;

(2) If the packed pieces of the fruit are not substantially uniform in size.

(3) If any lot or parcel thereof varies more than four pieces thereof per eight-ounce or picnic can; five pieces thereof per No. 1 flat can; six pieces thereof per No. 1 tall can; seven pieces thereof per No. 2 tall can; eight pieces thereof per No. 2½ tall can; twenty-nine pieces thereof per No. 10 tall can;

(4) If the fruit is not of reasonably good color, or not reasonably free from blemishes serious for the grade, or not reasonably uniform in color, degree of ripeness and symmetry;

(5) If at the time of packing, the liquid surrounding the fruit shall contain less than twenty-five per cent added sugar.

Pears.

(B) Canned pears, halved:

(1) If more than seven pieces thereof are packed in an eight-ounce can; if more than nine pieces thereof are packed in a picnic can; if more than eleven pieces thereof are packed in a No. 1 flat can; if more than thirteen pieces thereof are packed in a No. 1 tall can; if more than fifteen pieces thereof are packed in a No. 2 tall can; if more than twenty-one pieces thereof are packed in a No. 2½ tall can; if more than seventy-six pieces thereof are packed in a No. 10 tall can;

(2) If the packed pieces of the fruit are not substantially uniform in size;

(3) If any lot or parcel thereof varies more than three pieces thereof per eight-ounce or picnic can; four pieces thereof per No. 1 flat can; four pieces thereof per No. 1 tall can; five pieces thereof per No. 2 tall can; six pieces thereof per No. 2½ tall can; twenty-two pieces thereof per No. 10 tall can;

(4) If the fruit is not of reasonably good color, or is unripe, or is mushy, or is not reasonably free from blemishes serious for the grade, or not reasonably symmetrical;

(5) If at the time of packing, the liquid surrounding the fruit shall contain less than twenty per cent added sugar.

Peaches

(C) Canned cling peaches and free peaches, halved:

(1) If more than seven pieces thereof are packed in an eight-ounce can; if more than nine pieces thereof are packed in a picnic can; if more than eleven pieces thereof are packed

in a No. 1 flat can; if more than thirteen pieces thereof are packed in a No. 1 tall can; if more than fifteen pieces thereof are packed in a No. 2 tall can; if more than twenty-one pieces thereof are packed in a No. 2½ tall can; if more than seventy-six pieces thereof are packed in a No. 10 tall can;

(2) If the packed pieces of the fruit are not substantially uniform in size;

(3) If any lot or parcel thereof varies more than three pieces thereof per eight-ounce or picnic can; four pieces thereof per No. 1 flat can; four pieces thereof per No. 1 tall can; five pieces thereof per No. 2 tall can; six pieces thereof per No. 2½ tall can; twenty-two pieces thereof per No. 10 tall can;

(4) If the fruit is not of reasonably good color, or not reasonably free from blemishes serious for the grade, or not reasonably uniform in color, degree of ripeness and symmetry;

(5) If at the time of packing, the liquid surrounding the fruit shall contain less than twenty-five per cent added sugar.

(D) Canned black cherries and white cherries, whole: Cherries

(1) If more than fifty-six cherries thereof are packed in a three-inch eight-ounce can; sixty-one cherries thereof are packed in a three and one-fourth-inch eight-ounce can; if more than seventy-five cherries thereof are packed in a picnic can; if more than ninety-five cherries thereof are packed in a No. 1 flat can; if more than one hundred seven cherries thereof are packed in a No. 1 tall can; if more than one hundred twenty-nine cherries thereof are packed in a No. 2 tall can; if more than one hundred seventy-five cherries thereof are packed in a No. 2½ tall can; if more than six hundred thirty cherries thereof are packed in a No. 10 tall can;

(2) If the packed cherries are not substantially uniform in size;

(3) If any lot or parcel thereof varies more than eighteen cherries thereof per eight-ounce can; twenty-five cherries thereof per picnic can; thirty cherries thereof per No. 1 flat can; thirty-five cherries thereof per No. 1 tall can; forty cherries thereof per No. 2 tall can; fifty cherries thereof per No. 2½ tall can; one hundred eighty cherries thereof per No. 10 tall can;

(4) If the fruit is not of reasonably good color, or not reasonably free from blemishes serious for the grade, or not reasonably uniform in degree of ripeness;

(5) If at the time of packing, the liquid surrounding the fruit shall contain less than twenty per cent added sugar.

(E) Canned Royal Anne cherries, whole:

(1) If more than forty-six cherries thereof are packed in a three-inch eight-ounce can; if more than fifty cherries thereof are packed in a three and one-quarter-inch eight-ounce can; if more than sixty-two cherries thereof are packed in a picnic can; if more than seventy-nine cherries thereof are packed in a No. 1 flat can; if more than eighty-nine cherries thereof are packed in a No. 1 tall can; if more than one hundred six cherries thereof are packed in a No. 2 tall can; if more than one hundred forty-five cherries thereof are packed in a No. 2½

tall can; if more than five hundred twenty-two cherries thereof are packed in a No. 10 tall can;

(2) If the packed cherries are not substantially uniform in size;

(3) If any lot or parcel thereof varies more than sixteen cherries thereof per eight-ounce can; twenty cherries thereof per picnic can; twenty-five cherries thereof per No. 1 flat can; thirty cherries thereof per No. 1 all can; thirty-five cherries thereof per No. 2 tall can; forty cherries thereof per No. 2½ tall can; one hundred forty-four cherries thereof per No. 10 tall can;

(4) If the fruit is not of reasonably good color, or not reasonably free from blemishes serious for the grade, or not reasonably uniform in degree of ripeness;

(5) If at the time of packing, the liquid surrounding the fruit shall contain less than twenty per cent added sugar.

Sugar
content of
syrup.

Either the Brix or Balling scale shall be used on hydrometers or saccharometers to indicate the percentage by weight of sugar going into the syrup, the terms "percentage" and "degree" being synonymous when used with these instruments.

Other sizes
of cans

The above specifications as to quality of grade and uniformity of size shall apply to fruit packed in cans of all sizes, whether specifically designated in this act or not. The size of the fruit packed in cans of any size not designated herein shall be no smaller than is required in the next largest size of can specified herein.

Sliced fruit

The above specifications covering the number of pieces packed in cans of said respective designated sizes and also the above specifications covering the variation in the number of pieces packed in cans of said respective designated sizes, shall not apply to sliced apricots, peaches or pears as distinguished from apricots, peaches or pears which have only been cut in half. All other of said specifications shall apply to sliced fruit as well as to fruit which has been cut in half.

Stats 1925,
p 911,
amended

Sec. 3. Section 5 of said act is hereby amended to read as follows:

"Standard,"
"Choice"
and "Fancy"
grades

Sec. 5. In defining and establishing the classifications or grades of "Seconds" for canned fruits of the varieties above specified, this act recognizes that there are now packed and sold in this state, California fruits of said several varieties of better grade, and known to the trade in the rising order of grade and quality as "Standard," "Choice" and "Fancy."

"Seconds"

Also, in defining and establishing the classifications or grades of seconds this act recognizes that canned peaches, pears, apricots and cherries marked as seconds shall not be unclean, immature, moldy, overripe, infested with brown rot, scab, shot hole fungus, or other defects to the extent of rendering the product unwholesome.

No canned peaches, pears, apricots and/or cherries which fail to meet the above requirements for seconds shall be packed, shipped, sold or offered for sale within the State of California, and it shall be the duty of the director of agriculture and the

appeal board herein created to bring about the condemnation and destruction of such canned foods in the manner herein-after provided.

SEC. 4. Section 6 of said act is hereby amended to read as follows:

Stats 1925,
p 911,
amended

Sec. 6. All canned fruit of the above named varieties packed, shipped, delivered for shipment, offered for sale or sold in the State of California, which is of a grade herein-above defined and designated as "Seconds" shall be clearly, indelibly and permanently marked "Seconds," such marking to be in letters not less than one-fourth inch high lithographed in the tin of the top or cover of the can. The top or cover of the can shall also be clearly, indelibly and permanently marked in the manner indicated above, "Wholesome fruit unsuited for the better table grades," in letters not less than one-eighth inch high. The top or cover of the can shall also be clearly, indelibly and permanently marked in the manner indicated above with a statement indicating the character of the liquid surrounding the fruit, as follows:

Marking
of cans
containing
"seconds."

Where no sugar is added to the liquid surrounding the fruit, the cans shall be marked "Without added sugar," such marking to be in letters not less than one-fourth inch high lithographed in the tin of the top or cover of the can.

Where some sugar, but less than ten per cent, is added to the liquid surrounding the fruit, the cans shall be marked "In very light syrup," followed by a statement of the actual per cent of added sugar, such marking to be in letters not less than one-fourth inch high lithographed in the tin of the top or cover of the can.

All canned cherries and pears of the grade above defined as seconds, to which not less than ten per cent sugar and up to twenty per cent is added to the liquid surrounding the fruit, shall be marked, "In light syrup," such marking to be in letters not less than one-fourth inch high, lithographed in the tin of the top or cover of the can.

All canned peaches and apricots of the grade above defined as seconds, to which not less than ten per cent sugar and up to twenty-five per cent is added to the liquid surrounding the fruit, shall be marked, "In light syrup," such marking to be in letters not less than one-fourth inch high, lithographed in the tin of the top or cover of the can.

All canned cherries and pears of the grade above defined as seconds, to which not less than twenty per cent sugar and up to thirty per cent is added to the liquid surrounding the fruit, shall be marked "In medium syrup," such marking to be in letters not less than one-fourth inch high, lithographed in the tin of the top or cover of the can.

All canned peaches and apricots of the grade above defined as seconds, to which not less than twenty-five per cent sugar and up to forty per cent is added to the liquid surrounding the fruit, shall be marked, "In medium syrup," such marking

Marking
of cans
containing
"seconds"

to be in letters not less than one-fourth inch high, lithographed in the tin of the top or cover of the can.

All canned cherries and pears of the grade above defined as seconds, to which not less than thirty per cent sugar and up to forty per cent is added to the liquid surrounding the fruit, shall be marked "In heavy syrup," such marking to be in letters not less than one-fourth inch high, lithographed in the tin of the top or cover of the can.

All canned peaches and apricots of the grade above defined as seconds, to which not less than forty per cent sugar and up to fifty-five per cent is added to the liquid surrounding the fruit, shall be marked "In heavy syrup," such marking to be in letters not less than one-fourth inch high, lithographed in the tin of the top or cover of the can.

All canned cherries and pears of the grade above defined as seconds, to which forty per cent or more sugar is added to the liquid surrounding the fruit, shall be marked "In very heavy syrup," such marking to be in letters not less than one-fourth inch high, lithographed in the tin of the top or cover of the can.

All canned peaches and apricots of the grade above defined as seconds, to which fifty-five per cent or more sugar is added to the liquid surrounding the fruit, shall be marked "In very heavy syrup," such marking to be in letters not less than one-fourth inch high, lithographed in the tin of the top or cover of the can.

All canned peaches and apricots packed, shipped, delivered for shipment, offered for sale or sold in the State of California, which are of a quality materially better than seconds as hereinbefore defined and to which less than twenty-five per cent sugar is added to the liquid surrounding the fruit may be marketed without being designated as "Seconds" or being designated "Wholesome fruit unsuited for the better table grades"; *provided*;

Where no sugar is added to the liquid surrounding the fruit, the cans are marked "Without added sugar," such marking to be in letters not less than one-fourth inch high, lithographed in the tin of the top or cover of the can.

Where some sugar, but less than ten per cent, is added to the liquid surrounding the fruit, the cans are marked "In very light syrup," followed by a statement of the actual per cent of added sugar, such marking to be in letters not less than one-fourth inch high, lithographed in the tin of the top or cover of the can.

Where not less than ten per cent sugar and up to twenty-five per cent is added to the liquid surrounding the fruit, the cans are marked "In light syrup," such marking to be in letters not less than one-fourth inch high, lithographed in the tin of the top or cover of the can.

All canned cherries and pears packed, shipped, delivered for shipment, offered for sale or sold in the State of California, which are of a quality materially better than seconds as

hereinbefore defined and to which less than twenty per cent sugar is added to the liquid surrounding the fruit may be marketed without being designated as "Seconds" or being designated "Wholesome fruit unsuited for the better table grades"; *provided*;

Where no sugar is added to the liquid surrounding the fruit, the cans are marked "Without added sugar" such marking to be in letters not less than one-fourth inch high, lithographed in the tin of the top or cover of the can.

Where some sugar, but less than ten per cent is added to the liquid surrounding the fruit, the cans are marked "In very light syrup," followed by a statement of the actual per cent of added sugar, such marking to be in letters not less than one-fourth inch high, lithographed in the tin of the top or cover of the can.

Where not less than ten per cent sugar and up to twenty per cent is added to the liquid surrounding the fruit, the cans are marked "In light syrup," such marking to be in letters not less than one-fourth inch high, lithographed in the tin of the top or cover of the can.

No other marking or sticker or wrapping shall be placed on or about said top or cover in a manner which will wholly or partially obscure or divert attention from the above designated marking, and if printed or lithographed labels are placed on the walls of the cans, they shall be so placed that the top of the label corresponds with the top of the can, but with a tolerance of ten per cent to cover errors in so placing the label.

Nothing contained herein shall be construed to prohibit the proper printing of factory can marks in ink or embossing on the top or cover of the can.

Where the size of the top or cover of the can is insufficient to permit of the use of the one-fourth and one-eighth inch letters respectively, as above provided for, then smaller letters may be used, provided such smaller letters are as large as practicable for the space available on the top or cover of the can.

There shall be no false or misleading marks or designations on any container of canned fruit.

Sec. 5. Section 8 of said act is hereby amended to read as follows:

Sec. 8. In the event of seizure of any product of a cannery under the provisions of this act the director of agriculture shall immediately give written notice thereof to the party from whom such seizure was made, or to the party who originally packed and sold such product. Within five full business days thereafter the party so notified, or any other party interested therein, may file with the director of agriculture a written notice of appeal from such seizure. The party so filing such notice of appeal shall accompany the same with the payment of a fee of thirty dollars. Upon receiving such notice of appeal and said fee for filing the same, the director of agriculture shall set a time and place for the hearing of such

Stats. 1925,
p 913,
amended.

Seizure
of product.

Appeal.

appeal, which time shall not be more than ten days from the filing of such notice of appeal. The director of agriculture shall summon any three members of the board of appeal to conduct such hearing and shall also give written notice of the time and place of such hearing to all parties concerned.

Release of
product

After such hearing if the board of appeal shall determine that the product under seizure has been packed in conformity with the requirements of this act they shall make an order to that effect and that such product be immediately released.

If the board of appeal shall decide that such product does not conform to the requirements of this act, but that there has been no wilful violation of the provisions hereof, the board shall order the containers of the product to be, within a reasonable time after actual notice of such decision, remarked or relabeled, as nearly as can then practically be done in conformity with the provision of this act, and that such product be released only upon such conditions to be prescribed by the board as will prevent as far as possible the marketing of such product in violation of the terms and provisions of this act. The term "Wilful violation" as used herein is hereby defined to mean a violation committed with actual intent so to do or with actual knowledge at the time that the same is being done, in the case of an individual or a partnership, on the part of such individual or one or more of the partners, and, in the case of a corporation, on the part of one or more directors, officers, managers or superintendents; *provided*, that any failure to conform to such order of the board within the time designated thereby after such notice shall be deemed to be a wilful violation of this act, if the court, in any proceeding commenced as hereinafter provided, shall determine that such product does not conform to the provisions of this act.

Prosecution
of wilful
violators

If the board shall determine that there has been a wilful violation of this act, or in case of a failure to conform to any order of the board as to any product found to be below standard grade, the director of agriculture shall certify the same, together with the facts leading up to the making of such order, to the district attorney of the proper county, and it shall be the duty of such district attorney to institute and prosecute appropriate court proceedings for the punishment of the violation of this act and for the condemnation of any product found to be below standard grade as above provided.

If no appeal from such seizure be filed within the time allowed as above provided, or, in case of an appeal, if no appearance on behalf of the appellant is made at the time and place set for the hearing thereof, the director of agriculture shall certify the fact of such seizure, together with the facts upon which the same has been based, to the district attorney whose duty shall be as provided in the preceding paragraph.

Application
of provisions
of section

Those provisions in this section which refer to relabeling and to wilful intent shall not apply to violations enumerated in paragraph two of section 5 of this act, the procedure against

the product or products in such violation or violations being seizure and condemnation in the manner prescribed herein.

Sec. 19. This act shall not apply to any of the above enumerated fruits packed prior to January 1, 1930. All orders of the board of appeal shall be made in writing and filed in the office of the director of agriculture. Such orders shall be made and filed within ten days after the close of the hearing.

Act not applicable to fruits packed prior to January 1, 1930.

CHAPTER 705.

An act authorizing any municipal corporation to institute suits against the State of California or any county of said state to cancel tax assessments and sales erroneously made against municipal owned property exempt from taxation.

[Approved by the Governor June 5, 1929. In effect August 14, 1929.]

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

SECTION 1. That any municipality may within one year from the passage of this act bring suit in the superior court of Sacramento county against the state and any county of said state for the cancellation of tax deeds and sales of real property which have been made to the State of California for the nonpayment of taxes illegally or erroneously assessed against property of such municipality located in such last mentioned county and exempt from taxation, and prosecute the same to final judgment.

Suits against state or county for cancellation of tax sales

SEC. 2. Service of summons in said suits shall be made upon the attorney general, whose duty it shall be to defend such suits.

Service of summons

SEC. 3. All costs shall be paid by the plaintiff in such action.

Costs.

SEC. 4. It shall be the duty of the attorney general to report to the Legislature at its next adjourned session all final judgments recovered against the state under the provisions of this act.

Duty of attorney general.

CHAPTER 706.

An act to amend sections 10 and 14 of the "State housing act," approved June 15, 1923, as amended, relating to definitions of terms used therein and to rear yards of apartment houses.

[Approved by the Governor June 5, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 10 of the "State housing act," approved June 15, 1923, as amended, is hereby amended to read as follows:

Stats. 1923, p. 788, amended

Words and
phrases
defined.

Sec. 10. For the purpose of this act, certain words and phrases are defined as follows, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that they have a different meaning:

Words used in the singular include the plural, and the plural the singular.

Words used in the present tense include the future.

Words used in the masculine gender include the feminine, and the feminine, the masculine. Words "building department," "housing department," "health department," "department charged with the enforcement of this act," "fire commissioner," shall be construed as if followed by the words, "of the incorporated town, incorporated city, incorporated city and county, or county," as the case may be, in which the building is situated or proposed to be situated.

Words and phrases not defined in this act are construed according to the approved usage of the language.

"Apartment" is a room or suite of rooms which is occupied or is intended or designed to be occupied by one family for living and sleeping purposes in an apartment house or dwelling.

"Apartment house" is any building, or portion thereof, more than one story in height, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their cooking in the said building.

"Approved" means whatever material, appliance, appurtenance, or other matter meets the requirements and approval of the department charged with the enforcement of this act; *provided, however*, that should any material, appliance, appurtenance, or other matter, not meet the requirements and approval of said department then in that event any material, appliance, appurtenance, or other matter which conforms to the requirements of, and bears the approval of the "National Board of Fire Underwriters," or the "Underwriters' Laboratories, Inc." shall be deemed approved.

"Basement" in an apartment house or hotel is any portion thereof partly below the level of the actual adjoining ground level, the ceiling of which in no part is less than seven feet above the actual adjoining ground levels. If the adjoining ground is excavated to or below the curb level, or to or below the adjoining natural ground level, such excavated space shall have not less than the minimum width and length required in this act for outer courts.

"Building" is an apartment house, hotel or dwelling as the case may be or a combination of any two or more such buildings.

"Building department" means the commissioner of buildings, superintendent of buildings, chief inspector of buildings, board of public works, or any other officer or department charged with the enforcement of ordinances and laws regu-

lating the erection, construction and alteration of buildings or structures. Words and phrases defined.

“Cellar” in a building is any portion thereof, the ceiling of which in any part is less than seven feet above the actual adjoining ground levels and which is not a basement as defined in this act.

“Court” is an open, unoccupied space other than a yard on the lot on which a building is erected or situated. A court, one entire side or end of which is bounded by a front yard, a rear yard or a side yard, or by the front of lot, or by a street or a public alley, is an “outer court.” Every court which is not an “outer court” is an “inner court.”

Every court shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in the building in which there are windows from rooms or apartments abutting the said court and served by the said court, except that a cornice, belt course or similar projection on the building may extend into an “outer court” two inches for each one foot in width of such court, and may extend into an “inner court” one inch for each one foot in width of such court; *and provided, further*, that a cornice or similar projection may extend any distance desired into a court provided the minimum unobstructed width of the court is maintained.

“Curb level” is the curb level opposite the center of the “front of lot,” and if a curb level has not been established it means the average ground level at the “front of lot.”

Wherever the word “department” is used it means the building department, the housing department, the health department or such other department or officer or commission, or departments or officers, who are charged with the enforcement of the provisions of this act.

“Dormitory” is a room in which more than two persons are “guests” and are not living together, and shall, for the purpose of computing the number of rooms, be deemed a separate guest room for each one hundred square feet of superficial floor area therein.

“Dwelling” is any building, or any portion thereof, which is not an “apartment house” or a “hotel” as defined in this act, and which contains one or more “apartments” or “guest rooms,” used or intended or designed to be used, built, rented, leased, let or hired out to be occupied, or are occupied for living purposes.

“Family” is one person living alone or a group of two or more persons living together in an apartment, whether related to each other by birth or not.

“Fireproof building” is a building wherein all the exterior and interior loads or stresses are transmitted to the foundation by means of concrete, reinforced concrete, brick, stone, or by means of a skeleton framework of steel or iron, or of reinforced concrete or a combination of such materials; the exterior walls, inner court walls and roof constructed of con-

Words and
phrases
defined

crete, reinforced concrete, brick, stone, terra cotta or concrete tile; where all the structural steel or iron is thoroughly fire-proofed by concrete, cement plaster, tile, brick or standstone, not less than two inches thick; where all the interior partitions are constructed of terra cotta or concrete tile or blocks, gypsum blocks, brick, concrete, reinforced concrete, or of metal studs lathed with metal laths and plastered not less than three-quarters of an inch thick, or constructed of wire glass not less than one-fourth inch thick set in metal frame and sash, and all other materials used in the said building are of approved fire resistive or incombustible material, except that the glass in windows, transoms or doors may be in plain glass, and except that doors, frames, sash and the usual trim of rooms, hallways, corridors and passageways may be of wood, and except that wood floors may be placed on top of the floors constructed of incombustible materials, except in the stairways and public hallways.

“Guest” is any person hiring and occupying a room for sleeping purposes, and shall include both boarders and lodgers.

“Guest room” is a room which is occupied, or is intended, arranged or designed to be occupied for sleeping purposes by one or more guests, but shall not be deemed to include dormitories used for sleeping purposes.

“Hotel” is any building or portion thereof, containing six or more guest rooms used or intended or designed to be used, let or hired out to be occupied, or which are occupied by six or more guests, whether the compensation for hire be paid directly or indirectly in money, goods, wares, merchandise, labor or otherwise, and shall include hotels, lodging and rooming houses, dormitories, turkish baths, bachelor hotels, studio hotels, public and private clubs, and any such building of any nature whatsoever so occupied, designed or intended to be occupied, except jails, hospitals, asylums, sanitariums, orphanages, prisons, detention and similar buildings where human beings are housed and detained under legal restraint.

“Housing department” is any department or commission charged with the enforcement of ordinances or laws regulating the occupancy and maintenance of buildings; and where no such department is maintained, shall be deemed to be the health commissioner, the department of health, health officer, or similar department charged with the enforcement of laws and ordinances relating to the protection of the public health.

“Kitchen” is any room used or intended or designed to be used for cooking and preparation of food.

“Lot” is a parcel or area of land on which is situated a building together with the land, yards, courts and unoccupied spaces required by this act for such building; all of which land shall be owned by or be under the absolute lawful control and in the lawful possession of the owner of the building.

A lot situated at the junction of two or more intersecting streets, with a boundary line thereof bordering on each of the two streets is a “corner lot.” All parts of the width of such

a corner lot which are distant more than seventy-five feet from the junction point of the two or more intersecting streets, shall be deemed to be an "interior lot." The owner or his authorized agent may designate either street frontage as being the front of such corner lot for the purpose of determining the width thereof. A lot which is not a "corner lot" is an "interior lot." "Front of lot" is the boundary line of lot bordering on the street. In case of a corner lot, either frontage may be the "front of lot." "Rear of lot" is the boundary line opposite the "front of lot." "Depth of lot" is the mean distance from the "front of lot" to the "rear of lot."

Words and
phrases
defined.

"Nuisance" embraces public nuisance as known at common law or in equity jurisprudence, and whatever is dangerous to human life or detrimental to health, and shall also embrace the overcrowding with occupants of any room, insufficient ventilation, or illumination, or inadequate or insanitary sewerage or plumbing facilities, or uncleanness, and whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

"Occupied space" is all the space covered by a building including outside stairways, platforms, fire escapes, balconies, fire towers, chimneys, vent shafts not exceeding thirty-two square feet in area, cornice which projects into a court or a yard more than is permitted elsewhere in this act except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not exceeding four feet beyond the exterior walls of the building into a yard or court provided they do not in any manner obstruct the light and ventilation of the rooms or apartments, and except that a retaining wall may extend not to exceed twelve inches into a yard or court. For the purpose of determining occupied space the area of the building shall be taken at the lowest story or portion thereof used for living or sleeping purposes.

"Person" is a natural person, his heirs, executors, administrators or assigns; and also includes a firm, partnership or corporation, its or their successors or assigns.

"Plasterboard" is any type of wallboard used as a base for plastering. "Plasterboard" of an approved type composed of seventy-five per cent of noninflammable materials and not less than three-eighths ($\frac{3}{8}$) inch thick and provided with a mechanical key bond on the face thereof may be used in lieu of metal lath where metal lath is specified, except where in this act otherwise provided and except where the context of the provision makes it apparent such substitution is not permitted. Such plasterboard shall be first "approved" as to its fire resisting qualities as in this act provided. All such plasterboard used in lieu of metal lath shall have applied thereon not less than three-eighths ($\frac{3}{8}$) of an inch of plaster in a thorough workmanlike manner and wherever plasterboard is permitted for use in lieu of metal lath on the weather side of exterior walls or the weather sides of the walls or partitions of courts, shafts or vent shafts the plasterboard shall have applied

Words and
phrases
defined.

thereon, before it is plastered, a reinforcement of metal lath or redipped or galvanized wire mesh of not less than number eighteen (18) gauge.

“Public hallway” is a hallway, corridor, passageway or vestibule not within an apartment in an apartment house, or not within a suite of rooms in a hotel, and includes stairways, landings and platforms.

“Semifireproof building” is a building which does not fully comply with the requirements of this act for a fireproof building as defined in this act and with all exterior walls and walls of inner and outer courts and recesses constructed of brick, stone, concrete, reinforced concrete, terra cotta or concrete tile or similar approved fire resistive or incombustible materials and that conforms in all other respects to the provisions of this act for semifireproof buildings; *provided, however*, that the exterior walls of inner courts surrounded on four sides by the same building may be constructed as hereinafter provided for such inner courts by section 57 of this act.

In every semifireproof building designed and built to exceed four stories in height, all the interior walls, partitions and ceilings therein and the soffits of stairways and the stairwells shall be constructed of the same kind of materials and in the same manner hereinbefore provided for fireproof buildings or the interior walls, partitions and ceilings and the soffits of stairways and the stairwells and the ceilings of basements or cellars therein may be of wooden construction and shall be lathed with metal lath and plastered not less than three-fourths inch thick.

In every semifireproof building designed and built not to exceed four stories in height, all the walls and partitions and ceilings of public hallways and the soffits of stairways and the stairwells and the ceilings of basements or cellars therein shall be constructed of the same kind of materials and in the same manner hereinbefore provided for semifireproof buildings designed and built to exceed four stories in height, or such walls and partitions and ceilings of public hallways and the soffits of stairways and stairwells and the ceiling of basements or cellars therein shall be of wooden construction and shall be lathed with metal lath and plastered not less than three-fourths inch thick.

The roofs of every semifireproof building shall be constructed of approved incombustible materials or be well covered with composition fire resistive or fire retardent materials.

In semifireproof buildings the usual trim of rooms and hallways, finished floors, windows and doors and the frames therefor may be of wood and the glass in windows and doors may be in plain glass except where in this act otherwise prescribed.

“Shaft” is any shaft whether for air, light, ventilation, elevator or dumb-waiter. A vent shaft is one used solely to ventilate or light water-closet compartments and bath rooms

and in an apartment house or hotel, hereafter erected, no window or windows from a living room, bedroom, kitchen or other room or place used for cooking, preparation or storage of food, shall open onto such a vent shaft. Every vent shaft shall be open and unobstructed to the sky.

“Shall”; whenever this word is used it shall be mandatory.

“Street” is any public street, public alley, thoroughfare or public park having a minimum width of sixteen feet, measured from the “front of lot” to the opposite “front of lot,” and which shall have been dedicated or deeded to the public for public use.

“Superficial floor area” as used in this act shall be deemed to mean all the floor area exclusive of built-in dressers, clothes-presses and similar features and fixtures which are a substantial part of a building and built in, and which are not readily removable.

“Wooden building” is a building which does not fully comply with the requirements of this act for a “fireproof building,” or a “semifireproof building” as defined in this act. In every wooden building which is an apartment house designed and built to accommodate three or more families above the first story thereof, and in every wooden building which is a hotel designed and built to accommodate six or more guests above the first story thereof, the walls, partitions and ceilings of public hallways, soffits of interior stairways and stairwells shall be constructed as hereinbefore provided for in semifireproof or fireproof buildings or shall be lathed with metal lath and plastered not less than three-quarters of an inch thick.

“Yard” is an open, unoccupied space, other than a court, on the lot on which is situated a building, open, unobstructed, from the ground to the sky, except where otherwise provided by this act. Cornices and similar projections may extend into yards in the same manner hereinbefore provided for outer courts. If such a yard is between the front line of the building and the front boundary line of the lot, it is a “front yard.” If the yard is between the extreme rear line of the building and the rear of the lot, it is a “rear yard.” If the yard extends from the rear yard to the front yard or front of lot, it is a “side yard.”

SEC. 2. Section 14 of said act is hereby amended to read as follows:

Stats 1923,
p 795,
amended

Sec. 14. On every lot on which an apartment house is hereafter erected there shall be provided a rear yard immediately behind such apartment house. In case of an interior lot, such yard shall extend across the entire width of the lot; except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not more than four feet into any yard. The minimum depth of a rear yard on an interior lot shall be not less than set forth in the following table:

Rear yard
of apart-
ment house.

Rear yard
of apart-
ment house.

Height of building measured from top of rear wall of the building to the ground.	Depth of rear yard
Not exceeding 36 feet-----	10 feet
Not exceeding 48 feet-----	11 feet
Not exceeding 60 feet-----	12 feet
Not exceeding 72 feet-----	14 feet
Not exceeding 84 feet-----	16 feet
Not exceeding 96 feet-----	18 feet
Exceeding 96 feet-----	20 feet

In the case of a corner lot the rear yard shall extend across the entire width of the lot and from the lowest floor which is used for living or sleeping apartment or apartments, clear and unobstructed to the sky. In the case of an interior lot the rear yard shall extend from the lowest floor which is used for living or sleeping apartment or apartments, clear unobstructed to the sky; *provided*, that the space beneath said rear yard shall not exceed one story, which shall be not more than eight feet six inches in height from floor to ceiling and the construction of said lower story and the floor of said rear yard shall be of fireproof material; *provided, further*, that for the purposes of sections 58, 59, 73 and 74 of this act, said lower story shall be deemed to be in and a part of the apartment house and no automobiles may be stored in said lower story except automobiles owned by the tenants or occupants of apartments situate within the apartment house. The minimum depth of a rear yard on a corner lot that does not exceed one hundred feet in depth shall be not less than ten per cent of the depth of the lot nor less than five feet nor less than the minimum width required for an outer court, and in case the lot exceeds one hundred feet in depth the depth of the rear yard shall be not less than ten feet nor less than the minimum width required for an outer court; *provided*, that in the case of a corner lot where the apartment house is designed to exceed seventy-five (75) feet in width, the rear yard may be of a uniform depth the entire width of the lot; *provided*, that in addition to the rear yard required for a corner lot there shall be added the aggregate area required for the interior lot for which the aforesaid apartment house is designed; *provided, however*, that if either lot extends through from one street to another street, or to a public alley or public park, one-half of the width of the narrowest street or public alley or public park to which such lot abuts may be considered as a part of the lot in computing the rear yard required by this section. In the case of an apartment house not more than two stories in height hereafter erected, designed and built to accommodate not more than two families above the first story thereof, the percentage of unoccupied space and sizes of rear yards may be one-half of that prescribed by sections 13 and 14 hereof, but in no event shall a rear yard be less than five feet in depth.

CHAPTER 707.

An act to amend sections 2 and 20 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended, relating to fees.

[Approved by the Governor June 6, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 2 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended, relating to fees, is hereby amended to read as follows:

Stats 1925,
p 962,
amended

Sec. 2. (a) Words used in this act in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; and the neuter, the masculine and feminine; the singular number includes the plural, and the plural, the singular; "writing" includes "printing" and "typewriting"; "oath" includes "affirmation"; the word "county" includes "city and county"; and "territory" includes "district." When used in this act, the following terms shall, unless the context otherwise indicates, have the following respective meanings:

Words
defined

1. The word "department" means the "state corporation department" created by this act.

"Depart-
ment."

2. The word "commissioner" means the "commissioner of corporations."

"Commis-
sioner "

3. The word "company" includes all domestic and foreign private corporations, associations, joint stock companies, and partnerships of every kind, trustees as hereinafter defined, and also individuals as hereinafter defined.

"Company "

4. The word "trust" includes all voluntary trusts, as the same are defined in the Civil Code, expressly created by or declared in an instrument in writing the purpose of which is to carry on any business or to secure the payment or repayment of money, but shall not be deemed to include a trust created or declared under or by virtue of a will or a judicial writ, order, decree, or judgment.

"Trust "

5. The word "trustee" includes only persons or companies executing trusts as hereinbefore defined.

"Trustee "

- “Individual” 6. The word “individual” in so far as it is included in the definition of a “company,” includes only persons selling, offering for sale, negotiating for the sale of or taking subscriptions for any security of their own issue.
- “Security” 7. The word “security” shall include any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit-sharing agreement, certificate of interest in an oil, gas or mining lease, collateral trust certificate, preorganization certificate, preorganization subscription, any transferable share, investment contract, or beneficial interest in title to property, profits or earnings or any other instrument commonly known as a security.
- “Sale” 8. “Sale” or “sell” shall include every disposition, or attempt to dispose, of a security or interest in a security for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. “Sale” or “sell” shall also include a contract of sale, an exchange, an attempt to sell, an option of sale, a solicitation of a sale, a subscription or an offer to sell, directly or by an agent, or a circular letter, advertisement or otherwise; *provided*, that a privilege pertaining to a security giving the holder the privilege to convert such security into another security of the same company shall not be deemed a sale of such other security within the meaning of this definition; *and provided further*, that the issue or transfer of a right pertaining to a security and entitling the holder of such right to subscribe to another security of the same company shall not be deemed a sale of such security within the meaning of this definition; but the sale of such other security upon the exercise of such right shall be subject to the provisions of this act.
- “Agent” 9. The word “agent” as used in this act means and includes every person or company employed or appointed by a company or broker who shall, within this state, either as an employee or otherwise, for a compensation, sell, offer for sale, negotiate for the sale of or take subscriptions for any security not exempt under the provisions of this act.
- “Broker” 10. The word “broker” includes every person or company, other than an agent, who shall, in this state, engage either wholly or in part in the business of selling, offering for sale, negotiating for the sale of, or otherwise dealing in any security not exempt under the provisions of this act issued by others, or of underwriting any issue of such securities, or of purchasing such securities with the purpose of reselling them, or of offering them for sale to the public.
- “Mortgage.” 11. The word “mortgage” shall be deemed to include a deed of trust to secure a debt, and the word “mortgagee” shall be deemed to include a trustee and/or beneficiary under a deed of trust.

(b) Except as hereinafter otherwise expressly provided, the provisions of this act shall not apply to any of the following classes of securities:

Act not applicable to certain securities.

1. Any security issued or guaranteed by the United States of America, or any territory or insular possession thereof, or by the District of Columbia, or by any state, territory, county or municipality or taxing district therein.

2. Any security issued or guaranteed by any foreign government with which the United States of America is at the time of the sale or resale or offer of sale thereof maintaining diplomatic relations, or by any state, province, or political subdivision thereof having the power of taxation or assessment, which security is recognized at the time it is offered or resold in this state as a valid obligation by such foreign government or by such state, province or political subdivision thereof issuing the same.

3. Any security issued by and representing an interest in or a direct obligation of a national bank, or issued by any federal land bank or joint land bank, or a national farm loan association, under the provisions of the federal farm loan act of July 17, 1916, or by any company created and acting as an instrumentality of the government of the United States of America pursuant to authority granted by the congress of the United States of America, or by any company organized and existing under and by virtue of any act of congress.

4. Any security issued by and representing an interest in or a direct obligation of a state bank, trust company or savings institution incorporated under the laws of this state.

5. Any security the issuance of which has been authorized by the railroad commission of this state or by the interstate commerce commission.

6. Any security issued by a company organized for the purpose of conducting a building and loan business within this state subject to the supervision of the building and loan commissioner.

7. Any security issued by a company organized for the purpose of transacting an insurance business within this state subject to the jurisdiction of the insurance commissioner.

8. Any security (except notes, bonds, debentures, or other evidences of indebtedness) issued by a company organized under the laws of this state exclusively for educational, benevolent, fraternal, charitable or reformatory purposes and not for pecuniary profit and no part of the earnings of which inures to the benefit of any private stockholder or individual.

9. Any security which has been certified as a legal investment for savings banks and trust companies under the laws of this state.

10. Bills of exchange, trade acceptances, promissory notes and other commercial paper issued, given or acquired in a bona fide way in the ordinary course of legitimate business, trade or commerce.

11. Promissory notes, whether secured or unsecured, where the notes are not offered to the public, or are not sold to an underwriter for the purpose of resale.

Act not applicable to certain transactions

(c) Except as hereinafter expressly provided, the provisions of this act shall not apply to the sale of any security in any of the following transactions:

1. At any judicial, executor's, administrator's or guardian's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy.

2. By or for the account of a pledge or mortgage selling or offering for sale or delivery in the ordinary course of business, to liquidate a bona fide debt, a security pledge in good faith as security for such debt.

3. The sale in a bona fide way of any security by an owner who is not the issuer or an underwriter thereof, who sells the same for his own account; and not for the purpose of evading the provisions of this act.

Stats 1921, p 1117, amended

SEC. 2. Section 20 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended, is hereby amended to read as follows:

Fees.

Sec. 20. The commissioner shall charge and collect the following fees:

Original or supplemental application

1. For filing an original or supplemental application for a permit to issue securities, ten dollars, plus—

One-twentieth of one per cent of the amount of any excess of the aggregate value of the securities sought to be issued over twenty thousand dollars and not exceeding fifty thousand dollars;

One-twenty-fifth of one per cent of such amount in excess of fifty thousand dollars and not exceeding one hundred thousand dollars;

One-fiftieth of one per cent of such amount in excess of one hundred thousand dollars and not exceeding five hundred thousand dollars; and

One one-hundredth of one per cent of such amount in excess of five hundred thousand dollars.

For the purpose of determining the above fees:

(a) The value of such securities shall be deemed to be their par or face value unless the consideration for such securities is in excess of such par or face value, in which case the value will be deemed to be the amount of the consideration so received.

(b) Where the securities proposed to be issued have no nominal or par value, the value of such securities shall be deemed to be the price at which the company proposes to sell or issue the same, or the value, as alleged in the application, of the consideration (if other than money) to be received in exchange therefor; *provided, however*, until a new value shall

have been established, that each share of no par value stock proposed to be issued shall be deemed to have a value equal to the value which has been established by previous sales for money or other property of other shares of the same class.

(c) Interim or voting trust certificates shall be deemed to have a value equal to the aggregate value of the securities to be represented by said interim or voting trust certificates.

(d) Rights, warrants or other certificates evidencing stockholders' rights to purchase additional securities shall be deemed to have a value equal to the difference between the selling price of the securities represented by such rights, warrants or other certificates and the market value of the securities so represented at the date of filing of application.

(e) Where an application is made to issue securities containing a provision entitling the holder or holders thereof to convert or exchange the same for a different class of securities, the value of the securities to be so issued shall be deemed to be an amount equal to twice the amount of the consideration to be received for the securities containing the conversion or exchange provision.

2. For filing any application for a permit or other authority to make dividends, create debts, or to divide, withdraw, increase, reduce or pay to the stockholders, or any of them, the capital stock, or any part thereof, the same amount that would otherwise be chargeable or collectible if such application were for a permit to issue securities; *provided*, that in any such case the value shall be determined by the amount of dividends made, debts created, or capital stock divided, withdrawn, increased, reduced, or paid.

Applications for dividends, creating debts, etc

3. For filing any application for a broker's certificate, twenty-five dollars.

Application for broker's certificate

4. For filing any application for an agent's certificate, five dollars.

Application for agent's certificate.

5. For any examination, audit, or investigation, ten dollars per day or fraction thereof, if made by the commissioner, or the actual amount of the salary or other compensation, not exceeding ten dollars per day, paid to any deputy or other employee of the commissioner, if made by a deputy or other employee, for each day or fraction thereof that such commissioner, deputy, or other employee shall necessarily be absent from his office for the purpose of making such examination, audit, or investigation, plus the actual amount of expenses reasonably incurred in the performance of such work.

Examination, audit, etc.

6. For copies of papers and records not required to be certified or otherwise authenticated by the commissioner, ten cents for each folio.

Copies of papers and records, not certified

7. For certified copies of official documents, orders and other papers filed in his office; for making and mailing copies of process served upon him under the provisions of section 18 of this act, and for transcript on appeal, fifteen cents for each folio and one dollar for each certificate under seal affixed thereto.

Certified copies of documents

Certificate
of service

8. For certificate of service and mailing of process served upon the commissioner under the provisions of section 18 of this act, two dollars.

Application
for amend-
ment to
permit.

9. For filing any application for an amendment to an existing permit to issue securities, or for a permit to negotiate for the sale of securities, ten dollars.

No fees shall be charged or collected for copies of papers, records, or official documents furnished to public officers for use in their official capacity or for the reports of the commissioner in the ordinary course of distribution; but the commissioner may fix a reasonable charge for the publications issued under his authority.

All fees charged and collected under this section shall be paid at least once each week, accompanied by a detailed statement thereof, into the treasury of the state to the credit of a fund to be known as the "corporation commission fund," which fund is hereby created.

CHAPTER 708.

An act to amend an act entitled "An act to create a public corporation to be known as 'The state bar of California,' to provide for its organization, government, membership and powers, to regulate the practice of law, and to provide penalties for violation of said act," approved March 31, 1927, by amending sections 9, 15, 26, 29, 30, 32 and 34 thereof.

[Approved by the Governor June 6, 1929. In effect August 14, 1929.]

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

Stats 1927,
p 39,
amended

SECTION 1. Section 9 of an act entitled "An act to create a public corporation to be known as 'The state bar of California,' to provide for its organization, government, membership and powers, to regulate the practice of law, and to provide penalties for violation of said act," approved March 31, 1927, is hereby amended to read as follows:

Board of
governors

Sec. 9. There is hereby constituted a board of governors of the state bar, which shall consist of one (1) member elected from each congressional district of the State of California and four (4) members elected from the state at large, who shall hold office for the period of two (2) years and until their successors are elected and qualified; *provided, however*, that where a county, or city and county, contains more than one (1) congressional district, each member maintaining his principal office for the practice of law within such county, or city and county, may vote for and elect from active members of the state bar maintaining their principal offices for the practice of law within said county, or city and county, as many mem-

bers of the board of governors as there are congressional districts within said county, or city and county; *and provided, further,* that the members of the board of governors of the state bar, elected at the election held during the year 1929, shall, at their first meeting, so classify themselves by lot that two (2) members thereof, elected from the state at large, and six (6) members thereof, elected from six (6) separate congressional districts in said year, shall hold office for the period of one (1) year only and until their successors are elected and qualified, and upon the expiration of said terms of office in the year 1930, their successors at large, and from said congressional districts, respectively, shall hold office thereafter for the full period of two (2) years, the purpose of this provision being to provide rotation in office by election of eight (8) governors in every even-numbered year and seven (7) governors in every odd-numbered year.

SEC. 2. Section 15 of said act is hereby amended to read as follows:

Stats 1927,
p. 40,
amended.
Election of
governors

Sec. 15. Nominations for governors shall be by petition signed by at least twenty (20) persons entitled to vote for such nominees. The election shall be by ballot. The ballots shall be mailed to those entitled to vote at least thirty (30) days prior to the date of canvassing the ballots and shall be returned by mail to the office of the state bar where the same shall be canvassed at least five (5) days prior to the ensuing annual meeting, at which meeting the count shall be certified and the result officially declared. In other respects the election shall be as the board of governors may by rule direct. Only active members of the state bar maintaining their principal offices for the practice of the law in the respective districts, or in a county, or city and county as in section 9 provided, shall be entitled to vote for the governor or governors therefrom. All active members of the state bar may vote for candidates for governors at large.

SEC. 3. Section 26 of said act is hereby amended to read as follows:

Stats 1927,
p. 41,
amended.
Authority of
board of
governors.

Sec. 26. The board of governors shall have power, after a hearing for any of the causes set forth in the laws of the State of California warranting disbarment or suspension, to disbar members or to discipline them by reproof, public or private, or by suspension from practice, and the board shall have power to pass upon all petitions for reinstatement. The board of governors shall keep a transcript of evidence and proceedings in all matters involving disbarment or suspension, and whenever ordered by said board, but not otherwise, shall make findings of fact. In either case the said board shall render a written decision on said proceedings. Upon the making of any decision resulting in disbarment or suspension from practice, said board shall immediately file a certified copy of said decision, together with said transcript and findings, whenever findings have been ordered as aforesaid, with the clerk of the supreme court. Any person so disbarred or

suspended may, within sixty days after the filing of said certified copy of said decision, petition said supreme court to review said decision or to reverse or modify the same, and upon such review the burden shall be upon the petitioner to show wherein such decision is erroneous or unlawful. When sixty days shall have elapsed after the filing of said certified copy, if no petition for review shall have been filed, the supreme court shall make its order striking the name of such person from the roll of attorneys or suspending him for the period mentioned in said decision. If, upon review, the decision of said board of governors be affirmed, then said court shall forthwith make said order striking said name from the rolls or of suspension. The board shall have power to appoint one or more committees to take evidence on behalf of the board and forward the same to the board with a recommendation for action by the board. Nothing in this act contained shall be construed as limiting or altering the powers of the courts of this state to disbar or discipline members of the bar as this power at present exists.

Stats 1927,
p. 42,
amended
Violation
of rules

SEC. 4. Section 29 of said act is hereby amended to read as follows:

Sec. 29. The rules of professional conduct adopted by the board when approved by the supreme court shall be binding upon all members of the state bar, and the wilful breach of any such rules shall be punishable by suspension from the practice of law for a period not to exceed one year.

Stats 1927,
p. 42,
amended
Local admin-
istrative
committee

SEC. 5. Section 30 of said act is hereby amended to read as follows:

Sec. 30. The board shall have power to create such local administrative committees and to delegate to them such of its powers and duties as to it may seem advisable, and the board may in its discretion divide any such committee into units or sections with concurrent powers and duties in order to handle the work of said committee more expeditiously. The board may also prescribe the powers of such committee and the units or sections thereof. Such committee shall be composed of active members of the state bar, and each member of the board of governors, unless he declines to act, shall be ex officio a member of the local administrative committee where he maintains his principal office for the practice of the law.

Stats 1927,
p. 42,
amended.
Duties and
powers of
adminis-
trative
committee

SEC. 6. Section 32 of said act is hereby amended to read as follows:

Sec. 32. It shall be the duty of each local administrative committee, and it shall have the power, to receive and investigate complaints as to the conduct of members, to make findings, whenever so ordered by the board of governors, and to make recommendations and forward its report to the board of governors for action, which may either act upon the report or may take additional evidence, or set aside the report and hear the whole case de novo, as it may elect.

Stats 1927,
p. 42,
amended.

SEC. 7. Section 34 of said act is hereby amended to read as follows:

Sec. 34. In all cases involving disbarment, suspension or approval, the hearing shall be held either in the county where the party charged maintains his principal office for the practice of the law, or where he resides, or where the offense is committed, as may be determined in the discretion of either the board of governors or the local administrative committee having jurisdiction of such hearing. The board, or any local administrative committee as to matters arising in the county wherein it acts, shall, of its own motion and without the filing or presentation of any complaint, or upon any complaint, if a complaint be filed, have power to initiate and conduct investigations of all matters affecting or relating to the state bar, or its affairs, or the practice of the law, or the discipline of the members of the state bar, or any other matter within the jurisdiction of the state bar, and in the conduct of such investigations shall have power to take and hear evidence touching the matters under investigation, administer oaths and affirmations, and upon such investigations, and upon the trial or hearing of all matters, jurisdiction to try or hear which is given the said board or committee, shall have power to compel the attendance of witnesses and the production of books, papers and documents pertaining to the matter under investigation, or to said trial or hearing, by subpoena issued as hereinafter provided. Whenever any person subpoenaed to appear and give testimony or to produce such books, papers or documents as required by such subpoena, shall refuse to appear or testify before said board or committee, or to answer any pertinent or proper questions, he shall be deemed in contempt of said board or committee, and it shall be the duty of the chairman or presiding officer of said board or committee to report the fact to the superior court of the State of California, in and for the county or city and county in which said investigation, trial or hearing is being held; thereupon the said court shall issue an attachment in the form usual in said superior court, directed to the sheriff of said county or city and county, commanding said sheriff to attach such person and forthwith bring him before said superior court. On the return of said attachment, and the production of the person attached, the said superior court shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court of the State of California. Any member of said board or of such local administrative committee or unit or section thereof, shall have power to administer oaths and issue any subpoena herein provided for. No witness shall be compelled to attend a hearing outside of the county in which he resides unless the distance be less than fifty (50) miles from his place of residence to the place of hearing. Depositions may be taken and used in the same manner as in civil cases provided for.

Disciplinary
proceedings
and investi-
gations.

CHAPTER 709.

An act relating to the annual publication of financial reports of school districts.

[Approved by the Governor June 6, 1929. In effect August 14, 1929]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 710.

An act to amend sections 1276, 1277, 1278 and 1279 of the Code of Civil Procedure, relating to changes in names of persons.

[Approved by the Governor June 6, 1929. In effect August 14, 1929]

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

Stats. 1885,
p 112,
amended.
Application
for change
of name,
made to
superior
court.

SECTION 1. Section 1276 of the Code of Civil Procedure is hereby amended to read as follows:

1276. All applications for change of names must be made to the superior court of the county where the person whose name is proposed to be changed resides, by petition, signed by such person; and if such person is under twenty-one years of age, if a male, and under the age of eighteen years of age, if a female, by one of the parents, if living, or if both be dead, then by the guardian; and if there be no guardian, then by some near relative or friend.

What
petition
must
specify.

The petition must specify the place of birth and residence of such person, his or her present name, the name proposed, and the reason for such change of name, and must, if the father of such person be not living, name, as far as known to the petitioner, the near relatives of such person, and their place of residence.

Stats 1905,
p 40,
amended
Order to
show cause.

SEC. 2. Section 1277 of the Code of Civil Procedure is hereby amended to read as follows:

1277. Upon the filing of the said petition the court shall thereupon make an order reciting the filing of the application, the name of the person by whom it is filed and the name proposed, and directing all persons interested in said matter to appear before the court, at a time and place specified, not less than four or more than eight weeks from the time of making such order, to show cause why the application for change of name should not be granted. A copy of the order to show cause must be published for four successive weeks in some newspaper of general circulation to be designated in the order, printed in the county, if a newspaper be printed therein, or, if no newspaper be printed in the county, a copy of such order to show cause shall be posted by the clerk of the court in three of the most public places in the county in which the

Publication
of order.

court is held, for a like period. Proof must be made to the satisfaction of the court, of such publication, or posting, at the time of the hearing of the application.

Proof of
publication

SEC. 3. Section 1278 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1915,
p 108,
amended

1278. Such application must be heard at such time as the court may appoint, and objections may be filed by any person who can, in such objections, show to the court good reason against such change of name. On the hearing, the court may examine on oath any of the petitioners, remonstrants, or other persons, touching the application, and may make an order changing the name, or dismissing the application, as to the court may seem right and proper.

Hearing of
application

SEC. 4. Section 1279 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1907,
p 345,
amended

1279. A certified copy of the decree of the court, changing the name of a person, shall within thirty days from the date of such decree, be filed in the office of the secretary of state.

Copy of
decree filed
with
secretary
of state.

CHAPTER 711.

An act to amend sections 283, 285, 290, 290b, 292, 296, 297, 301, 305, 308, 309, 312, 317, 319, 320a, 331, 332, 333, 334, 335, 336, 337, 354, 355, 359, 362, 403, 452a, 591, 593, 594, 602b, 605, 606, 649a, 653d, 653o, 653v, 653hh, 653ab of the Civil Code, to add four new sections to said code numbered, 296a, 326a, 361b and 399 respectively, and to repeal sections 290c, 290c, 290f, 290g, 290i, 291, 293, 294, 295, 321a, 338, 339, 340, 341, 342, 343, 344, 345, 349, 360, 361, 473, 587a, 588, 590, 603 and 604a of said code, all relating to corporations.

[Approved by the Governor June 6, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 283 of the Civil Code is hereby amended to read as follows:

Civil Code,
1872, p 60,
amended.

283. The provisions of this title are applicable to every private corporation, unless there be a special provision in relation thereto inconsistent with some provisions of this title, in which case the special provision prevails.

Provisions
of title
applicable,
when.

SEC. 2. Section 285 of the Civil Code is hereby amended to read as follows:

Stats 1905,
p 502,
amended

285. Corporations may be formed by the voluntary association of any three or more persons in the manner prescribed in this title, for any lawful purpose or purposes.

Corpora-
tions, how
formed

SEC. 3. Section 290 of the Civil Code is hereby amended to read as follows:

Stats 1915,
p 1481,
amended

Articles of
incorporation.

290. Articles of incorporation shall state:

1. The name of the corporation.
2. The purposes for which it is formed.
3. The county in this state where the principal office for the transaction of the business of the corporation is to be located.
4. The number of shares which may be issued and, if the shares are to have a par value, the par value of each share and the aggregate par value of all shares; if the shares are to be without par value, it shall be so stated.
5. If the shares are to be classified, a description of the classes of shares and a statement of the number of shares of each kind or class, and the nature and extent of the preferences, rights, privileges and restrictions granted to or imposed upon the holders of the respective classes of stock, and, except as to the matters and things so stated, no distinction shall exist between said classes of stock or the holders thereof.
6. The total number of shares actually subscribed, the names of the subscribers and the number of shares, respectively, for which they have subscribed and the amount to be paid by them for such shares.

7. The number of its directors, not less than three, and the names and residences of the persons who are appointed to act until the first annual meeting of shareholders or until the selection and qualification of their successors.

8. The articles of incorporation may also contain provisions:

(a) Prescribing special qualifications of persons who may be shareholders, or restricting the right to transfer or hypothecate shares;

(b) Granting or denying to the directors the power to levy assessments upon the shares or any class thereof, or restricting such power;

(c) Denying to shareholders preemptive rights to subscribe to any or all issues of shares or denying or placing limitations upon such rights.

Stats 1927,
p. 1305,
amended.
Issuance
of shares
without
par value

SEC. 4. Section 290b of the Civil Code is hereby amended to read as follows:

290b. (1) Subject to any limitations in the articles of incorporation, or any amendment thereof, any corporation having shares without par value may issue such shares for such amount of consideration as may be determined from time to time by the board of directors, with due regard to the interests of existing shareholders, and when such consideration has been received by the corporation, such shares shall be deemed fully paid.

Consideration credited to capital or surplus.

(2) If, upon issue of shares having no par value, any part of the consideration received by the corporation is to be treated as paid-in surplus rather than as capital, the directors or shareholders as the case may be, who determine the amount of the consideration, shall at that time specify what proportion of such consideration is to be considered as surplus and what proportion thereof is to be considered as capital. In the

absence of such designation all consideration for shares without par value shall be credited to capital. Amounts of surplus paid in by shareholders shall be shown on the books of the corporation as a separate item designated "paid-in surplus."

(3) The provisions of section 309 and section 309½ as to "capital stock" shall apply to the capital of corporations which issue shares without par value. Subject to preferences granted in the articles, each share without par value shall be equal to every other share.

SEC. 5. Section 292 of the Civil Code is hereby amended to read as follows:

Stats 1911,
p 1112,
amended.

292. Each person named therein as a director must sign the articles of incorporation and acknowledge such execution before an officer designated by the laws of this state as one before whom an acknowledgment may be made. Any other signatures to the articles must be acknowledged in the same manner.

Signing and
acknowledgment of
articles

Any certificate of an acknowledgment taken without the state must be authenticated by the certificate of an officer having the requisite official knowledge of the qualifications of the officer before whom the acknowledgment was made.

SEC. 6. Section 296 of the Civil Code is hereby amended to read as follows:

Stats 1923,
p 296,
amended

296. If the articles of incorporation conform to law, the secretary of state shall file them in his office and put an indorsement of filing thereon. The corporate existence shall begin upon the filing of the articles of incorporation and shall continue for an indefinite term, unless it be in this code otherwise expressly provided.

Filing of
articles

A copy of the articles of incorporation, certified by the secretary of state and bearing the indorsement of the date of filing in his office, shall be filed in the office of the county clerk of the county in which the corporation is to have its principal office.

The secretary of state shall not file articles of incorporation which set forth a name which is likely to mislead the public or which is the same as, or resembles so closely as to tend to deceive,

- (1) The name of a domestic corporation, or
- (2) The name of a foreign corporation which is authorized to transact intrastate business in this state, or
- (3) A name which is under reservation, as provided in section 296a of this code, unless the certificate of reservation is presented at the time of filing such articles or it is established to the satisfaction of the secretary of state that said name was reserved for such use;

The use by a corporation of a name in violation of this section may be enjoined notwithstanding that its articles may have been filed by the secretary of state.

The secretary of state shall not file articles of incorporation setting forth a name in which the words "trust" or "trustee"

appear, unless the certificate of approval of the superintendent of banks is attached thereto.

New section

SEC. 7. A new section is hereby added to the Civil Code to be numbered 296a, and to read as follows:

Certificate of reservation

296a. Any applicant therefor may, upon payment of a fee of two dollars, obtain from the secretary of state a certificate of reservation of any name which is not the same as, or which does not resemble, so closely as to tend to deceive, that of a corporation formed under the laws of this state or that of a corporation formed under the laws of another state, territory or foreign country and authorized to transact intrastate business in this state, and which is not already under reservation, as herein provided, and upon the issuance of such certificate the name stated therein shall be reserved for a period of thirty days.

Stats 1921,
p. 126,
amended

SEC. 8. Section 297 of the Civil Code is hereby amended to read as follows:

Certified copy of articles as evidence of incorporation.

297. A copy, certified by the secretary of state, of any articles filed or of any certificate of incorporation heretofore issued by the secretary of state shall have the same force and effect in evidence as the originals, and except as against the state, either the original or a copy thereof so certified shall be conclusive evidence of the creation of the corporation and of a sufficient compliance with the conditions prescribed by law as precedent to incorporation, and shall be prima facie evidence of the facts stated in such instrument and that the corporation is in existence.

See Code
Amdts,
1873-74,
p. 200.
Adoption
of by-laws.

SEC. 9. Section 301 of the Civil Code is hereby amended to read as follows:

301. A corporation may adopt by-laws consistent with its articles and with the laws of the state at a meeting, by the vote of shareholders or members entitled to exercise a majority of the voting power, or by the written assent of holders of shares representing two-thirds of the voting power, without a meeting for that purpose; *provided*, that the written assent of two-thirds of the incorporators of a corporation which has accepted no subscriptions for shares other than the subscriptions set forth in its articles of incorporation shall be sufficient for the adoption of by-laws.

Stats 1905,
p. 503,
amended.

SEC. 10. Section 305 of the Civil Code is hereby amended to read as follows:

Directors.

305. The business of every corporation shall be managed by a board of at least three directors, who need not be shareholders unless the articles of incorporation or by-laws so require. A director shall hold office for the term for which he was appointed or elected and until his successor is elected and qualified.

The articles or by-laws may fix the term of office of the directors at not more than two years from the date of election and until the election and qualification of successors.

Unless otherwise prescribed in the articles or by-laws, directors other than those named in the articles shall be elected annually by the shareholders.

Directors named in the articles shall have full power to manage all the business of the corporation until the annual election, or until their successors are elected and qualified.

Vacancies in the board of directors may be filled by a majority of the remaining directors, though less than a quorum, unless it is otherwise provided in the articles or the by-laws, and each director so elected shall hold office until his successor is elected at the next annual meeting of the shareholders, or at any special meeting duly called for that purpose prior thereto.

A vacancy shall be deemed to exist in case the shareholders shall increase the authorized number of directors, but shall fail, for a period of thirty days from the effective date of such increase, to elect the additional directors so provided for, or in case the shareholders fail at any time to elect the full number of authorized directors.

When one or more of the directors shall give notice of his or their resignation to the board, effective at a future date, the board shall have the power to fill such vacancy or vacancies to take effect when such resignations shall become effective. Each director so appointed shall hold office during the remainder of the term of office of the resigning director or directors, or until their successors are appointed and qualify.

SEC. 11. Section 308 of the Civil Code is hereby amended to read as follows:

308. Upon their election the directors shall meet and organize by the election of a president, a secretary and a treasurer. They may also appoint a chairman of the board, one or more vice presidents, assistant secretaries and assistant treasurers. Any two or more of such offices, except those of president and secretary, may be held by the same person. Any vice president, assistant treasurer or assistant secretary respectively may exercise any of the powers of the president, the treasurer or the secretary as provided in the by-laws or directed by the board of directors, and shall perform such other duties as may be imposed upon him.

The by-laws may provide for the appointment by the board of directors of an executive committee, and may authorize the board to delegate to such committee any of the powers and authority of the board except the power to declare dividends and to make any changes in the by-laws. Such committee shall be composed of members of the board and shall act only in the intervals between meetings of the board and shall be subject at all times to the control of the board of directors.

A majority of the prescribed number of directors shall be necessary to constitute a quorum for the transaction of business unless the by-laws provide that a different number shall constitute a quorum, which in no case shall be less than one-third the total number of directors, nor less than two.

Stats. 1927.
p 61,
amended.
Organization
of board of
directors.

Appointment
of executive
committee.

Quorum.

Every act or decision of a majority of the directors present at a meeting at which a quorum is present, made or done when duly assembled, shall be valid as the act of the board of directors, unless a greater number is required by this code or by the articles or by-laws; *provided*, that a minority of the directors in the absence of a quorum, may adjourn from day to day but may not transact any business.

Stats 1917,
p. 657,
amended.

SEC. 12. Section 309 of the Civil Code is hereby amended to read as follows:

Limitations
on directors

309. Unless they shall have been first permitted or authorized so to do by the commissioner of corporations, directors of corporations must not make dividends except from the surplus profits arising from the business thereof; nor must they divide, withdraw, or pay to the stockholders, or any of them, any part of the capital stock, except as hereinafter provided; *provided*, that dividends may be paid upon shares entitled to cumulative preferential dividends from paid-in surplus, as well as from profits arising from the business, but the holders of such shares shall be notified when dividends are paid from paid-in surplus. Nothing herein prohibits a division and distribution of the capital stock of any corporation which remains after the payment of all its debts, upon its dissolution, or the expiration of its term of existence.

Liability of
directors

In case of any wilful or negligent violation of the provisions of this section, the directors under whose administration the same shall have happened, except those who cause their dissent therefrom to be entered on the minutes of such directors at the time, or were not present at that time, shall be jointly and severally liable to the shareholders of such corporation to the full amount of any loss sustained by such shareholders, or in case of the insolvency of the corporation to the corporation or its receiver, liquidator or trustee in bankruptcy to the full amount in either case of any loss sustained by the shareholders or creditors by reason of such unauthorized dividend, withdrawal or distribution.

Any director against whom a claim is asserted under or pursuant to this section, and who is held liable under or pursuant hereto, shall be entitled to contribution from other directors who are liable pro rata according to the number of such directors, and also from the shareholders who knowingly accepted or received any dividend or distribution not authorized by this title to be made, and such shareholders shall contribute in proportion to the amounts received by them respectively. Any one or more directors and stockholders may be sued in the same action.

Stats 1907,
p. 596,
amended.

SEC. 13. Section 312 of the Civil Code is hereby amended to read as follows:

Share-
holders'
meetings.

312. The presence in person or by proxy of the holders of a majority of the shares entitled to vote at any meeting shall constitute a quorum for the transaction of business. A majority of the members or shares entitled to vote in the case of

nonprofit corporations shall constitute a quorum, unless otherwise provided in the articles or by-laws.

Unless the articles or by-laws otherwise provide, the board of directors may fix a time not exceeding thirty days preceding the date of any meeting of shareholders, or the date fixed for the payment of any dividend or distribution, or for the allotment of rights, or when any change or conversion or exchange of shares shall go into effect, as a record date for the determination of the shareholders entitled to notice of and to vote at any such meeting or entitled to receive any such dividend or distribution, or any such allotment of rights, or to exercise the rights in respect to any such change, conversion, or exchange of shares and in such case, only shareholders of record on the date so fixed shall be entitled to notice of and to vote at such meeting, or to receive such dividend, distribution or allotment of rights, or to exercise such rights, as the case may be, notwithstanding any transfer of any shares on the books of the corporation after any record date fixed as aforesaid. The board of directors may close the books of the corporation against transfers of shares during the whole or any part of such period.

Any regular or called meeting of the shareholders or members may adjourn from day to day, from time to time, if for any reason there are not present the holders of a majority of the shares or a quorum of members entitled to vote, or no election is had, such adjournment and the reasons therefor being recorded in the minutes of the proceedings.

SEC. 14. Section 317 of the Civil Code is hereby amended to read as follows:

317. When all the shareholders or members of a corporation are present at any meeting, or when the shareholders or members not represented thereat give their written consent to the holding thereof at the time and place the meeting is held, and such written consent is made a part of the records of such meeting, the proceedings had at such meeting are valid, irrespective of the manner in which the meeting is called or the place where it is held.

SEC. 15. Section 319 of the Civil Code is hereby amended to read as follows:

319. Meetings of the board of directors or trustees of a corporation may be held at any place, within or without the state, fixed by a quorum thereof, unless otherwise provided in the articles of incorporation or by-laws. Meetings of the shareholders or members of a corporation may be held at the principal office for the transaction of the business of the corporation, or at any other place, within or without the state, designated in the articles of incorporation or by-laws.

SEC. 15½. Section 320a of the Civil Code is hereby amended to read as follows:

320a. When all the directors of a corporation are present at any directors' meeting, however called or noticed, and sign a written consent thereto, on the record of such meeting, or

Stats 1909,
p. 49,
amended.
Share-
holders'
waiver of
notice of
meetings

Stats 1927,
p. 784,
amended.
Meetings
of board,
where held

Stats 1915,
p. 939,
amended.
Waiver of
notice of
directors'
meeting

if the majority of the directors are present, and if those not present sign in writing a waiver of notice of such meeting, whether prior to or after the holding of such meeting, which said waiver shall be filed with the secretary of the corporation, the transactions of such meeting are as valid as if had at a meeting regularly called and noticed.

New section.

SEC. 16. A new section is hereby added to the Civil Code to be numbered 326*a* and to read as follows:

Shares held
by trustee

326*a*. Whenever shares of a corporation are to be, or have been, issued or transferred to a person or corporation as trustee, whether or not the certificate representing such shares describes the trust or identifies any beneficiary, it shall be conclusively presumed in favor of such corporation and its transfer agent that such trustee has the power to accept and transfer title to such shares, and there shall be no duty upon the corporation or its transfer agent to inquire into or determine the existence or validity of any trust or the terms thereof, nor to recognize any equitable interest in or claim to such shares on the part of any other person, whether disclosed by such certificate or otherwise, unless enjoined by a court of competent jurisdiction.

See Code
Amdts.,
1873-74,
p 206.

Assessments.

SEC. 17. Section 331 of the Civil Code is hereby amended to read as follows:

331. (1) Shares are not assessable except as provided in this article. If the articles expressly confer such authority, and subject to any limitations therein contained the directors of any corporation may in their discretion, levy and collect assessments upon all shares of any or all classes made subject to assessment by the articles. This authority is additional to that of making calls for the unpaid subscription price of shares.

(2) Corporations without shares of stock may levy dues or assessments on their members, if so provided in their articles, in proportion to their interests, enforceable either by action or by forfeiture of membership upon reasonable notice.

(3) Any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes or domestic use, and not as a public utility, may levy assessments upon its shares, whether or not fully paid, unless otherwise provided in its articles. If any shares of any such corporation which have been made appurtenant to any land as provided in section 324 of this code, become delinquent in the payment of assessments the right to receive water or dividends thereon may be denied, and they may be sold and transferred without said lands as if not appurtenant thereto, and the purchaser shall acquire the right to receive water as provided in the articles or by-laws of the corporation, or they may be forfeited to the corporation.

Civil Code,
1872, p 76,
amended.

Resolution
levying
assessment,
what to
recite.

SEC. 18. Section 332 of the Civil Code is hereby amended to read as follows:

332. Every resolution levying an assessment must specify the amount thereof, when, to whom and where payable; fix a day, subsequent to the actual service or publication of the

assessment notice on which the unpaid assessments shall be delinquent, not less than thirty nor more than sixty days from the time of passing the resolution levying the assessment; and a day for the sale of delinquent shares not less than fifteen nor more than sixty days from the date the shares become delinquent.

SEC. 19. Section 333 of the Civil Code is hereby amended to read as follows: Civil Code,
1872, p. 77,
amended.

333. Upon the passing of the resolution levying the assessment, the secretary shall cause to be mailed and published a notice thereof in substantially the following form: Notice of
assessment.

(Name of corporation in full. Location of principal office.) Form.

Notice is hereby given that at a meeting of the board of directors held on the (date) an assessment of (amount) per share was levied upon the shares of the corporation payable (when, to whom and where). Any shares upon which this assessment remains unpaid on the (day fixed) will be delinquent, and unless payment is made in the meantime, the said shares, or so many of said shares as may be necessary, will be sold at the (particular place) on the (date) at (the hour) of such day, to pay the delinquent assessment, together with five per cent penalty. (Name of secretary with location of office.)

SEC. 20. Section 334 of the Civil Code is hereby amended to read as follows: Civil Code,
1872, p. 77,
amended

334. The notice must be personally served upon each shareholder, or, in lieu of personal service must be sent through the mail addressed to each shareholder at his address, if it appears on the books of the corporation, and if it does not appear, at the place where the principal office of the corporation is located. In the absence of personal service on each shareholder a notice shall be published once in some newspaper of general circulation published at the city or town of the principal office of the corporation. If there be no newspaper published in the city of the principal office of the corporation, then the publication must be made in some newspaper of the county if there be one, and if there be none then in some newspaper published in an adjoining county. Notice to
share-
holders.

SEC. 21. Section 335 of the Civil Code is hereby amended to read as follows: Civil Code,
1872, p. 77,
amended.

335. The date of sale of delinquent shares fixed in any resolution levying an assessment may be extended from time to time for not more than thirty days at a time by order of the directors entered on the records of the corporation, or when delinquent sale is restrained by order of a court. Notice of such extension shall be given by announcement by the secretary, assistant secretary, or other person authorized to conduct such sale, made at the time of sale last theretofore fixed. Extension
of date
of sale.

SEC. 22. Section 336 of the Civil Code is hereby amended to read as follows: Stats 1927,
p. 37,
amended.

336. At the place and time appointed in the notice of sale, the secretary must, unless otherwise ordered by the directors, sell or cause to be sold at public sale to the highest bidder for Sale of
stock.

cash so many shares of each shareholder of the assessed shares of stock as may be necessary to pay the assessment and charges thereon according to the notice; if payment is made before the sale, the shareholder shall pay a penalty of five per cent in addition to the assessment. The person offering at such sale to pay the assessment and penalty for the smallest number of shares is the highest bidder, and the stock purchased must be transferred to him on the stock books of the corporation on the payment of the assessment and penalty. No corporation shall be required to accept an offer for a fraction of a share. If no bidder can be found to pay the amount due on the shares, together with the penalty, the shares shall be declared forfeited to the corporation in satisfaction of the assessment and penalty thereon, and shall have the status of authorized but unissued shares. The only remedy for the collection of any assessment on fully paid shares shall be by sale or forfeiture unless the remedy by action is expressly authorized in the articles but calls or installments of the unpaid balance of the subscription price may be collected when due either by action or, after the notice hereinbefore provided, by sale or forfeiture.

Civil Code,
1872, p 78,
amended
Payment
for shares
subscribed.

SEC. 23. Section 337 of the Civil Code is hereby amended to read as follows:

337. When no provision as to the time or times of payment of the consideration for the issue of shares is made in the agreement of subscription or purchase, shares shall be paid for on the call of the board of directors. Thirty days' notice of the amount called and of the time and place of payment shall be given either personally or by registered mail to the last known address of each shareholder or by publication in a newspaper as in case of assessments upon fully paid shares. When any shareholder fails to pay any installment of the subscription price or call upon his shares at the time when such payment is due, the corporation, its receiver or trustee in bankruptcy may collect the amount by action, or by sale or forfeiture as in case of assessments upon fully paid shares.

Civil Code,
1872, p 82,
amended.
Powers of
corporations

SEC. 24. Section 354 of the Civil Code is hereby amended to read as follows:

354. Every corporation, as such, has power:

1. Of succession, by its corporate name, for the period limited; and when no period is limited, perpetually;
2. To sue and be sued, in any court;
3. To make and use a common seal, and alter the same at pleasure;
4. To acquire, hold, lease, encumber, convey or otherwise dispose of real and personal property;
5. To appoint such subordinate officers or agents as the business of the corporation may require, and to allow them suitable compensation;
6. To make by-laws, not inconsistent with any existing law, for the management of its property, the regulation of its affairs, and for the transfer of its stock;

7. To admit stockholders or members, and to sell their stock or shares for the payment of assessments or installments; *provided*, that a corporation shall not, in issuing shares or taking subscriptions therefor, agree to repurchase such shares, or give to the subscriber a right to surrender or resell the same to the corporation;

8. To purchase and cancel upon its books and restore to the status of authorized but unissued shares any of its outstanding shares as follows:

(a) To collect or compromise in good faith a debt, claim or controversy with any shareholder;

(b) From surplus available for cash dividends when authorized by vote or written consent of the holders of two-thirds of each class of shares outstanding exclusive of the shares to be purchased;

(c) From one who as an employee has purchased such shares from the corporation under an agreement giving the corporation the right to repurchase;

(d) To eliminate fractional shares;

(e) To carry out provisions of its articles or amended articles of incorporation authorizing the redemption of such shares;

9. To enter into any obligations or contracts or to do any acts incidental to the transaction of its business, or conducive to the attainment of the purposes of the corporation.

SEC. 25. Section 355 of the Civil Code is hereby amended to read as follows:

355. The enumeration in the articles of the objects, purposes, powers and authorized business of the corporation shall have no effect other than as between the corporation and its directors or officers, as an authorization to the directors and as a limitation upon the actual authority of the representatives of the corporation.

No limitation upon the business, purposes or powers of the corporation contained in or implied by the articles shall be asserted as between the corporation or any shareholder and any third person. Such limitations may be asserted in an action by a shareholder or at the suit of the state, to enjoin the continuation of unauthorized business, or to dissolve the corporation, or in an action by the corporation or by the shareholders suing in a representative suit, against the officers or directors of the corporation for violation of their authority.

Any contract or conveyance made in the name of a corporation, which is authorized or ratified by the directors, or is done within the scope of the authority, actual or apparent, given by the directors, shall bind the corporation, and the corporation shall acquire rights thereunder, whether the contract be executed or wholly or in part executory.

SEC. 26. Section 359 of the Civil Code is hereby amended to read as follows:

Civil Code,
1872, p. 83,
amended.

Effect of
articles.

Stats. 1927,
p. 1292,
amended.

Creation of
bonded
indebted-
ness.

359. By complying with the following provisions, any corporation formed under the laws of this state may create a bonded indebtedness or increase the same, and two or more corporations formed under the laws of this state may create or increase a consolidated bonded indebtedness:

Procedure

(1) A resolution authorizing such creation or increase of bonded indebtedness and stating the amount of the bonded indebtedness to be created, or the amount to which the bonded indebtedness is to be increased, shall be adopted by the affirmative vote of at least a majority of the directors or trustees of such corporation, at a regular or special meeting, which resolution must be approved by the vote or written assent or assents of stockholders representing at least two-thirds of the subscribed shares of each class of stock of the corporation, or of a majority of the members of a corporation without shares of stock. If approved by the vote of stockholders or members, such vote may be had at a regular or a special meeting, and a resolution, containing a copy of the resolution adopted by the board of directors and setting forth the fact of the approval thereof by the stockholders or members, must be adopted by the votes of stockholders either present in person or represented by proxy at said meeting and representing at least two-thirds of the subscribed shares of each class of stock of the corporation, or, except as hereinafter provided, by the votes of a majority of the members of a corporation without shares of stock. In lieu of the approval of such resolution at a meeting of stockholders or members, such resolution may be approved by the written assent or assents of stockholders representing at least two-thirds of the subscribed shares of each class of stock of the corporation or, except as hereinafter provided, by the written assent or assents of a majority of the members of a corporation without shares of stock, which assent or assents shall contain a copy of such resolution and shall state the fact of the approval thereof by the stockholders or members and shall be filed with the secretary of the corporation.

Such assent may be executed and filed by the attorney-in-fact of any stockholder or member with the same effect as if executed and filed by his principal. If, pursuant to the articles of incorporation or amended articles of incorporation of any corporation without shares of stock, the respective members thereof have unequal voting power, the affirmative vote or written assent of members representing a majority of the votes in such corporation shall be sufficient to approve the resolution passed by the directors or trustees. If the by-laws of a corporation without shares of stock fix the number of members constituting a quorum, the affirmative vote or written assent of members equal in number to two-thirds of such number shall be sufficient to approve the resolution passed by the directors or trustees. A corporation without shares of stock, whose articles of incorporation, or any amendment thereto, authorize its board of directors or trustees to create a bonded

indebtedness or increase the same without the approval of its members, shall not be subject to the provisions of this section requiring approval of the resolution of such board by such members.

(2) Any two or more corporations formed under the laws of this state may, by complying separately with the provisions of this section relating to the creation or increase of bonded indebtedness, create or increase a consolidated bonded indebtedness which shall be binding jointly and severally on such corporations, and which may be secured by a consolidated mortgage or deed of trust executed by all such corporations, mortgaging or conveying in trust all or any of the properties of all such corporations acquired or to be acquired.

SEC. 27. A new section is hereby added to the Civil Code, New section. to be designated 361*b*, and to read as follows:

361*b*. Any two or more corporations may be: (a) Merged Consolidation of corporations. into one of such constituent corporations, which is herein designated as the surviving corporation, or (b) consolidated into a new corporation, as follows:

(1) The board of directors of each corporation shall approve Procedure. an agreement which shall set forth the terms of merger or consolidation, and the mode of carrying the same into effect, as well as the manner and basis of converting the shares of the constituent corporations into the shares of the consolidated or surviving corporation. If the agreement is for a consolidation, it shall state the matters required to be stated in articles of incorporation by section 290, except the matter of subscriptions, and these statements shall be deemed to be the articles of incorporation of the corporation created by the agreement.

If the agreement is for a merger, it shall state any matters with respect to which the articles of the surviving corporation are to be amended.

(2) The agreement shall be signed by the president or a vice president and the secretary or an assistant secretary of each corporation, and acknowledged by the officers executing the same on behalf of their respective corporations.

(3) The agreement must be approved by the vote of the holders of not less than two-thirds of the issued and outstanding shares of each class of its stock of each of the constituent corporations at a meeting duly called upon notice of the purpose thereof, mailed to the last known post-office address of each shareholder at least twenty days prior to the date of such meeting. There shall be mailed with the notice of such meeting a statement of the terms of the proposed agreement. In lieu of such vote of stockholders of any of said corporations it may be approved with like effect by the written consent of shareholders representing not less than two-thirds of the issued and outstanding shares of each class of its stock, which shall be filed with the secretary of such corporation.

If the agreement is approved by the required vote or written consent, that fact shall be certified on the agreement by

Procedure

the secretary of each meeting or the secretary of each corporation.

(4) Any amendment to the agreement may be adopted, and the agreement so amended may be approved, by like vote at such meeting, or like written consent of the shareholders of any of the constituent corporations, and if the agreement so amended be approved by like vote at such meeting, or like written consent of the stockholders of the other constituent corporation or corporations, and by the board of directors of each of the constituent corporations, the agreement so amended shall be signed and acknowledged and shall have certified upon it the approval of stockholders in the same manner as provided for the original agreement, and shall then be considered the merging or consolidating agreement.

(5) The agreement so approved, certified, executed and acknowledged shall be filed with the secretary of state, and shall thereupon become effective, and the several parties thereto shall be one corporation. A copy of said agreement, certified by the secretary of state, shall be filed with the county clerk of the county in which the principal office for the transaction of the business of the corporation is to be located, and a copy thereof, thus certified, shall be filed with the county clerk of any county in which any party to the agreement has real property or its principal office. A certified copy of such agreement shall have the same force in evidence as the original, and, except as against the state, shall be evidence of the performance of all conditions precedent to such consolidation or merger, and the creation or existence of the new or surviving corporation, and shall be prima facie evidence that the corporation is still in existence.

(6) The surplus appearing on the books of the constituent corporations, to the extent to which it is not capitalized by the issue of shares or otherwise, may be entered as earned or paid-in surplus, as the case may be, on the books of the consolidated or surviving corporation, and may thereafter be dealt with as such.

(7) Upon the merger or consolidation, as provided herein, the separate existence of the constituent corporations shall cease, except that of the surviving corporation in case of merger, and the consolidated or surviving corporation shall succeed, without other transfer, to all the rights and property of each of the constituent corporations, and shall be subject to all the debts, liabilities and duties of each, in the same manner as if the surviving or new corporation had itself incurred them. Any action or proceeding pending by or against any of such constituent corporations may be prosecuted to judgment, which shall bind the new or surviving corporation, or the new or surviving corporation may be proceeded against or substituted in its place.

(8) The merger or consolidation of any number of railroad corporations, incorporated under the laws of this state, with any number of railroad corporations incorporated under the

laws of other states or territories of the United States may be effected as provided in this section if the laws of each state or territory in which said corporations were formed authorize such consolidation.

SEC. 28. Section 362 of the Civil Code is hereby amended to read as follows:

Stats 1921,
p 134,
amended

362. By complying with the following provisions, any domestic corporation may amend its articles of incorporation for any or all of the following purposes:

Amendment
of articles
of incorpora-
tion.

(1) To change its name to any name not likely to mislead the public, or which is not the same as, and does not resemble, so closely as to tend to deceive,

(a) The name of a domestic corporation, or

(b) The name of a foreign corporation which is authorized to transact intrastate business in this state, or

(c) A name which is under reservation, as provided in section 296a of this code, unless the certificate of reservation is presented at the time of filing of the certificate of such amendment or it is established to the satisfaction of the secretary of state that such name was reserved for such use.

(2) To change or add to its powers and purposes; or to set forth different or additional powers or purposes;

(3) To change the location of its principal office or place of business to any other county within the state; *provided*, that no amendment need be made to change the principal office from one location to another in the same county or city and county;

(4) To state, if it so desires, the period of its existence as extended;

(5) To increase or diminish the number of its directors;

(6) To increase or decrease the authorized number of its shares or the aggregate par value thereof;

(7) To provide for the classification of its shares of stock, in which event there must be set forth a statement of the number of shares of each kind or class, and the nature and extent of the preferences, rights, privileges and restrictions granted to or imposed upon the holders of the respective classes of stock, and, except as to the matters and things so stated, no distinction shall exist between said classes of stock or the holders thereof;

(8) To change the statement of such classification or the nature and extent of such preferences, rights, privileges or restrictions of the shares issued or unissued, or to repeal such statement and eliminate such classification of the shares;

(9) To change shares having par value into the same or a different number of shares without par value; to increase or reduce the par value of shares; to change shares without par value into the same or a different number of shares with or without any par value;

(10) Generally, to alter its articles in any other respect, lawful at the time of making the amendment.

Procedure.

A resolution providing for any such amendment must be adopted by the affirmative vote of a majority of the directors or trustees of the corporation, and must be approved by the vote or written assent of shareholders holding at least a majority of the issued and outstanding shares, or by the vote or written assent of the members representing a majority of the voting power, if the corporation has no shares of stock. If any proposed amendment provides for an increase in the aggregate par value of the shares of a corporation or would make any change in the preferences, rights, privileges, or restrictions of any class of issued and outstanding shares, the vote or written assent of the holders of two-thirds of the issued and outstanding shares of each class of stock shall be necessary to the approval thereof, or such larger majority as the articles of incorporation or any amendment thereto may require. The resolution or assents of such shareholders or members must contain a copy of the resolution of the directors or trustees and state the fact of approval thereof.

After such amendment has been approved, the president or a vice president and the secretary or an assistant secretary shall execute a certificate, under the seal of the corporation, which shall be verified by their oath and shall set forth:

(1) The time and place of the meeting of the board of directors or trustees;

(2) A copy of resolution adopted thereat;

(3) The vote in favor of such resolution;

(4) The time and place of the meeting of the shareholders or members and the total vote by which such resolution was approved, or, if the approval was by written assent, the number of shares or members represented by the assents filed with the secretary of the corporation;

(5) The fact that the resolution or assents of the shareholders or members contained a copy of the resolution of the board of directors or trustees and expressed their approval of said resolution;

(6) The number of issued and outstanding shares, and number of each class of such shares, if classified, or the number of members of the corporation;

Provided, that two-thirds of the incorporators of any corporation which has not accepted subscription for shares other than those set forth in its articles of incorporation, may adopt any such amendment by executing a certificate stating that no subscriptions for shares other than those set forth in the articles of incorporation have been accepted by the corporation and that the signers thereof thereby adopt the amendment therein set forth, which certificate shall be verified by the oath of each signer thereof.

Any certificate of amendment may contain a copy of the articles of incorporation, as amended.

The certificate shall be submitted to the secretary of state, who shall file the same and put an indorsement of filing thereon if he finds that it shows a compliance with the provisions of

this section. Thereupon, the articles of incorporation shall be deemed amended in accordance with such certificate and a copy of such amendment and the certificate thereto, certified by the secretary of state, shall be prima facie evidence of the performance of the conditions necessary to the adoption thereof.

The secretary of state shall forthwith issue a certified copy of said certificate and transmit said copy to the county clerk of the county in which the principal place of business of the corporation was situated at the time said corporation was incorporated, which copy shall be filed by said county clerk upon payment of the fee prescribed by law. A copy of such certificate, certified by the secretary of state, shall be filed by such corporation in the office of the county clerk of every other county in which such corporation has or holds real property. Any corporation which shall amend its articles of incorporation and shall fail to file certified copies, as required by the preceding sentence, shall be subject to the penalties and liabilities provided for in section 299 of this code for a failure of corporations to file copies of their articles of incorporation in the office of the county clerks of the counties in which they shall purchase, hold, or locate real property.

Nothing appearing herein shall be construed to permit a corporation to extend or reduce the term of its existence by amending its articles of incorporation.

SEC. 29. A new section is hereby added to the Civil Code, New section. to be numbered 399, and to read as follows:

399. All corporations, whether they expire by their own Powers of corporation after dissolution. limitation, by forfeiture of charter by order of court, or are otherwise dissolved, shall nevertheless continue to exist for the purpose of winding up their affairs, prosecuting and defending actions by or against them, and of enabling them to collect and discharge obligations, to dispose of and convey their property, and to collect and divide their assets, but not for the purpose of continuing the business for which the corporation was established.

Any assets inadvertently or otherwise omitted from the winding up shall continue in the dissolved corporation for the benefit of the persons who would have been entitled thereto upon dissolution of the corporation, and on realization shall be distributed accordingly.

Before the payment of any part of the capital and before beginning the business for which the corporation was created, the incorporators named in any articles of incorporation may dissolve the corporation by filing in the office of the secretary of state a certificate, verified by the oath or affirmation of a majority of the incorporators named in the articles of incorporation, that no part of the capital has been paid and no debts are unpaid, and thereupon the said corporation shall be dissolved.

SEC. 30. Section 403 of the Civil Code is hereby amended Stats. 1925, p. 423, amended. to read as follows:

Resident
agent of
domestic
corporations.

403. Every domestic corporation may file with the secretary of state a designation of a natural person, residing at a stated address in this state, as its agent for the purpose of service of process, and the delivery, to such agent, of a copy of any process against such corporation shall constitute valid service on such corporation. Such corporation shall file with the secretary of state notice of any change in the address of the person thus designated, and may revoke any such designation by filing notice thereof with the secretary of state.

Service

If such designation has not been filed with the secretary of state, or if process against any domestic corporation can not, with the exercise of due diligence, be served upon the person designated or in any other manner provided by law, service may be had upon such corporation by delivering to the secretary of state, or to any person employed in his office in the capacity of a deputy, duplicate copies of such process, together with a fee of five dollars, which shall be included in the taxable costs of the suit, action or proceeding. Upon the receipt of such process and fee, the secretary of state shall forthwith give notice of the service of such process to the corporation at its principal office in this state, and shall forward to such office, by registered mail with request for return receipt, a copy of such process; *provided, however*, that failure to give such notice or to mail copies of such process shall not affect the validity of the service. The defendant shall appear and answer within thirty days after such service upon the secretary of state.

The secretary of state shall keep a record of all process served upon him under this or any other law of this state, and shall record therein the time of such service and his action with reference thereto.

Does not
apply to
banks, etc.

This section shall not apply to banks, trust companies, insurance companies or any corporation subject to the jurisdiction of the railroad commission.

Stats 1927,
p. 939,
amended.

Formation
of mutual
benefit asso-
ciations

SEC. 31. Section 452a of the Civil Code is hereby amended to read as follows:

452a. Twenty-five or more persons may incorporate an association for the purpose of paying the nominee of any member thereof a sum, upon the death of the member, not exceeding three dollars for each member of the association, but not exceeding, in any case, the sum of three thousand dollars. The articles of incorporation must contain the statements required by section 593, except that they must provide that the voting power, property rights, and interests of the respective members shall be equal.

Stats 1925,
p. 366,
amended.

Corporations
for organi-
zation of
chambers of
commerce,
etc.

SEC. 32. Section 591 of the Civil Code is hereby amended to read as follows:

591. Corporations for the formation and organization of chambers of commerce, boards of trade, mechanic's institutes, and other associations for the extension and promotion of trade and commerce, or the advancement, protection, and improvement of the mechanic arts, may be formed with or

without capital stock by twenty or more persons. If the corporation is to issue shares it may be incorporated in the manner prescribed in chapter one of title one of this part, or it may be incorporated without shares as provided in section 593.

No corporation formed under this title must engage in any mercantile, commercial, or mechanical business.

SEC. 33. Section 593 of the Civil Code is hereby amended to read as follows:

Stats 1911,
p 1434,
amended.
Religious
and nonprofit
corporations.

593. Any religious association or body of this state, composed of constituent churches, parishes, congregations, societies or missions which have a common convention, synod, council, assembly, or conference, or any church, diocese, synod, district or other religious organization and any other unincorporated association, society, club or organization not for profit and any number of persons, not less than three, may incorporate under this title.

The articles of incorporation shall state that the corporation is formed under this title for purposes other than pecuniary profit and shall set forth:

What
articles
must
contain.

1. The name of the corporation.
2. The purposes for which it is formed.
3. The county in this state where the principal office for the transaction of the business of the corporation is to be located.
4. The names and residences of three or more persons who are to act in a capacity equivalent to that of directors until the selection and qualification of their successors, and who may be styled directors, trustees, governors, or members of the executive board or may be given such equivalent titles as may be deemed appropriate, but who shall be subject to all laws of this state relating to directors or trustees of such corporations, except as otherwise in this title provided. The number of persons so named shall constitute the number of directors of the corporation until changed in the manner provided by law.

5. The articles of incorporation may fix the voting power, property rights and interests of the members and may provide for different classes of membership, but unless otherwise provided therein there shall be but one class of members, whose voting power, property rights and interests shall be equal.

The persons who are to act in the capacity of directors must subscribe to the articles of incorporation and the signatures of any other persons desiring to associate with said persons for the purpose of forming such corporation shall also be subscribed thereto, and such execution shall be acknowledged as provided in section 292 of this code; *provided*, that the articles of incorporation of any church, diocese, synod, district or other religious organization or any other association, society or club which has a presiding officer, president or other head and an acting secretary, clerk, scribe or other similar officer, need be subscribed and acknowledged only by such officers, but there shall be attached thereto an affidavit by said officers that such association has at a meeting duly

Signing of
articles.

voted to authorize its incorporation, and that they executed the articles by authority of the association.

Filing.

Upon the filing of the articles of incorporation with the secretary of state, the corporation shall be formed and shall continue to exist as a corporation until dissolved, with the capacity possessed by a natural person to contract, convey, take gifts of real and personal property, sue and defend, borrow money, give promissory notes or bonds therefor and secure the payment thereof by mortgage or deed of trust upon property real or personal and perform all other acts within or without the state to the same extent as a natural person, and to receive bequests and devises by will for its own use or upon trusts, to the same extent as a natural person, subject however to the provisions of section 1313 of the Civil Code of the State of California. The limitations of section 595 of the Civil Code shall not apply to such corporations heretofore organized or formed or hereafter organized under this section.

The directors of such corporation may be elected and by-laws for its government may be made and amended in accordance with the constitution, by-laws, discipline, rules and regulations of such church, society, or other organization, or in accordance with the by-laws adopted by it.

Stats. 1917,
p. 880,
amended

Incorporation of organizations having no fixed place of business.

SEC. 34. Section 594 of the Civil Code is hereby amended to read as follows:

594. Any association of this state made up of constituent or member clubs, or other subordinate bodies, having a common periodical or occasional convention or other general assemblage whether of members or delegates, and operating on the federation plan, whether state, district or otherwise, or having no fixed meeting place for such assemblages, or having no fixed office or principal place of business in any one county or city and county or for the meetings of its agencies or committees or officers, and which association determines such place or places from time to time through its agencies and according to its rules and customs, may incorporate for purposes other than profit, and without capital stock in the manner prescribed by section 593, except that in lieu of stating the county in this state where the principal office for the transaction of the business of the corporation is to be located, the articles of incorporation shall set forth a means whereby the office and constitutional principal place of business of the corporation, which must be in this state, as it exists from time to time, may be ascertained; or must state that same shall be provided by constitution or by-law; and, until such provision is otherwise made, said place shall be the place of business, or if none such the residence, from time to time, in this state of the chief executive officer of the corporation.

Stats 1931,
p. 116,
amended

Amendment of articles of corporation sole.

SEC. 35. Section 602b of the Civil Code is hereby amended to read as follows:

602b. Amendment of articles of incorporation of corporations sole. The bishop, chief priest, presiding elder, or other incumbent of any corporation sole, incorporated under the

laws of this state, may at any time amend the articles of incorporation of said corporation sole by changing the name of said corporation sole or the term of its existence or its territorial jurisdiction or the manner of filling any vacancy in the incumbency thereof, or by providing for any mode of administering the temporalities and property of said corporation sole during any vacancy in the incumbency thereof, or during the absence or disability of the incumbent, and may by amended articles of incorporation make provision for any act or thing for which provision is authorized in original articles of incorporation of corporations sole by any law of this state. In any amended articles of incorporation so filed, it shall be competent to ratify or confirm any change made prior to the enactment of this section in respect of any matter which it is herein provided may be subject matter of amendment of articles of incorporation of a corporation sole.

Amended articles of incorporation of a corporation sole shall be subscribed and verified by the affidavit of the incumbent of said corporation sole, and shall be filed with the secretary of state, and a copy thereof, certified by the secretary of state, shall be filed with the clerk of the county in which said incumbent resides.

SEC. 36. Section 605 of the Civil Code is hereby amended to read as follows:

605. Any corporation organized under the laws of this state for purposes other than profit may consolidate with any other like association or associations, or corporation or corporations, created under the laws of this state, so as to form a new or consolidated corporation, in such manner as may be authorized by the respective boards of directors or trustees of such associations or corporations by resolution adopted at meetings of the respective boards called for that purpose.

The resolution to be adopted by each of the respective boards shall state the names of all the corporations or associations to be united by the consolidation, the dates of their respective incorporation, and the name of the new or consolidated corporation, and shall designate three or more persons by whom articles of incorporation of the new or consolidated corporation shall be subscribed and acknowledged in compliance with this section.

The persons so designated may incorporate the new or consolidated corporation in the manner prescribed by section 593, except that in addition to containing the matters required by said section, the articles of incorporation shall state the names and dates of incorporation of the respective corporations which are to be consolidated, and there shall be attached to said articles copies of the aforesaid resolutions of the several associations or corporations uniting in the consolidation, certified by the respective secretaries of such associations or corporations under the corporate seal thereof; and the said articles of incorporation shall in the body thereof refer to the said resolutions and to the certified copies thereof so attached, and by

Stats. 1921,
p. 131,
amended
Consolidation of
nonprofit
corporations

such reference make the said certified copies a part of the said articles.

From and after the filing of such articles of incorporation with the secretary of state the former associations or corporations uniting in the consolidation and comprising the component parts of the new or consolidated corporation shall cease to exist, and the new or consolidated corporation shall succeed to all the rights, duties and powers of the component associations or corporations, and shall be possessed of all the rights, duties and powers set forth in its articles of incorporation not inconsistent with this title, and shall be subject to all the liabilities and obligations of the former component associations or corporations, and shall succeed to and become vested with all the property thereof, both real and personal, of every name and nature, and may make by-laws and do all things permitted by this title; *provided, however*, that no corporation shall be authorized to transact any business until it shall have filed in the office of the county clerk of the county in which its principal business is to be transacted, a copy of its articles of incorporation certified by the secretary of state.

Stats 1927,
p. 545,
amended.

Charitable
and eleemosynary
corporations.

SEC. 37. Section 606 of the Civil Code is hereby amended to read as follows:

606. Twenty-five or more persons may organize a nonprofit corporation for the purpose of receiving, acquiring, holding, managing, administering and expending property and funds for charitable and eleemosynary purposes, including the assistance and support of charitable and eleemosynary institutions, associations and undertakings.

Powers

Such corporation shall, as an incident of its purpose and without any necessity for expressing the same in its articles of incorporation, have the following powers which it may exercise in full measure without the necessity of obtaining any order of court of authorization, approval or confirmation;

1. To act as trustee under charitable and eleemosynary trusts, receiving, holding, managing, administering and expending property and funds in accordance with the respective trusts upon which the same are acquired and held.

2. To receive, hold, manage, administer and expend property and funds upon the general charitable and eleemosynary trust that the same, either as to principal or income or both, shall be applied to the assistance and support of such charitable or eleemosynary institutions or objects, and at such times and to such extent as the corporation may in its judgment deem most conducive to the public welfare. No bequest, devise, gift or transfer of property or funds to such corporation for a charitable or eleemosynary purpose shall be invalid because of indefiniteness or uncertainty as to the purposes of the beneficiaries thereof, but, to the extent to which such indefiniteness or uncertainty exists, the same shall be resolved by the corporation in the manner which, in its judgment, is most consonant with the purpose of the donor and most conducive to the public welfare.

3. Subject to the provisions of section 1313 of the Civil Code, to take property and funds by will, gift or otherwise and with or without specification of any charitable or eleemosynary purpose, but in case no charitable or eleemosynary purpose is specified, the property or funds so received shall, nevertheless, be held upon the trust that the same shall be used for charitable and eleemosynary purposes. Such corporation shall not have the power to take or hold property or funds for any purpose other than a charitable or eleemosynary one.

4. To hold, in its own name and right, real and personal property of every nature and description without limitation as to extent, character or amount and with all the powers of control, management, investment, change and disposal incident to the absolute ownership of property or funds by a private person, subject only to the terms of particular trusts and to the general trust that all its properties and funds shall be held for charitable and eleemosynary purposes.

5. To borrow money, either upon or without security, giving such promissory notes or other evidences of indebtedness and such pledges, mortgages or other instruments of hypothecation as it may be advised.

6. To appoint and pay officers and agents to conduct and administer the affairs of the corporation, but no member of the board of trustees shall receive any compensation.

7. To adopt by-laws prescribing the duties of the officers and agents of the corporation, the detail of its organization, the time and manner of its meetings, and any and all detail incident to its organization and the efficient conduct and management of its affairs.

8. To do any and all things which a natural person might do necessary or desirable for the general purpose for which the corporation is organized.

The exercise of the powers of the corporation, with the right to delegate to officers and agents the performance of duties and the exercise of powers, shall be vested in a board of trustees of not less than nine nor more than twenty-five persons; *provided*, that the articles of incorporation may prescribe that the matter of controlling, managing, investing and disposing of the property of the corporation for the purpose of earning an income therefrom, as distinguished from the matter of applying property and funds to charitable and eleemosynary purposes, shall be exclusively in a finance committee consisting of not less than three members of the board, designated or appointed in some particular manner; *and provided, also*, that the matter of controlling, managing, investing and disposing of the property of the corporation for the purpose of earning an income therefrom may be delegated either in whole or in part to one or more trust companies or banks duly authorized to conduct a trust or banking business in this state.

Exercise of
powers.

Trustees

The articles of incorporation shall specify how the trustees shall be chosen and their terms of office, which shall not exceed six years. It shall be permissible that some or all of the trustees be chosen by specified associations or corporations or by those who are officers thereof and by public officials. As the articles of incorporation may prescribe, the board of trustees may constitute the corporation, or the corporation may have a membership distinct from the board of trustees. In the latter case the by-laws shall prescribe the terms and qualifications of membership.

Supervision
by attorney
general

The corporation shall be subject at all times to examination on behalf of the state to ascertain the condition of its affairs and to what extent, if at all, it may fail to comply with trusts which it has assumed or may depart from the general purpose for which it is formed. Such right of examination shall pertain ex officio to the attorney general. In case of any such failure or departure the attorney general shall institute, in the name of the state, the proceedings necessary to correct the same. Except as specially approved by the attorney general there shall be no accumulation of income by such corporation for a period longer than five years.

Corporate
expenses

The expenses of the corporation may be apportioned to the extent necessary against the various trust funds and property held by it, in the manner which seems just and equitable to the corporation, and the meeting of such expenses shall be deemed a charitable or eleemosynary purpose.

Articles

The articles of incorporation of each such corporation shall set forth:

(a) Its name;

(b) That it is a nonprofit corporation organized solely for general charitable and eleemosynary purposes under section 606 of the Civil Code of California;

(c) The county in this state where the principal office for the transaction of the business of the corporation is to be located;

(d) The number of trustees, their terms of office and how they are to be chosen;

(e) The names and residences of the members of the first board of trustees;

(f) Any other matter which it is provided herein may or should be set out in the articles of incorporation.

Stats. 1927,
p. 291,
amended.

SEC. 38. Section 649a of the Civil Code is hereby amended to read as follows:

Duty of
secretary
of state.

649a. If the proposed articles of incorporation of any college or seminary of learning provide for the conferring of academic or professional degrees, the secretary of state shall ascertain whether the conditions stated in the articles have been complied with and shall not file such articles until he is satisfied that such conditions have been complied with.

Stats 1921,
p. 176,
amended.

SEC. 39. Section 653d of the Civil Code is hereby amended to read as follows:

653*d*. The articles of incorporation of any such association shall state:

Articles of association of cooperative associations.

The name of the association;

The purposes for which it is formed;

The county in this state where the principal office for the transaction of the business of the corporation is to be located;

The number of the directors thereof, and the names and residences of those selected for the first year, the amount which each member is to pay upon admission as a membership fee, and that each member signing the articles has actually paid in such sum, and that the interest and right of each member therein is to be equal.

SEC. 40. Section 653*o* of the Civil Code is hereby amended to read as follows:

Stats 1921, p. 177, amended

653*o*. The articles of incorporation of any such association shall state:

Articles of association of nonprofit cooperative agricultural associations

1. The name of the association;

2. The purpose for which it is formed;

3. The county in this state where the principal office for the transaction of the business of the corporation is to be located;

4. The number of directors thereof, which must not be less than three and which may be any number in excess thereof, and the names and residences of those selected for the first year and until their successors shall have been elected, and shall have accepted office;

5. Whether the voting power and the property rights and interest of each member shall be equal or unequal, and if unequal the articles shall set forth a general rule or rules applicable to all members by which the voting power and property rights and interests, respectively, of each member may and shall be determined and fixed, but the association shall have power to admit new members who shall be entitled to vote and to share in the property of the association with the old members, in accordance with such general rule. This provision of the articles of incorporation shall not be altered, amended, or repealed except by the unanimous written consent or the vote of all of the members.

SEC. 41. Section 653*v* of the Civil Code is hereby amended to read as follows:

Stats 1921, p. 466, amended

653*v*. The articles of incorporation of any such corporation shall state:

Articles of nonprofit cooperative corporations.

1. The name of the corporation.

2. The purpose for which it is formed.

3. The county in this state where the principal office for the transaction of the business of the corporation is to be located.

4. The number of directors thereof, which must not be less than three and which may be any number in excess thereof, and the names and residences of those selected for the first year and until their successors shall have been elected, and shall have accepted office.

5. Whether the voting power and the property rights and interest of each member shall be equal or unequal, and if unequal the articles shall set forth a general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively, of each member may and shall be determined and fixed, but the corporation shall have power to admit new members who shall be entitled to vote and to share in the property of the corporation with the old members, in accordance with such general rule.

Stats 1923,
p 225,
amended

Articles of
nonprofit
cooperative
associations
with or
without
capital
stock

SEC. 42. Section 653*hh* of the Civil Code is hereby amended to read as follows

653*hh*. The articles of incorporation of any such association shall state:

- (a) The name of the association.
- (b) The purposes for which it is formed.
- (c) The county in this state where the principal office for the transaction of the business of the corporation is to be located.

(d) The number of directors thereof, which must be not less than five (5) and may be any number in excess thereof; the term of office of such directors; and the names and residence of those who are to serve as incorporating directors for the first term, or until election and qualification of their successors.

(e) If organized without capital stock, whether the voting power and the property rights and interest of each member shall be equal or unequal; and if unequal, the general rule or rules applicable to all members by which the voting power and the property rights and interests, respectively, of each member may and shall be determined and fixed; and providing for the admission of new members who shall be entitled to vote and to share in the property of the association with the old members, in accordance with such general rule or rules. Any such provisions shall not be altered, amended, or repealed except by the written consent or vote of three-fourths of the members.

(f) If organized with capital stock, the amount of such stock and the number of shares into which it is divided and the par value thereof, also the total number of shares actually subscribed, the names of the subscribers and the number of shares, respectively, for which they have subscribed and the amount to be paid by them for such shares.

The capital stock may be divided into preferred and common stock. If so divided, the articles of incorporation must contain a statement of the number of shares of stock to which no preference is granted and the nature and definite extent of the preference and privileges granted.

Stats 1927,
p 1323,
amended

Incorporation of
libraries.

SEC. 43. Section 653*ab* of the Civil Code is hereby amended to read as follows:

653*ab*. Three or more persons may incorporate under this title for the purpose of establishing a library, to be conducted

without pecuniary profit. The articles of incorporation shall state that the corporation is formed under this title but otherwise shall contain the statements required by section 593.

SEC. 44. Sections 290*c*, 290*e*, 290*f*, 290*g*, 290½, 291, 293, 294, 295, 321*a*, 338, 339, 340, 341, 342, 343, 344, 345, 349, 360, 361, 473, 587*a*, 588, 590, 603 and 604*a* of the Civil Code are hereby repealed. Repealed

CHAPTER 712.

An act to amend sections 405, 406, 407, 408, 409 and 410 of chapter six, title one, part four, division one of the Civil Code, and to add three new sections to said chapter, to be numbered 411, 412 and 413, respectively, all relating to foreign corporations.

[Approved by the Governor June 6, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 405 of the Civil Code is hereby amended to read as follows:

Stats. 1927,
p 397.
amended
Foreign
corporations

405. In this chapter the term "foreign corporation" means a corporation not incorporated under the laws of this state. The term "articles" includes the articles or certificate of incorporation or of association filed by the corporation with the secretary of state or proper official of the state, territory, or government, under the laws of which such corporation is created, and any amendments thereof, and any certificates supplemental thereto, and any charter, statute, or governmental act creating it, and any charter, statute or governmental act amendatory thereof or supplemental thereto.

No foreign corporation shall transact intrastate business in this state or enter into repeated and successive transactions of its business in this state, other than interstate or foreign commerce, until it has filed with the secretary of state a copy of its articles duly certified by the secretary of state or other proper official of the government under the laws of which it was created, together with a verified translation of any part thereof in a foreign language, and a statement setting forth:

Documents
to be filed
with
secretary
of state

- (1) The location of its principal office,
- (2) The location of its principal office within this state,
- (3) The name of some person residing within the state upon whom process directed to such corporation may be served, and his business or residence address, which must be in the county in which the principal office of the corporation in this state is to be located,

- (4) Its irrevocable consent to such service, and to service of process on the secretary of state, in the event that the agent so designated or his successor is no longer authorized to act or

can not be found at the address given, and paid to the secretary of state a fee of one hundred dollars for filing such certified copy and a fee of five dollars for filing such statement. A copy of such articles, and any translation thereof, duly certified by the secretary of state of this state, must be filed with the county clerk of the county in this state in which the principal office of the corporation is located, and with the county clerk of any other county in this state in which the corporation owns real property.

Corporations organized for educational, religious, scientific or charitable purposes, and not issuing shares, and foreign nonprofit corporations, shall pay a fee of five dollars for filing their articles.

Stats. 1927,
p. 396,
amended
Service of
process

SEC. 2. Section 406 of the Civil Code is hereby amended to read as follows:

406. No foreign corporation which has filed with the secretary of state a designation of an agent for the service of process, pursuant to the requirements of any law in force at the time of such filing, need file with the secretary of state the statement provided for in section 405, except for the purpose of designating a new agent. Any foreign corporation may revoke any designation heretofore or hereafter made of an agent for the service of process by filing with the secretary of state a statement setting forth such revocation and containing the name of the new agent and all other matters required by section 405, and any such corporation may designate a new agent by filing with the secretary of state the statement required by said section.

Process directed to any foreign corporation may be served on the person so designated, or any managing or business agent of the corporation, or cashier or secretary, or in the event that the person so designated can not be found at the address given, with due diligence, or if no person has been designated, and no managing or business agent or cashier or secretary of such corporation can be found after diligent search, then on the secretary of state. A copy of such designation, certified by the secretary of state, is sufficient evidence of the appointment of such agent for the service of process.

Whenever process against a foreign corporation is served upon the secretary of state such service shall be made by delivering to the secretary of state, or to any person employed in his office in the capacity of a deputy, duplicate copies of such process, and a fee of five dollars, and, if the corporation has not filed with the secretary of state the statement required by section 405, there shall also be delivered to the secretary of state a statement of the address of such corporation to which notice, and a copy of such process, shall be sent, whereupon service of such process upon such corporation shall be deemed to be complete and shall constitute valid service on such corporation, and the corporation shall appear and answer within thirty days after such service on the secretary of state. Upon receipt of such process and fee the secretary of state shall forth-

with give notice to the corporation by telegraph, charges prepaid, both to its principal or home office and to its principal office in the state, of the service of such process, and shall forward to each of such offices by registered mail, a copy of such process, or in case he has no record of such corporation or such offices, then such notice shall be telegraphed and such copies shall be mailed to the corporation, at the address given in the statement delivered to the secretary of state at the time of such service; *provided, however*, that failure of the secretary of state to give such notice or to mail copies of such process shall not affect the validity of such service. The certificate of the secretary of state, under his official seal, of such service shall be competent and sufficient proof thereof. The secretary of state shall keep a record of all process served upon him and shall record therein the time of such service and his action in respect thereto.

SEC. 3. Section 407 of the Civil Code is hereby amended to read as follows:

407. The requirements of this chapter as to foreign corporations shall not apply to corporations engaged solely in interstate or foreign commerce.

Any foreign corporation qualified to transact intrastate business in this state at the time this act becomes effective shall be deemed to be qualified under this chapter.

SEC. 4. Section 408 of the Civil Code is hereby amended to read as follows:

408. Any foreign corporation required to comply with the provisions of this chapter, which transacts intrastate business in this state without complying therewith shall be guilty of a misdemeanor, and shall be subject to a fine of not less than five hundred dollars, nor to exceed one thousand dollars, to be recovered in any court of competent jurisdiction. Prosecution under this section may be brought by the attorney general or by any district attorney, and if brought by the latter, one-half of the fine collected shall be paid to the treasurer of the county in which the conviction was had, and one-half to the state treasurer. If brought by the attorney general, the entire amount of fine collected shall be paid to the state treasurer to the credit of the general fund of the state.

In addition to the penalty herein provided, no such foreign corporation shall maintain any action or proceedings upon any intrastate business or transaction in any court of this state until it has complied with this chapter.

If the corporation was not qualified at the time of the transaction out of which the cause of action arose, it shall not maintain nor defend any action or proceeding thereon until it shall have complied with the provisions of this chapter, and shall have paid to the secretary of state a penalty of two hundred fifty dollars in addition to the fees due for filing the copy and statement required by section 405, and shall file with the clerk of the court in which the action is pending, receipts showing the payment of said fees and penalty and all franchise taxes

Stats. 1905,
p. 831,
amended
Corporations
engaged in
interstate
commerce.

Stats 1927,
p. 397,
amended.
Corporations
engaged in
intrastate
commerce.

Actions and
defenses.

and any other taxes on business or property in this state that should have been paid for the period during which it transacted intrastate business. In case of the wilful or persistent violation of the provisions of this chapter the court may also adjudge a forfeiture to the other party of one-fourth of the amount of the recovery that may be obtained in any such action or proceedings.

Stats 1927,
p 398,
amended
Offenses and
penalties

SEC. 5. Section 409 of the Civil Code is hereby amended to read as follows:

409. Any person who transacts business in this state on behalf of a foreign corporation which is not authorized to transact business in this state, shall be guilty of a misdemeanor, and subject to a fine of not less than twenty-five dollars nor more than three hundred dollars.

Stats 1927,
p 1043,
amended
Corporations
with same
or similar
names

SEC. 6. Section 410 of the Civil Code is hereby amended to read as follows:

410. No corporation having the name of a domestic corporation or the name of a foreign corporation which is authorized to transact intrastate business in this state, or having a name so similar to that of any such corporation as to tend to deceive, shall be entitled to comply with the provisions of sections 405 and 406 of this code until it obtains an order from a court of competent jurisdiction permanently restraining the other corporation from doing business in this state under such name and unless it files with the secretary of state a copy of such order of court, duly certified by the clerk of said court; *provided*, that no corporation having a name which is the same as, or which resembles, so closely as to tend to deceive, a name which is under reservation, as provided in section 296a of this code, shall be entitled to comply with the provisions of sections 405 and 406 of this code, unless the certificate of reservation is presented to the secretary of state or it is established to the satisfaction of the secretary of state that said name was reserved for such use.

New section

SEC. 7. A new section is hereby added to chapter six of title one, part four, division one of the Civil Code, to be numbered 411, and to read as follows:

Withdrawal
from
business
within the
state

411. A foreign corporation which has qualified to transact business in this state may withdraw and surrender its right to engage in business within this state, by filing in the office of the secretary of state, a certificate executed and acknowledged by its president or vice president, and secretary or treasurer, setting forth:

Procedure

1. That it surrenders its authority to transact intrastate business in this state.

2. That it consents that process against it in an action upon any liability or obligation incurred within this state prior to the filing of the certificate of withdrawal may be served upon the secretary of state.

3. A post-office address to which the secretary of state may mail a copy of any process against such corporation that may be served upon him.

The revocation of authority to transact business shall not affect any action pending at the time. The mere retirement from transacting business within this state without filing a certificate of withdrawal shall not revoke the appointment of any agent upon whom process may be served within this state.

SEC. 8. A new section is hereby added to chapter six of title one, part four, division one of the Civil Code, to be numbered 412 and to read as follows: New section

412. The directors of a foreign corporation transacting business in the state shall be liable to the corporation, its shareholders, creditors, receiver or trustee in bankruptcy for the making of unauthorized dividends or distributions or false certificates, reports or public notices according to the laws of the state of incorporation. Such liabilities may be enforced in the courts of this state. Liability of directors

SEC. 9. A new section is hereby added to chapter six of title one, part four, division one of the Civil Code, to be numbered 413 and to read as follows: New section

413. Nothing contained in this chapter shall be construed to repeal, alter or amend the provisions of section 616 of the Political Code, or to prevent any foreign insurance company from carrying out the provisions of contracts made before the surrender of its right to engage in intrastate business in this state, nor the right to carry out contracts made with citizens of other states who may subsequently become citizens of or residents in this state. Construction.

The provisions of this chapter requiring the filing of copies of articles with the secretary of state and with county clerks shall not be applicable to foreign corporations which, prior to the eighth day of March, 1901, complied with the provisions of the act entitled "An act to amend 'An act in relation to foreign corporations,' approved April 1, 1872," approved March 17, 1899, but any such corporation and any other corporation which is qualified to do intrastate business in this state, upon the adoption, hereafter, of any amendment to its articles or any certificate supplemental thereto, or any act amendatory of or supplemental to the act creating it, must forthwith file with the secretary of state a copy thereof, certified by the proper official of the government under the laws of which it was created, and a verified translation thereof, if in a foreign language, and must file a copy thereof, certified by the secretary of state, with the county clerk of the county in which its principal office in this state is located and with the county clerk of any other county in which it owns real property.

CHAPTER 713.

An act to amend section 4283 of the Political Code, relating to the salaries and fees of officers of counties of the fifty-fourth class.

[Approved by the Governor June 6, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 799,
amended.
Counties of
54th class
(Del Norte)
officers and
employees

SECTION 1. Section 4283 of the Political Code is hereby amended to read as follows:

4283. In counties of the fifty-fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, three thousand dollars per annum. A deputy county clerk to be appointed by the county clerk and be paid a salary of one thousand dollars per annum. In counties of this class the county clerk is hereby allowed in addition to his salary, each year when a new registration is required, the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and be paid from the general fund of the county.

Sheriff.

2. The sheriff, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed two deputies who shall be appointed by the sheriff and be paid a salary of one hundred dollars per month; said salaries to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the sheriff is paid.

Recorder

3. The recorder, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, which office of copyist to the recorder is hereby created, and which copyist shall be appointed by the recorder and be paid the salary of seventy-five dollars per month; said salary to be paid by said county in monthly installments at the time and in the manner and out of the same fund as the salary of the recorder is paid; *and provided, further*, that from the time and in the event that said office of recorder is consolidated with that of auditor, the holder of the said consolidated office of recorder and auditor shall receive a salary of three thousand six hundred dollars per annum, and said auditor and recorder shall pay his own deputy or copyist.

Auditor

4. The auditor, three thousand dollars per annum; *provided*, that he shall receive the sum of no dollars per year from the time and in the event that said office is consolidated with that of recorder.

Treasurer

5. The treasurer, two thousand four hundred dollars per annum.

6. The tax collector, two thousand four hundred dollars per annum; a deputy to be appointed by the tax collector and be paid a salary of fifty dollars per month. Tax collector

7. The assessor, three thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy who shall be appointed by the assessor and be paid a salary of fifty dollars per month; and said salary to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the assessor is paid. Assessor.

8. The district attorney, two thousand seven hundred dollars per annum and such fees as are now or may hereafter be paid to that officer; a deputy district attorney to be appointed by the district attorney and be paid a salary of seventy-five dollars per month; and said salary to be paid by said county monthly and at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. District attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, one thousand eight hundred dollars per annum. Superintendent of schools.

12. The county surveyor, twenty dollars per day from and after the day on which this act becomes effective to the thirty-first day of December, 1927, when engaged in county work. On and after the first day of January, 1928, he shall receive ten dollars per day when engaged in county work. He shall also receive his actual and necessary expenses when at work in the field. Surveyor.

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships in counties of this class are hereby classified according to their population as follows: Classification of townships

Townships having a population of one thousand five hundred or more shall belong to and be known as townships of the first class. Townships having a population of less than one thousand five hundred shall belong to and be known as townships of the second class.

The population of the several townships shall be determined by the board of supervisors upon the enactment of this act, and also at the time of the formation of any new township or townships for the purpose of this and the succeeding subdivisions by the last federal census taken during the year 1920. Justices of the peace shall receive the following salaries: Justices of the peace

In townships of the first class the justices of the peace shall receive a salary of one hundred dollars per month and the supervisors may allow for rent, light and fuel of such justice, in the maintenance of his office, a sum not to exceed monthly twenty per cent of his salary.

In townships of the second class the justices of the peace shall receive a salary of three hundred dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of various townships in such counties, the codes of the state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper conduct of business.

Constables.

14. Constables, twenty-five dollars per month and such fees as are now or may be hereafter allowed by law.

Supervisors

15. Each member of the board of supervisors, twelve hundred dollars per annum and twenty cents per mile in traveling from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any session, regular or special, of the board.

Reporter.

16. In counties of this class the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal cases tried in said court and for preliminary examinations in justices' courts and the coroners' inquests, a monthly salary not to exceed one hundred fifty dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers; and for transcription of said notes when required he shall receive the sum of ten cents per folio for the original and five cents per folio for the copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury, and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party or jointly by both parties as the court may direct.

Jurors' fees

17. The fees of grand jurors and trial jurors in the superior courts of said counties of this class in civil and criminal cases, shall be three dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

CHAPTER 714.

An act to amend section 1415 of the Code of Civil Procedure, relating to powers, duties and obligations of special administrators.

[Approved by the Governor June 6, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1415 of the Code of Civil Procedure is hereby amended to read as follows:

1415. The special administrator must collect and preserve for the executor or administrator, all the goods, chattels, debts, and effects of the decedent, all incomes, rents, issues and profits, claims, and demands of the estate; must take the charge and management of, enter upon, and preserve from damage, waste and injury, the real estate, and for any such and all necessary purposes may commence and maintain or defend suits and other legal proceedings as an administrator; he may sell such perishable property as the court may order to be sold, and exercise such other powers as are conferred upon him by his appointment, but except when the powers, duties and obligations of a general administrator, are conferred upon a special administrator as hereinafter provided, he is not liable to an action by any creditor on a claim against the decedent. The special administrator may commence and maintain all proceedings, do all acts, and apply for and obtain all orders and decrees, authorized and provided for, in or by article five of chapter seven of title eleven of part third of this code, in the same manner and with like effect as an executor or administrator. When a special administrator is appointed pending determination of a contest of a will instituted prior to the probate thereof, or pending an appeal from an order appointing, suspending or removing an executor or administrator, such special administrator shall have the same powers, duties and obligations as a general administrator, and the letters of administration issued to him shall recite that such special administrator is appointed with the powers of a general administrator. If, during the administration of any estate now pending or hereafter begun a special administrator has been appointed and, following such appointment, a proceeding to contest a will prior to the probate thereof, has been instituted the court shall make an order providing that such special administrator shall thereafter have the additional powers, duties and obligations of a general administrator, and requiring that such special administrator shall give such additional bond as the court deems proper; such order shall not be appealable; from the time of the making of said order and the approving and filing of any such additional bond as may be required said special administrator shall likewise have the additional powers, duties and obligations of a general administrator.

Stats 1921,
p 536,
amended

Powers and
duties of
special
adminis-
trators

Appointment
pending
determina-
tion of con-
test of will

Additional
powers and
duties

CHAPTER 715.

An act to amend an act entitled "An act to amend an act entitled 'An act to amend section 1 of an act entitled "An act amending an act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund" provided for in said act,' approved March 24, 1911, as amended, approved May 23, 1925, as amended."

[Approved by the Governor June 6, 1929. In effect August 14, 1929.]

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

Stats. 1925,
p 1008,
amended

SECTION 1. Section 1 of an act to amend an act entitled "An act to amend an act entitled 'An act to amend section 1 of an act entitled "An act amending an act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund" provided for in said act,' approved March 24, 1911, as amended, approved May 23, 1925, as amended," is hereby amended to read as follows:

Appropriation:
creation of
revolving
fund.
Use of
fund.

Section 1. The sum of two hundred thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to provide and maintain a permanent revolving fund to be used exclusively in payment of jute, and other materials, to be used in the jute mill in San Quentin state prison, for the payment of operating expenses of the jute mill, and for the purchase and replacement of equipment for the jute mill at said prison. Said fund shall at all times contain the amount of two hundred thousand dollars, either in cash or assets, consisting of raw material and finished and unfinished products inventoried at cost, or both. Any cash surplus or balance existing by reason of the income from the sale of the products of said jute mill after the payment, for jute and other materials, operating expenses and equipment and equipment purchased for the jute mill shall be paid into the state treasury to the credit of the general fund, such surplus or balance remaining after the replenishment of said fund to be determined or identified as the accrued balance or surplus over and above the amount herein appropriated as set forth in the books and records of account at the San Quentin prison.

Disposition
of surplus.

CHAPTER 716.

An act to amend section 4248 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the nineteenth class.

[Approved by the Governor June 6, 1929. Certain provisions of this act in effect August 14, 1929. Remainder of act in effect January 1, 1930.]

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

SECTION 1. Section 4248 of the Political Code is hereby amended to read as follows: Stats 1927,
p. 902,
amended

4248. In counties of the nineteenth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Counties of
19th class
(Solano)
officers and
employees

1. The county clerk, three thousand six hundred dollars per annum, and such fees as are allowed by law for issuing hunting and fishing licenses, and for the naturalization of persons desiring to become citizens; also five hundred dollars additional per year for the registration of voters. He shall also be allowed to appoint one chief deputy, which office of chief deputy is hereby created, who shall receive as compensation the sum of two thousand four hundred dollars per annum payable out of the same fund and in the same manner as the salaries of other county officers are paid. He shall also be allowed to appoint one copyist, which office of copyist is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid; *and provided, further*, that in any year when a registration of voters is required by law, that said county clerk may appoint such number of deputies, who are hereby designated and shall be known as registration deputies, with full power to register electors as may be necessary for the convenient registration of voters in their respective precincts or townships, each of said registration deputies to receive the sum of ten cents per name for each elector registered by him. The compensation of such registration deputies for such registration of electors shall be paid out of the general fund of the county on a duly verified claim therefor approved by said county clerk and allowed by the board of supervisors of said county. Clerk.

2. The sheriff, four thousand five hundred dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any court outside of the superior court in and for his county. He shall appoint a jailer to take charge of the branch county jail at a salary of one thousand five hundred dollars per annum, an undersheriff at a salary of two thousand one hundred dollars per annum, a deputy jailer at a salary of two thousand dollars per annum, who shall act as a jailer for the county jail, and a deputy jailer at a salary Sheriff.

of two thousand dollars per annum, and the salaries of which deputies shall be paid by the county in the same manner and out of the same fund as the salaries of other county officers are paid.

Recorder

3. The recorder, three thousand dollars per annum. He shall also be allowed one deputy, which office of deputy recorder is hereby created, who shall receive as compensation the sum of two thousand one hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officials are paid. He may also appoint such copyists as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their services the sum of six cents per folio for actual work done in copying and comparing any instrument to be recorded (except maps and plats) and for making copies of any records or papers. The compensation of the copyists herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; *provided*, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as such copyists and the amount due to each for such copying and comparing. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid into the county treasury.

Auditor

4. The auditor, three thousand dollars and such fees as are allowed by law. The auditor shall also be allowed one deputy, which office of deputy auditor is hereby created, who shall receive as compensation the sum of two thousand four hundred dollars per annum. In addition to said deputy the county auditor shall have the right to employ from time to time in his office such additional assistants as may be required to promptly perform the work required to be done therein. Such assistants shall receive a salary not to exceed five dollars each for each day they are actually and necessarily employed and not to exceed the sum of seven hundred fifty dollars in any one year. The deputy and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer

5. The treasurer, three thousand dollars per annum. He shall also be allowed one deputy which office of deputy treasurer is hereby created, who shall receive as compensation the sum of two thousand four hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

6. The tax collector, three thousand dollars per annum and his actual and necessary expenses when engaged in the collection of taxes in the various townships of the county; *provided*, *however*, such expenses shall not in any one year exceed the sum of one hundred dollars. He shall also be allowed one

deputy, which office of deputy tax collector is hereby created, who shall receive as compensation the sum of two thousand four hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of the other county officers are paid. In addition to said deputy, the county tax collector, shall have the authority to employ from time to time in his office one additional assistant as may be required to promptly perform the work necessary therein. Said assistant shall receive a salary not to exceed five dollars per day and not to exceed the sum of seven hundred fifty dollars in any one year. The deputy and assistant herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

7. The assessor, four thousand dollars per annum, and his actual and necessary traveling expenses, when engaged in assessing the properties of his county; *provided*, such traveling expenses shall not in any one year exceed the sum of two hundred dollars. He shall also be allowed one deputy which office of deputy is hereby created, who shall receive as compensation two thousand four hundred dollars per annum, and one office deputy for the months of March, April, May and June each year which office of deputy is hereby created, who shall receive as compensation one hundred dollars per month during the months of March, April, May and June of each year. The salaries of which deputies payable out of the same fund and in the same manner as the salaries of other county officers are paid, and such additional deputies and clerks as the assessor may appoint, at a salary not to exceed five dollars per day each, not to exceed one thousand dollars per annum, said additional deputies and clerks to be paid for their services on the presentation and filing with the board of supervisors of said county, duly verified claims therefor. The assessor shall also receive six per cent of all personal property taxes collected by him and all fees and commissions allowed him by law for collection of poll taxes and preparation of roll of persons subject to military duty.

Assessor

8. The district attorney, three thousand dollars per annum. In counties of this class the district attorney may appoint a deputy district attorney, which office of deputy district attorney is hereby created, and said deputy district attorney shall receive as compensation for all services performed, the sum of two thousand four hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of other county officials are paid. He shall be allowed one stenographer which office of stenographer is hereby created, who shall receive as compensation one thousand five hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

District
attorney

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator

10. The public administrator, eight hundred dollars per annum.

Superintendent of schools

11. The superintendent of schools, three thousand dollars per annum and traveling expenses while visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of the superintendent of schools; *provided*, the superintendent of schools may appoint one deputy which office of deputy is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid.

Surveyor

12. The surveyor, three thousand dollars per annum and in addition thereto all necessary expenses, such as transportation and pay for help which may be necessary for the performance of county duties. He shall also be allowed to appoint one clerk, which office of clerk is hereby created and who shall receive as compensation the sum of one thousand five hundred dollars per annum.

Justices of the peace.

13. Justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them: In townships having a population of six thousand or more, one hundred fifty dollars per month; in townships having a population of one thousand five hundred and less than six thousand, one hundred dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of five hundred and less than one thousand, twenty dollars; in townships having a population of less than five hundred, ten dollars. Each justice must pay into the county treasury, once a month, all fines and fees collected by him in criminal and civil cases as provided for by law.

Constables

14. Constables, the following salaries which shall be paid monthly as salaries of the county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of one thousand eight hundred and more, one hundred twenty-five dollars; in townships having a population of one thousand five hundred and less than one thousand eight hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. For the purpose of this

section, the basis of calculation for fixing the compensation of justices and constables above mentioned, the population of the different townships of the county shall always be based upon the figures as shown by the last United States census; *provided, however*, that whenever the census of any township or townships shall have been taken under the provisions of this title, said census may become the basis of calculation.

15. Each member of the board of supervisors, one thousand ^{Supervisors} hundred dollars per annum for all services rendered including mileage and including services as road commissioners; *provided*, that when required to go on business to any point outside of the county, they shall be allowed actual expenses.

16. Each member of the county board of education shall ^{Board of education} receive ten cents per mile for traveling from his or her residence to the county seat; *provided*, that mileage be not allowed for more than two meetings in any one month.

17. Sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, and the provisions ^{Effective} of section 14 relating to townships having a population of one thousand eight hundred and more shall go into effect ninety days after final adjournment of the Legislature.

The salaries herein allowed are in full compensation for all ^{Fees} duties performed by either principals or their deputies and all fees of every kind collected by each officer or his deputy except the assessor and his deputies as provided in section 7 of this act shall be paid into the county treasury as provided by law except that the county clerk, sheriff, auditor, assessor, coroner, and constables, shall each be allowed the fees and commissions as provided for in subdivisions 1, 2, 4, 7, 9, and 14, respectively, of this act.

SEC. 2. The provisions of this act, so far as they are ^{Construction of act.} substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

SEC. 3. This act shall become effective January 1, 1930. ^{Effective date.}

CHAPTER 717.

An act to amend section 4280 of the Political Code, relating to the compensation of officers in counties of the fifty-first class.

[Approved by the Governor June 6, 1929 Certain provisions of the act in effect immediately Remainder of act in effect August 14, 1929.]

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

SECTION 1. Section 4280 of the Political Code is hereby ^{Stats. 1927, p. 1052, amended.} amended to read as follows:

Counties of
51st class
(Lake).
officers and
employees

4280. In counties of the fifty-first class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

Clerk.

1. The county clerk, two thousand dollars per annum and such fees as he may be by law allowed to retain; *provided*, that in counties of this class there shall be one deputy clerk who shall be appointed by the county clerk, who shall receive a salary of one thousand five hundred dollars per annum, one deputy who shall be appointed by the county clerk, to serve such times as may be required by the county clerk, and who shall receive a salary of fifty dollars per month; which said salaries of said deputies shall be paid by said county in the same manner and out of the same funds as the salary of the county clerk; *and provided*, that in any year when a new register of voters is required by law said county clerk may appoint such number of deputy clerks as may be necessary for the convenience of registration of voters, each of said deputies or clerks to receive the sum of ten cents per name for each elector registered by him whose name appears on the great register at the November election. Said sum to be paid out of the general county fund, on the presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by the county clerk.

Sheriff.

2. The sheriff, two thousand four hundred dollars per annum, and the fees or commissions for the services of all papers issued by any court of the state outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county issued by a magistrate or court within his county and his reasonable and necessary expenses incurred in the performance of the duties of his office in criminal matters, said expenses to be allowed by the board of supervisors as other county charges are allowed; *provided*, that in counties of this class there shall be, and there is hereby allowed to the sheriff one deputy sheriff who shall be appointed by the sheriff, and who shall receive a salary of one thousand five hundred dollars per annum, which shall be paid by the county in equal monthly installments at the same time and in the same manner, and out of the same funds as the salary of the sheriff is paid.

Recorder

3. The recorder, one thousand six hundred dollars per annum; *provided*, that when the amount of fees collected by said recorder in any month shall exceed the sum of three hundred dollars, the recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of three hundred dollars collected by him in such month, *provided*, that in counties of this class there shall be one deputy recorder who shall be appointed by the recorder and who shall receive a salary of one thousand two hundred dollars per annum. The salary of said deputy to be paid at the same

time and in the same manner and out of the same fund as the recorder is paid.

4. The auditor, two thousand two hundred dollars per annum in lieu of all fees and commissions; *provided*, that in counties of this class there shall be one deputy auditor who shall be appointed by the county auditor and who shall receive a salary of one thousand five hundred dollars per annum; one deputy for one hundred fifty days at four dollars and twenty-five cents per diem; one assistant for fifty days at ten dollars per diem; two assistants for thirty days each at four dollars per diem each. Auditor.

5. The treasurer, nine hundred dollars per annum and the fees or commissions now or hereafter allowed by law. Treasurer

6. The tax collector, two thousand dollars per annum; *provided*, that in counties of this class there shall be one deputy tax collector who shall be appointed by the tax collector and who shall receive a salary of one thousand five hundred dollars per annum as chief deputy; two deputies for seven months of each year to serve at such times to be designated by the tax collector and to receive a salary of one hundred dollars per month each. Tax collector.

7. The assessor, two thousand dollars per annum and the fees or commissions now or hereafter allowed by law; *provided*, he shall also have one deputy for a period of six months in each year at a salary of one hundred twenty-five dollars per month; two assistants for a period of four months in each year at a salary of one hundred dollars per month, and the salaries of which shall be paid by said county at the same time and in the same manner, and out of the same funds as the salary of the assessor: *provided*, that the board of supervisors shall allow the traveling expenses of the assessor and his deputies, necessarily incurred in the performance of the duties of said office, not to exceed the sum of four hundred dollars per year, to be allowed and paid as other claims against the county are allowed and paid, at the rate of ten cents for each mile actually traveled. Assessor

8. The district attorney, two thousand dollars per annum. District attorney

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator

11. The superintendent of schools, two thousand two hundred dollars per annum; *provided*, that he shall have an assistant for a period of seventy-five days in each year to serve at times to be designated by such officer at a salary of four dollars per diem, which office is hereby created, and the salary of which deputy shall be paid by the county at the same time and in the same manner, and out of the same funds as that of the superintendent of schools; *provided*, that the board of supervisors shall allow the traveling expenses of the superintendent of schools necessarily incurred in the performance of said office, not to exceed the sum of Superintendent of schools

three hundred dollars per year, to be allowed and paid as other claims against the county are allowed and paid.

Surveyor.

12. The county surveyor, the sum of ten dollars per day for all work performed for the county; *provided*, that in counties of the fifty-first class the board of supervisors shall provide the county surveyor with a suitable office, office furniture, heat, light and care for the same, office and record books and other necessary material, and also all necessary expenses and transportation on work performed in the field.

Justices of the peace

13. In counties of this class justices of the peace in all townships shall be paid the sum of three hundred dollars per annum, payable monthly, at the same time and in the same manner and out of the same fund as county officers are paid.

Constables.

14. Constables, each the sum of three hundred dollars per annum, which shall be paid in the manner and the same time and out of the same funds as county officers are now paid. The above compensation shall be in lieu of all other fees received for services, and said fees shall be accounted for to the auditor and paid into the county treasury.

Supervisors.

15. Each member of the board of supervisors shall receive a salary of nine hundred dollars per annum for his services as supervisor, and a further sum of twenty cents per mile, mileage, in traveling to and from his residence to the county seat; and for his services as road commissioner he shall receive a salary of six hundred dollars per annum; *provided*, that after January first, one thousand nine hundred thirty-one, he shall receive ten cents per mile, mileage, for every mile actually traveled in the performance of his duties as road commissioner; *provided*, that he shall not receive more than five hundred dollars in any one year as such mileage.

Board of education

16. Each member of the board of education excepting the superintendent of schools shall receive five dollars per day as compensation for his services when in actual attendance upon said board and mileage at the rate of ten cents per mile, one way only, from his residence to the place of meeting of said board. Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools. Claims for such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as the claims against the county are allowed. The compensation of the members of the board of education herein provided for, is not in addition to that provided in section 1770 of this code.

Jurors.

17. In counties of this class, for attending as a grand juror or as a trial juror, for each days attendance the sum of four dollars per day, and as mileage twenty cents per mile in traveling to and from the county seat.

Witnesses

18. In counties of this class witnesses shall be allowed for each day's actual attendance, when legally required to attend upon the superior court in criminal cases, the fee allowed by

law and his actual and necessary expenses as shall be determined by the court.

The provisions of this act are not intended to and do not increase or diminish the compensation of the officers herein mentioned, but are intended to change the same to a fixed salary basis wherever a salary is provided for compensation of such officers. Intent
of act

The provisions of this act shall become effective immediately upon its passage in so far as providing additional deputies and assistants for the offices herein mentioned are concerned. Provisions
effective
immediately

If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. Constitu-
tionality.

All acts and parts of acts in conflict with this act are hereby repealed. Repealed

CHAPTER 718.

An act to amend section 76 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article one of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended and to add a new section to said act to be numbered 76a, relating to the foreclosure of bonds.

[Approved by the Governor June 6, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 76 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article one of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain

Stats 1927.
p 1411.
amended

assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, is hereby amended to read as follows:

City treasurer to list properties on which taxes are unpaid

Sec. 76. It shall be the duty of the city treasurer one (1) month prior to the date it is provided by ordinance or charter of the municipality that taxes are due, or in case taxes are collected by the county for the city on or before the fourth Monday in September of each year, to certify to the city tax collector or in case the city taxes are collected by the county, to the county tax collector, a list of the properties within said city upon which any payment either of principal or of interest has not been paid when due upon any bond issued under part three of this act. The tax collector shall cause to be pasted or attached to or stamped or printed upon the tax bill or tax receipt a notice which shall in substance be as follows:

Tax collector's notice.

"Notice of Delinquency.

Form of notice

There is a street improvement bond chargeable against this property, payment upon which is delinquent, which must be paid to the city treasurer without delay to avoid foreclosure."

In case the county collects city taxes the notice herein provided to be attached to or pasted to the tax bill or tax receipt shall, if the county tax collector so requires, be prepared by the city treasurer and shall be forwarded to the county tax collector on or before the dates herein provided for forwarding said list and the city treasurer shall, if the county tax collector so requires, stamp or attach said notices to the tax bill or receipt.

Stats 1911, p 763, amended Foreclosure of bonds

SEC. 2. A new section to be known as section 76a is hereby added to said act, and to read as follows:

Sec. 76a. In the event of the nonpayment of any installment of the interest or principal and by way of a separate, distinct and cumulative remedy, the holder of any bond upon which any payment either upon the principal or of the interest has become delinquent may, at any time after three months after the date it is provided by ordinance or charter of said city that taxes are due, or in case taxes are collected by the county for the city at any time after four (4) months next succeeding the fourth Monday of September, following the date of delinquency of principal or interest and prior to the expiration of four (4) years after the due date of the last installment upon any bond or of the last principal coupon attached thereto, file and maintain a suit to foreclose the lien of the bond and recover the amount due thereon; provided, however, that suit may be brought at any time following the expiration of thirty (30) days after the service of personal demand for payment as herein provided upon the owner of the premises. Such demand shall be served in the manner provided by law for the making personal service of summons; if suit be brought costs for the service thereof shall be allowed in an amount equivalent to the fees prescribed by law for the service of summons. Said demand shall be in substantially the following form:

Form of demand for payment

“Demand for Payment of Street Improvement Bond.

You are hereby notified that Bond No. ----- Series No. ----- for an improvement in the city of ----- is delinquent. Unless the amount of the unpaid principal on said bond together with interest and penalties is paid to the city treasurer on or before thirty days after the service on you of this demand, the date of such service being this ----- day of -----, 19-----, the undersigned will institute suit to foreclose the lien of said bond in the manner prescribed by law.”

The complaint in such suit shall be sufficient if a true copy of the bond be therein set forth and appropriate allegations be made therein regarding the payments made upon the principal and interest of such bond. If personal demand for payment be made as herein provided the complaint shall so allege. Such suit shall be brought in the superior court within whose jurisdiction the city is by which the said bond has been issued and in case the owner of the lot, or parcel of land covered by said bond, can not with due diligence be found, the service of summons in such action may be had in the manner prescribed in the codes and laws of this state. The said bond, together with proof either orally by the said treasurer of the said city or by a certificate signed by him showing the non-payment of any of the principal or interest upon said bond, shall be prima facie evidence of the right of the plaintiff to recover in said action; *provided*, that if personal demand for payment be made proof of service of the demand as herein provided shall be required. The court in said suit shall have the power to adjudge and decree a lien against the lot or parcel of land covered by said bond and to cause said premises to be sold as in other cases of the sale of real estate by the process of said court to satisfy and discharge such bond and lien, and the amount of interest and penalties due shall be calculated in the same manner hereinbefore set forth in sections 62 and 68 hereof, up to the date of the judgment. On appeal, the appellate courts shall have the same power to adjudge and decree a lien and order such premises to be sold as is conferred on the court from which an appeal is taken. The court having jurisdiction of said cause shall also fix and allow a reasonable attorney's fee for the prosecution of said suit.

The plaintiff in the suit may also recover the cost of any abstract or report of search of title procured in good faith, in order to determine ownership, such search to be by a reputable abstractor or title company, and such cost not to exceed five dollars per lot, and such abstract or report to search with affidavit of payment to be filed in the action.

Such premises, if sold, may be redeemed as in other cases. Such action shall be governed and regulated by the provisions hereof, and also when not in conflict herewith, by the codes of this state.

A written notice of the pendency of any action for recovery on a bond shall be filed with the treasurer after the filing

Notice of
action on
bond.

of such notice the treasurer shall not receive any money on account of said bond and he shall have no authority to cancel the entries on said bond in his register or give a discharge of said bond without the written consent of the owner thereof until judgment has been rendered in such action or the same has been dismissed.

Should suit be brought for recovery on any bond prior to the time provided herein, the plaintiff shall not recover in such suit and the defendant in such suit shall be entitled to have and recover such attorney fees as the court may deem reasonable, in addition to all taxable costs.

CHAPTER 719.

An act to amend section 2 of the "County improvement act of 1921," approved June 3, 1921, as amended.

[Approved by the Governor June 6, 1929. In effect August 14, 1929.]

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

Stats 1927,
p 1398,
amended

SECTION 1. Section 2 of the county improvement act of 1921, approved June 3, 1921, as amended, is hereby amended to read as follows:

Maintenance
and
operation

Sec. 2. The board of supervisors may, in its resolution declaring its intention to order work done or improvements made or by separate resolution, declare its intention to order that the expenses of maintaining and operating any or all of said improvements or any or all other existing improvements such as are permitted to be constructed herein, including the cost of necessary repairs, replacements, fuel, power, electrical current, care, supervision, and any and all other items necessary for the proper maintenance and operation thereof, shall be assessed, either partly or wholly, upon the lands lying within the district to be benefited by and to be assessed to pay the cost of the construction of said improvement, or upon such district as the board of supervisors shall determine will be benefited by the maintenance and operation of the improvements proposed to be maintained; the amounts so assessed to be levied and collected in the same manner and by the same officers as taxes for county purposes are levied and collected. Said resolution shall describe the boundaries of the district benefited and to be assessed for such maintenance and operation (which district shall hereafter in this act be designated and referred to as the maintenance district), or if said improvements or any part thereof to be maintained be constructed in the same proceeding, it may describe said district as being the same boundaries as those of the district to be assessed for the cost of constructing said improvement, which district in either case may be designated by a name by which it may thereafter be referred to in

all subsequent proceedings, including proceedings for the levy and collection of taxes.

At any time not later than the hour for hearing objections to the proposed work as provided in said improvement act of 1911, or at any time not later than the time fixed in the resolution of intention for hearing of objections, if the resolution of intention provides for maintenance only, any person permitted by the provisions of said act to make written protest against the proposed work or against the extent of the district to be assessed therefor, or both, may make like protest and in like manner against the ordering of the formation of the maintenance district or against the extent of said maintenance district, or both, at the time set for hearing protests as prescribed in said act. The board of supervisors, in addition to hearing protests against the proposed work or improvement and the extent of the district to be assessed therefor, shall hear and pass upon all protests against the formation of the maintenance district and against the extent thereof, and its decision shall be final and conclusive; *provided*, that when the board of supervisors finds that the protest against the formation of the maintenance district is made by the owners of more than one-half of the area of the property included within such district, no further proceedings shall be taken for a period of six months from the date of the decision of the board of supervisors on said hearing, unless said protests be overruled by an affirmative vote of four-fifths vote of the members of the board of supervisors. The board of supervisors may adjourn said hearing from time to time.

In the event that the board of supervisors, in its resolution of intention, shall declare its intention to order a maintenance district formed, the notice of improvement provided for in said improvement act of 1911 shall likewise give notice of such declaration of intention and that protests against the same may be filed and will be heard in accordance with the provisions of this act.

The board of supervisors shall be deemed to have acquired jurisdiction to order that such a maintenance district be formed to be assessed to pay the costs of maintaining and operating the improvement constructed at the same time or any or all other existing improvements such as are permitted to be constructed herein, and in the same manner prescribed in said improvement act of 1911 for the acquiring of jurisdiction to order the construction of improvements, and it may thereupon order the formation of such a maintenance district for such purpose, which order may be contained in the resolution ordering the construction of work or improvements in those cases where such work or improvement is provided to be done in the resolution of intention.

Thereupon a copy of said resolution ordering the formation of the maintenance district shall be filed in the office of the county assessor and the county assessor shall thereafter, in making up the assessment roll, segregate the property included within such

district on the assessment roll under the designation contained in said resolution. The board of supervisors shall thereafter, in each year, prior to the time of fixing the county tax rate, estimate the cost of maintaining and operating the said improvements to be maintained and operated within said district during the ensuing year. Said board shall decide whether or not the cost of the same shall be borne wholly or partially by the said maintenance district and shall, in addition to all other taxes, fix a special tax rate for the lands within said assessment district sufficient to raise an amount of money to cover the expense of maintaining said improvements during the ensuing year, or such portion of said amount as the board of supervisors shall determine shall be borne by said district, and the board of supervisors shall levy a special assessment tax each year upon the lands in such district sufficient to pay such expense or said portion of such expense. Such special assessment tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes and when collected shall be paid into the county treasury to the credit of the fund of such maintenance district and be used for the payment of the expenses of such district, and said board shall have the power to control and order the expenditure thereof for said purposes.

Contributions by supervisors.

The board of supervisors may contribute toward the cost of such work or maintenance and shall have the power in its discretion to temporarily transfer moneys to said maintenance district fund from other funds in which such moneys are not immediately needed, the money so transferred to be used for the purposes herein provided and to be retransferred therefrom out of the first available receipts.

Consent of city

The maintenance district in this section provided for may include property lying within an incorporated city or cities; *provided*, that the consent of the legislative body of such incorporated city or cities, expressed by resolution, to the formation of such district shall first be obtained before the resolution of intention is adopted by the board of supervisors.

CHAPTER 720.

An act to amend section 274a of the Code of Civil Procedure, relating to the duties and compensation of phonographic reporters for the superior court.

[Approved by the Governor June 6, 1929. In effect August 14, 1929.]

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

Stats 1911,
p 499,
amended

Phono-
graphic
reporters;
duties and
compensation

SECTION 1. Section 274a of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

274a. Judges of the superior court may have any opinion given or rendered by such judge in the trial of any action or proceeding, pending in such court, or any necessary order, petition, citation, commitment or judgment in any probate

proceeding, proceeding concerning new or additional bonds of county officials, or juvenile court proceeding, or necessary order, petition, citation, commitment, testimony or judgment in any insanity proceeding or proceedings relative to an alleged feeble-minded person, or the evidence in, or any other part or the whole of, any proceeding in which the custody or support of minor children is involved, taken down in shorthand and transcribed by the official reporter of such court; but if there be no official reporter for such court, then by any competent stenographer or typewriter, in either case the cost thereof to be a legal charge against the county, payable out of the county treasury in the manner set forth in section 274 of this code.

CHAPTER 721.

An act to repeal section 274b of the Code of Civil Procedure, relating to compensation of official reporters.

[Approved by the Governor June 6, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 274b of the Code of Civil Procedure is hereby repealed. Stats 1909,
p. 1082,
repealed

CHAPTER 722.

An act to amend section 274 of the Code of Civil Procedure, relating to the fees of phonographic reporters.

[Approved by the Governor June 6, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 274 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1903,
p. 234,
amended.

274. Fees. For his services the official reporter shall receive the following fees, except in counties where a statute provides otherwise. Fees of
phonographic
reporters

For reporting testimony and proceedings, in contested cases, fifteen dollars per day. For reporting each default or uncontested action or proceeding the reporter's fee shall be five dollars; *provided, however*, that if more than four defaults or uncontested matters are reported in any one day, the reporter's fee in each such matter shall be at the rate of twenty dollars per day. Reporting
testimony
and pro-
ceedings in
contested
cases, etc.

For transcription for one copy, twenty cents per one hundred words; for two copies made at one time, fifteen cents each per one hundred words; for three copies made at one time, eleven cents each per one hundred words; for four Transcrib-
ing

copies made at one time, nine cents each per one hundred words; and for five or more copies made at one time, eight cents each per one hundred words.

Criminal cases, etc.

In criminal cases and in any case or proceeding wherein the custody or support of a minor child is involved and in which the court specifically so directs the fees for reporting and for transcripts ordered by the court to be made must be paid out of the county treasury upon the order of the court; *provided*, that when there is no official reporter in attendance, and a reporter pro tempore is appointed, his reasonable expenses for traveling and detention must be fixed and allowed by the court and paid in like manner.

Civil cases, etc.

In those civil cases where the instructions given by the court are not from written instructions or where written instructions submitted are changed by the court, the court may order the transcription of the instructions or any part thereof given to the jury and the fee for the transcription shall be a legal charge against the county, payable out of the county's treasury and the county auditor shall draw his warrant therefor when properly approved by the judge ordering the same. The fees for reporting and for all other transcriptions ordered by the court to be made must be paid by the parties in equal proportion, and either party may, at his option, pay the whole thereof; and, in either case, all amount so paid by the party to whom costs are awarded must be taxed as costs in the case. The fees for transcripts and copies ordered by the parties must be paid by the party ordering the same. No reporter must be required to perform any service in a civil case until his fees therefor have been paid to him or deposited with the clerk of the court.

CHAPTER 723.

An act to amend section 4253 of the Political Code, relating to the salaries of the county officers of counties of the twenty-fourth class.

[Approved by the Governor June 6, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 1056,
amended

SECTION 1. Section 4253 of the Political Code is hereby amended to read as follows:

Counties of
24th class
(Monterey)
officers and
employees

4253. In counties of the twenty-fourth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, three thousand dollars per annum; *provided*, that the county clerk shall have the power to appoint two deputies at a salary of two thousand four hundred dollars each per annum, one deputy at a salary of one thousand five

hundred dollars per annum, and also one deputy to serve only during such years as general elections may be held, at a salary of one thousand eight hundred dollars per annum, such deputies to be paid at the same time and in the same manner as other county officers are paid; *provided, further*, that the county clerk shall receive for compiling the great register, and for services in connection with elections, the additional sum of one thousand two hundred dollars per annum; *and provided, further*, that he shall also receive and retain, for his own use and benefit, all such fees and commissions as now are, or which hereafter may be, allowed by law.

2. The sheriff shall receive, as full compensation for all ^{Sheriff} services required of him by law, the sum of four thousand two hundred dollars per annum; *provided*, that the sheriff shall be allowed the amount of the actual and necessary expenses incurred by him in the performance of his official duties; *and provided*, that there shall be, and there hereby is, allowed to the sheriff three deputies at a salary of two thousand four hundred dollars each per annum, and one deputy at a salary of two thousand one hundred dollars per annum and one deputy, to be known as clerk and jailer at a salary of one thousand eight hundred dollars per annum; one deputy, to be known as county jail matron at a salary of nine hundred dollars per annum. The deputies herein provided for shall be appointed by the sheriff, and shall be paid out of the county treasury in equal monthly installments, and in the same manner and at the same time as other county officials are paid. The sheriff shall pay into the county treasury at the close of each month all fees, mileage and per diems received by him as sheriff during the month, accompanied by a statement of the sources from which the same were received. It is hereby found as a fact that the changes specified and provided for in this section in respect to the salaries do not effect an increase in the compensation of the sheriff.

3. The recorder, two thousand four hundred dollars per ^{Recorder.} annum; *provided*, that there shall be, and there hereby is, allowed to the recorder one chief deputy, at a salary of one thousand eight hundred dollars per annum, and one additional deputy at a salary of one thousand five hundred dollars per annum; *provided, further*, that the recorder may appoint such additional deputies as may be necessary to act as copyists, and who shall receive, as compensation for such services, the sum of six cents per folio for recording instruments or notices of all kinds, except maps and plats, and for making copies of any record; *and provided*, that the recorder shall pay into the county treasury all fees received by him in his official capacity from whatsoever source the same may be derived. The deputies herein provided for shall be appointed by the recorder, and shall be paid at the same time and in the same manner as other county officials are paid.

Provided, however, that if the photostat system of recordation be installed and put into effect in the said recorder's

office, there shall be allowed to the recorder, to be appointed by him, the following deputies only, to be paid at the time and in the manner as other county officials are paid, to wit: One chief deputy, at a salary of one thousand eight hundred dollars per annum; one indexing deputy at a salary of one thousand five hundred dollars per annum; and three additional deputies, to serve as copyists and operators, at a salary of one thousand five hundred dollars each per annum.

Auditor.

4. The county auditor, three thousand dollars per annum; *provided*, that there shall be allowed to the auditor, to be appointed by him, one chief deputy, at a salary of two thousand one hundred dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum, and one deputy at a salary of one thousand three hundred eighty dollars per annum; *provided, further*, that the auditor may appoint or employ such additional assistants as he may require, the aggregate compensation therefor not to exceed the sum of three hundred dollars per year; the said deputies and assistants to be paid at the same time and in the same manner as other county officials are paid.

Provided, further, that in the event the county auditor shall serve as, and perform the duties of, the county purchasing agent, he shall receive, as full compensation for such services, the sum of nine hundred dollars per annum.

Treasurer

5. The treasurer, three thousand dollars per annum; *provided*, that the treasurer shall have the power to appoint one deputy, at a salary of one thousand five hundred dollars per annum, payable at the same time and in the same manner as other county officials are paid; *and provided*, that the treasurer shall receive and retain for his own use and benefit, all such fees and commissions as now are, or hereafter may be, allowed by law.

Provided, further, that from the time and in the event that said office is consolidated with that of tax collector, the holder of the said consolidated office of treasurer and tax collector shall receive a salary of three thousand six hundred dollars per annum; that there shall be and is hereby allowed: One chief deputy at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand five hundred dollars per annum; *provided, further*, that the holder of said consolidated office of treasurer and tax collector may appoint such additional assistants as he may require, at a salary not to exceed one hundred twenty-five dollars per month each, the aggregate amount therefor not to exceed the sum of one thousand five hundred dollars per annum.

Tax collector

6. The tax collector, two thousand four hundred dollars per annum; *provided*, that there shall be allowed to the tax collector one deputy at a salary of one thousand five hundred dollars per annum, and three additional deputies, to serve for

periods of five months, three months, and two months, respectively, during each year, at a salary of one hundred dollars each per month. The deputies herein provided for shall be appointed by the tax collector, and shall be paid at the same time and in the same manner as other county officials are paid; *provided*, that he shall receive the sum of no dollars per year from the time and in the event that said office is consolidated with that of treasurer.

7. The assessor, four thousand two hundred dollars per annum; *provided*, that there shall be allowed to the assessor one deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum; one assistant for a period of three months of each year at a salary of one hundred dollars per month; four field deputy assessors, for not to exceed three months of each year, at a salary of two hundred dollars each per month, and seven additional field deputy assessors for not to exceed two months of each year at a salary of two hundred dollars each per month, but the aggregate amount which may be expended in any one year for all such field deputies shall not exceed five thousand two hundred dollars. The deputies and assistants provided for herein shall be appointed by the assessor, and shall be paid at the same time, and in the same manner, as other officers are paid.

Provided, that in the event the assessor or any of his full time deputies shall engage in actual field work in assessing property, he or said deputies shall be allowed actual and necessary traveling expenses incurred in the discharge of official duties, but not to exceed the aggregate sum of one thousand five hundred dollars in any one year; and *provided*, that the assessor shall deposit in the county treasury all fees by him received, from whatsoever source the same may be derived.

8. The district attorney, three thousand six hundred dollars per annum; *provided*, that the district attorney shall be allowed the amount of his actual and necessary traveling and other expenses, when incurred in connection with the prosecution of criminals, within the county; *provided, further*, that the district attorney shall have the power to appoint two deputies, at a salary of one thousand eight hundred dollars per annum each, the salary of each of such deputies to be paid at the same time and in the same manner as that of other county officers. That in counties of this class there shall be and is hereby allowed to the district attorney one stenographer who shall be appointed by the district attorney at a salary of one thousand eight hundred dollars per annum with the understanding that said stenographer shall act as reporter at all coroner's inquests, without extra compensation, and shall so far as possible take depositions and statements and confessions of prisoners. Said deputies and stenographer to be paid at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Coroner.

9. The coroner one thousand five hundred dollars per annum; *provided*, that the coroner shall be allowed the amount of his actual and necessary expenses when in the discharge of his official duties outside of the county seat, including mileage at the rate of twenty-five cents for each mile necessarily traveled in going to each of such places where he may hold an inquest, together with an allowance of the sum of two dollars for summoning a jury. The coroner shall also be allowed two deputies, who shall act without compensation, except that they shall be allowed the amount of their traveling expenses for necessary travel outside of the county seat in the performance of their duties. The salary and allowances herein provided for shall be compensation in full for all services rendered by the coroner; *provided, however*, that when the coroner shall act as or in the place of the sheriff he shall be allowed the same fees that are allowed to the sheriff for like services.

Public administrator

10. The public administrator, such fees as now are, or hereafter may be, allowed by law.

Superintendent of schools

11. The superintendent of schools three thousand three hundred dollars per annum, together with the amount of his actual traveling expenses when visiting schools of the county; *provided*, that the superintendent of schools shall have the power to appoint two deputies, one of whom shall receive a salary of one thousand eight hundred dollars per annum, and the other a salary of one thousand three hundred eighty dollars per annum, the salary of each of such deputies to be paid at the same time and in the same manner as that of other county officers.

Surveyor

12. The surveyor, one thousand eight hundred dollars per annum for all work performed for the county, and in addition thereto he shall be allowed his actual and necessary traveling and other expenses in connection with field work, and the cost of preparing maps, plats, block books and tracings for the assessor when directed by him to do so; *provided, however*, that if the county surveyor shall be appointed superintendent of permanent highways in the county, constructed under bond issue, pursuant to any statute in this state providing for the appointment of such superintendent, the surveyor shall receive the additional sum of three thousand dollars per annum as compensation for his services as such superintendent of permanent highways.

Justices of the peace.

13. The justices of the peace shall receive the following monthly salaries, respectively, to be paid each month as the salaries of the county officers are paid, which shall be in full for all services rendered by them: (1) In each township having a population of more than ten thousand the justice of the peace shall receive a salary of two hundred dollars per month. (2) In each township having a population of more than five thousand and less than ten thousand, the justice of the peace shall receive a salary of one hundred fifty dollars per month; *provided, however*, that in each case where there are two or more justices of the peace in any such township, or

where two or more offices of justice of the peace may be hereafter created in any such township, the salary of each of such justices of the peace shall be one hundred dollars each per month; (3) in each township having a population of two thousand five hundred, but less than five thousand, sixty-five dollars per month; (4) in each township having a population of one thousand five hundred, but less than two thousand five hundred, sixty dollars per month; (5) in each township having a population of one thousand, but less than one thousand five hundred, forty-five dollars per month; (6) in each township having a population of five hundred, but less than one thousand, thirty-five dollars per month; (7) and in each township having a population of less than five hundred, thirty dollars per month. Each justice of the peace shall pay into the county treasury each month all fees and fines collected by him; *and provided, further*, that the county board of supervisors may, in its discretion, furnish and provide suitable offices for the transaction of the business of any one or more of the justices of the peace.

14. The constables shall receive the following monthly Constables salaries, respectively, to be paid as the salaries of the county officers are paid, which shall be payment in full for all services rendered by them in all criminal cases or criminal matters: (1) In each township having a population of five thousand or more, one hundred dollars per month; (2) in each township having a population of two thousand five hundred, but less than five thousand, fifty dollars per month; (3) in each township having a population of one thousand five hundred, but less than two thousand five hundred, forty-five dollars per month; (4) in each township having a population of one thousand, but less than one thousand five hundred, thirty-five dollars per month; (5) in each township having a population of five hundred, but less than one thousand, thirty dollars per month; (6) and in each township having a population of less than five hundred, twenty dollars per month; *provided*, that, in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for necessary traveling expenses in his own district, for the service of a warrant of arrest, or any other process in a criminal case, or other criminal matters, when such service is in fact made, both going and returning, ten cents per mile; for each mile traveled out of his county, both going and returning from the place of arrest in the service of process, five cents per mile; and for transporting any person to the county jail, ten cents per mile each way. In addition to the monthly salary allowed him herein, each constable shall receive for his own use such fees in civil cases as now are or hereafter may be specified by law.

15. The supervisors, the sum of one thousand two hundred Supervisors dollars each per annum, and twenty cents per mile for all distances actually traveled in the performance of his duty as road commissioner, not to exceed two hundred dollars per annum, together with mileage, at the rate of twenty cents per

mile, in going only, from his place of residence to the county seat at each session of the board.

Reporter.

16. In each county of the twenty-fourth class, the official phonographic reporter of the superior court shall receive, for his services in reporting testimony and proceedings in court, and for the transcription thereof, such compensation and fees as now are, or hereafter may be, prescribed by law; *provided, however,* that when the court reporter is on duty in chambers in assisting the judge in his work, or is otherwise engaged therein, although not engaged in reporting testimony or proceedings in the court, he shall be allowed, and shall receive, the sum of ten dollars per day.

Librarian

17. The county librarian shall receive a salary of two thousand one hundred dollars per annum.

Population
of town-
ships.

18. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several townships shall be ascertained and determined by the board of supervisors by multiplying by three and one-half the vote cast for presidential electors in each township at the next preceding election therefor.

CHAPTER 724.

An act to provide for the assessment, levy and collection of taxes for the support of the state government for the eighty-first and eighty-second fiscal years.

[Approved by the Governor June 6, 1929. In effect immediately.]

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

Levy and
collection of
tax for
support of
state govern-
ment,
eighty-first
fiscal year

SECTION 1. The state board of equalization shall, between the first Monday in March and the first Monday in July in the year 1929 for the support of the state government assess and levy taxes upon the property in the manner and upon the rates of taxation as provided for in section 14 of article thirteen of the constitution of the State of California, or if any rate of taxation shall have been changed by the Legislature pursuant to the subdivision (f) of said section and article, then upon such rate of taxation as so changed and fixed, for the purpose of raising the sum of forty-nine million nine hundred thirty-eight thousand eight hundred fifty dollars for annual expenditure for the support of the state government for the eighty-first fiscal year, and in the event that the taxes so assessed and levied, together with all other state revenues, shall not raise said sum of forty-nine million nine hundred thirty-eight thousand eight hundred fifty dollars, then said revenues shall be deemed insufficient to meet the annual expenditures of the state for the eighty-first fiscal year, which deficiency is hereby declared to be the difference between the amount of said taxes together with all other state revenues, and said sum of forty-

nine million nine hundred thirty-eight thousand eight hundred fifty dollars, then said state board of equalization, in accordance with the provisions of subdivision (e) of said section 14 of article thirteen of the constitution of the State of California, at the time provided in section 3696 of the Political Code, shall fix such an ad valorem rate of taxation for the said eighty-first fiscal year upon each one hundred dollars in value of taxable property, upon all the property in the State of California as, after allowing five per cent for delinquencies, will raise for said eighty-first fiscal year the amount of said deficiency.

SEC. 2. The state board of equalization shall, between the first Monday in March and the first Monday in July in the year 1930, for the support of the state government, assess and levy taxes upon the property in the manner and upon the rates of taxation as provided for in section 14 of article thirteen of the constitution of the State of California, or if any rate of taxation shall have been changed by the Legislature pursuant to subdivision (f) of said section and article, then upon such rate of taxation as so changed and fixed by the laws now in force, for the purpose of raising the sum of forty-nine million nine hundred thirty-eight thousand eight hundred fifty dollars for annual expenditure for the support of the state government for the eighty-second fiscal year; and in the event that the taxes so assessed and levied, together with all other state revenues, shall not raise the said sum of forty-nine million nine hundred thirty-eight thousand eight hundred fifty dollars, then said revenues shall be deemed insufficient to meet the annual expenditures of the state for the eighty-second fiscal year which deficiency is hereby declared to be the difference between the amount of said taxes, together with all other state revenues, and said sum of forty-nine million nine hundred thirty-eight thousand eight hundred fifty dollars, then said state board of equalization, in accordance with the provisions of subdivision (e) of said section 14 of article thirteen of the constitution of the State of California, at the time provided in section 3696 of the Political Code, shall fix such an ad valorem rate of taxation for said eighty-second fiscal year upon each one hundred dollars in value of taxable property, upon all the property in the State of California, as, after allowing five per cent for delinquencies, will raise for said eighty-second fiscal year the amount of said deficiency.

Eighty-second
fiscal year.

SEC. 3. Any tax so levied and collected to meet a deficiency in state revenues for either of said fiscal years shall be assessed, levied and collected on all property in the state under the provisions of the Political Code relating to the assessment, levy and collection of state and county taxes as said provisions were in force on the seventh day of November in the year 1910.

Manner of
assessment,
levy and
collection

SEC. 4. This act, inasmuch as it provides for a tax levy for the usual current expenses of the state, shall, under the provisions of section 1 of article four of the constitution of the State of California, take effect immediately.

In effect
immediately

CHAPTER 725.

An act to amend sections 1, 2, 11, 16 and 24b of an act entitled "An act to promote the drainage of wet, swamp, and overflowed lands, or lands otherwise needing surface or underground drainage or protection from storm water overflow, and to promote the public health in the communities in which they lie; providing for the issuance of bonds and levying of assessments on lands benefited, to pay the costs and expenses thereof," approved May 18, 1919; as amended April 13, 1927, relating to contents of petition, extent of district, award of contract, date and form of bonds, and reassessments, and to add thereto a new section numbered 24c, relating to rights of way.

[Approved by the Governor June 6, 1929. In effect August 14, 1929.]

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

Stats. 1927,
p 220,
amended

SECTION 1. Section 1 of an act entitled "An act to promote the drainage of wet, swamp, and overflowed lands, or lands otherwise needing surface or underground drainage or protection from storm water overflow, and to promote the public health in the communities in which they lie; providing for the issuance of bonds and levying of assessments on lands benefited to pay the costs and expenses thereof," approved May 18, 1919; as amended April 13, 1927, is hereby amended to read as follows:

Petition for
establish-
ment of
drainage
system.

Section 1. Whenever twenty or more property owners or the owners of a majority of the land within a district proposed to be organized under this act, which district contains wet, swamp or overflowed lands, or lands otherwise needing surface or underground drainage or protection from storm water overflow, susceptible of drainage or protection from overflow by ditches, drains, conduits, pipe lines, systems of ditches, drains, conduits or pipe lines, or a combination thereof, and which said district is to be benefited by the construction of any improvements contemplated by this act, shall file with the board of supervisors of the county in which said lands are situated a petition for the establishment of such ditches, drains, conduits, pipe lines, systems of ditches, drains, conduits, pipe lines, or a combination thereof, as may be necessary to drain or protect said lands, defining in a general way only, by naming the roads, rivers, property lines, section lines or other general description, the approximate boundary of the district proposed to be benefited, said board shall within sixty days after the filing of said petition, and as provided in section 3 of this act, grant or deny the same. If said petition is granted the board of supervisors shall instruct the county surveyor to prepare plans and specifications for the improvement. The plans for the improvement shall contain a map or plat of the district on which shall be clearly shown

Plans

in full detail the exterior boundaries of the district. The boundaries of the district as shown on said map or plat may include more or less territory than that indicated by the petition and shall include all the land which in the opinion of the county surveyor will be benefited by the improvement contemplated. Said boundaries may be changed by the board of supervisors at the hearing on the resolution of intention, as provided in section 6 of this act to exclude lands which in its judgment will not be benefited by the improvement.

Boundaries

The plans shall contain one or more sheets on which are shown clearly the location, size and type (open earth ditch, pipe, conduit, or other type) of improvement to be constructed and shall have indicated thereon (but may not have the exact location shown) all manholes, catch basins, special structures and appurtenances.

Plans to show special improvements.

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

Stats. 1927, p. 221, amended.

Sec. 2. Whenever a portion of the lands in the district proposed to be formed hereunder, and to be benefited thereby, lies within the boundaries of more than one county, the petition shall be presented to the board of supervisors of the county within which lie the greatest portion of lands of the proposed district, signed by at least ten property owners, or the owners of a majority of the land of the district within each of the counties to be affected, which petition shall be described in a general way only, the proposed boundaries of such district, and all other matters required by section 1 hereof.

Lands in more than one county

Said board of supervisors of the county within which lie the greatest portion of the lands of the proposed district shall have jurisdiction to proceed as in the manner herein provided, and the officers of said county having jurisdiction, shall, as provided in this act, be the officers of said district and shall have the powers and duties herein provided. The several notices in this act provided to be given or published shall, wherever possible, be respectively given or published in the manner prescribed, within the boundaries of the several counties respectively.

Jurisdiction.

Upon filing with the recorder and tax collector of said counties of the certified copy of the plat and report of the engineer of construction and the order of said board levying the special assessments as hereinafter provided, said county or counties other than the county having jurisdiction shall each year collect and pay over to the county having jurisdiction, the total amount of the assessments levied for said year upon the lands within their respective boundaries as levied in said report of the engineer of construction and adopted by the order of the board of supervisors of the county having jurisdiction. Thereafter all costs of every nature, which may be incurred or made necessary in the maintenance of, changes in, additions to or extensions of the work or improvement done under the provisions of this section, shall be borne

Payment of assessments

by the district and the necessary funds shall be provided as set forth in section 23a of this act.

When
portion of
municipality
included.

Whenever the construction of any ditch, drain, conduit or pipe line, or system of ditches, drains, conduits or pipe lines or a combination thereof for the drainage or protection of any such wet, swamp, or overflowed lands or lands otherwise needing surface or underground drainage, or protection from storm water overflow, will benefit the territory within a municipality, or when said board of supervisors find that all or any portion of the territory within a municipality will be benefited by the improvement, such territory may be included within the boundaries of such proposed district.

Lands
within
boundaries
of two or
more
municipalities

Whenever the lands within the proposed district lie entirely within the boundaries of two or more municipalities the board of supervisors shall have jurisdiction to form and maintain a drainage district within such municipalities; *provided*, that the consent of the legislative body of each municipality within the proposed district, expressed by resolution adopted by a two-thirds vote of all of the members of each such legislative body, shall be obtained prior to the passage of the resolution of intention provided for in section 6 hereof.

Any such territory included within a district formed under this act shall be subject to its provisions. Any work or any improvement herein contemplated to be done may be done either within or without the boundaries of the district organized therefor as may be necessary properly to drain or protect the lands within said district.

Stats 1927,
p. 225,
amended
Award of
contract

SEC. 3. Section 11 of said act is hereby amended to read as follows:

Sec. 11. Said board shall, in open session, open and examine and declare the same. No proposal or bid shall be considered unless accompanied by such check or such bond in terms satisfactory to the board. The board may reject any and all proposals or bids should it deem it for the public good, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work to the lowest responsible bidder at the price named in his bid.

Notice of
award.

A notice of such award, attested by the clerk of the board of supervisors shall be transmitted to the successful bidder by mail by the clerk of the board of supervisors, and shall also be published and posted in the manner herein provided as to the notice inviting proposals or bids.

Disposition
of check
or bond.

The check or bond accompanying such accepted proposal or bid shall be kept by the clerk of said board until the contract for doing said work, as hereinafter provided, has been entered into. Checks or bonds of unsuccessful bidders shall be returned by the clerk of said board. If said successful bidder fails, neglects or refuses for fifteen days after being awarded the contract to execute the same, the certified check accompanying his bid, and the amount thereof shall be declared forfeited to the county, and may be collected by it and paid into the interest and

sinking fund of the district, and any bond forfeited may be prosecuted, and the amount thereof collected and paid into said fund.

Before being entitled to a contract the bidder to whom the award thereof has been made must advance and pay to the clerk of the board of supervisors, the costs and expenses of publishing and posting the resolutions, notices and orders required under this act to be made, which have been made, given, posted or published in the proceeding.

Any person interested in the said proceeding may at any time within ten days from the first publication of the notice of award file with the clerk of the board of supervisors a statement in writing specifying any particulars in which he may be aggrieved by the said proposed work and any and all objections he may have to the regularity or legality of the proceedings theretofore had or taken. The failure to file such written statement shall constitute and be a complete waiving of each and every objection to the proceedings theretofore had or taken and an estoppel and bar to any and all claims that the same or any portion thereof have been or are irregular, illegal, defective, erroneous or faulty; *provided*, that the resolution of intention provided for in section 6 hereof has been adopted and published.

If for twenty days after the first publication of the notice of award, the awardee fails, neglects, or refuses to execute a contract for the same, the board of supervisors may direct the clerk of the board to give notice as in the first instance, inviting sealed proposals or bids, and thereupon after receiving bids shall award the contract as in the first instance; and the said board shall proceed in the same manner in the case of the default of a second or subsequent awardee.

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

Sec. 16. Upon the expiration of twenty days after the making of the final order provided in section 15 of this act, the clerk of the board of supervisors shall transmit to the county treasurer of the county an attested copy of said final order, and upon receipt of the same, the treasurer shall proceed to issue bonds bearing the date of said final order, amounting in the aggregate to the principal sum for which bonds are to be issued as the same is stated in said final order. A bond may be issued in any amount, provided that the aggregate of the bond or bonds made payable in any one year is the proper part of the whole principal of the bond issued as specified in said final order, and that the interest thereon shall be payable as hereinafter provided. The said bonds may in form, and shall in substance, be as follows:

Advance
payment
of expenses

Objections
to proposed
work.

Failure to
execute
contract

Stats 1927,
p. 227,
amended.

Issuance of
bonds

Form of
bonds.

DRAINAGE DISTRICT IMPROVEMENT BOND.

County of _____, State of California,
Drainage Improvement District No. ____

\$_____ Bond No. _____

Under and by virtue of an act of the Legislature of the State of California, known as the "Drainage district improvement act of 1919" (here may be inserted a further designation of the act if desired) the county of _____, State of California, will pay to the bearer, out of the fund hereinafter designated, at the office of the treasurer of the said county on the _____ day of _____, 19____, the sum of _____ dollars in gold coin of the United States of America, with interest thereon in like gold coin at the rate of _____ per cent per annum, payable semi-annually on the _____ day of _____, and the _____ day of _____ each year from the date hereof (the last installment thereof shall be payable at maturity of this bond) upon presentation and surrender, as they respectively become due, of the proper interest coupons hereto attached, the first of which is for interest from date hereof to the next date of interest payment, and the last for interest to maturity hereof from the last preceding date of interest payment.

This bond is issued under and in conformity with the provisions of said drainage district improvement act of 1919, and the amendments thereof, and is one of a series of bonds of like date and effect numbered from one to _____ consecutively, amounting in the aggregate to _____ dollars, issued in behalf of drainage improvement district No. _____ of said county.

It is hereby certified, recited and declared that all proceedings, acts and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed, and this bond is by law made conclusive evidence thereof.

This bond is payable out of drainage district improvement No. _____ interest and sinking fund exclusively, as the same appears on the books of the treasurer of said county, and neither said county nor any officer thereof shall be holden for its payment otherwise.

In witness whereof, said county has caused this bond to be signed by the chairman of its board of supervisors and countersigned by its treasurer and the seal of said board to be hereto affixed and said interest coupons to be signed by said treasurer this _____ day of _____, 19____.

Chairman of the board of supervisors
of the county of _____, California.
Countersigned

Treasurer of the county of _____,
California.

(Seal of board of supervisors)

Said bonds shall be signed by the chairman of the board of supervisors and countersigned by the treasurer of the county, and shall have the seal of said board of supervisors thereto affixed, and when so signed shall be binding according to the terms thereof as prescribed in said form. The interest coupons attached to the said bonds shall be in such form as said treasurer may determine, subject to the provisions of this act and the approval of the board of supervisors. Said coupons need be signed only by the treasurer, either in writing or by lithographed or printed facsimile. Said bonds shall be delivered by said treasurer to said contractor or to his order, assignee, or lawful representative.

Signatures.

Coupons.

The board of supervisors is hereby vested with power to determine the number of years, not to exceed twenty, within which the aggregate principal of bonds to be issued under this act shall be paid and discharged, and to fix the rate of interest to be paid thereon, not to exceed seven per cent per annum and it shall be a sufficient determination and fixing of the same to set forth in the resolution of intention that bonds will issue for the work in any terms that will fairly indicate such time and such rate and the fractional part of the principal to be paid each year. It may be provided in the said resolution that the first payment of principal shall become due either two, three, four or five years after the date of said bonds. The number of installments of payment of principal shall be named in the resolution of intention. The amount of the principal due in each annual payment need not be exactly the same, but with respect to each installment excepting the last may be made to differ not more than one thousand dollars from the amount obtained by dividing the total bond issue by the number of installments. Each installment excepting the last shall be an even multiple of one hundred dollars. The last installment shall be for the balance of the total issue not provided to be paid in the previous installments.

Terms and interest.

The interest payment on said bonds shall become due and payable semiannually on such dates as will cause the final installment thereof to become due and payable on the date of the maturity of the bond in the manner indicated in the said form of bond. Interest and principal shall be payable at the office of the county treasurer in gold coin of the United States of America; but it shall not be necessary, either in the resolution of intention or otherwise, to set forth or determine the days of the month on which payments of interest are to be made, nor that payments shall be made in such gold coin, nor that payments shall be made at such treasurer's office, but all persons are charged with notice of the contents of this section, especially in the aforesaid particulars.

Interest payments

SEC. 5. Section 24b of said act is hereby amended to read as follows:

Stats 1927.
p. 230.
amended.

Sec. 24b. Whenever any court of competent jurisdiction shall determine that any contract purporting to have been made, or any proceedings, steps or actions purporting to have

Court order
enjoining
work, if
proceedings
invalid

been taken, or any bond or bonds issued under this act, is or are void, invalid or unenforceable, or shall for any cause enjoin the issuance of any bonds proposed to be issued under this act, or shall enjoin the performance of the work or improvement or the making of an assessment upon the lands within the district, or shall quiet title of any lot or parcel of land against the lien of any such bonds or assessments, said court shall also determine whether any work has been done or improvements have been made in good faith by any contractor under said invalid contract or proceeding or under any contract pursuant to which bonds were issued, or are proposed to be issued, and if so what part, if any, of said work or improvement was of such kind as might have been ordered under the provisions of this act. If the court shall find that any work or improvement of such kind as might have been ordered under this act has been done or performed in good faith by any contractor under or in pursuance to a contract purporting to have been made under the provisions of this act, then the said court shall direct the board of supervisors, who conducted the proceeding, to take proceedings as in this section provided for the issuing of new bonds to cover the reasonable value of said work or improvement. Said board of supervisors may also without any decree of court, upon written application of a contractor, who may have done or performed in good faith any work or improvement pursuant to a contract purporting to have been made under this act, or of the assignee of such contractor, after the work or improvement shall have been accepted, determine that the proceedings authorizing said work or improvement or the acceptance thereof are for any reason invalid, and direct that new proceedings be had as provided in this section for the issuance of bonds to cover the reasonable value of so much of said work or improvement as is of a kind which might have been ordered and performed under this act.

Intent
of act.

It is hereby declared to be the true intent and meaning of this section to make the cost and expenses of all work or improvements made or to be made through an attempted compliance with the provisions of this act payable by the lands benefited or to be benefited by such work or improvement, by the issuance of new bonds to defray the expenses thereof, but that all payments of principal or interest on void or unenforceable assessments or bonds shall be credited to the property against which they were assessed or attempted to be assessed.

New bond
issue.

Upon a decree of court or an order of the board of supervisors having been made as above provided, said board shall cause to be made by the county surveyor, or some other county officer or by some other competent person appointed by it for that purpose, a report for a proposed new bond issue. Said report shall set forth a description of the work or improvement done or performed by said contractor or his assignee pursuant to the contract referred to in said decree of court or order of

the board, which work or improvement has been found by said court or said board to be of such kind as might have been ordered under this act, and shall state the reasonable value of said work or improvement (which shall not exceed the aggregate of the original contract price for said work or improvement, together with the incidental expenses of the original proceedings for said work or improvement, and if the work or improvement has been accepted it shall also include interest upon said total from the date of the original acceptance of said work or improvement by the board of supervisors at the same rate proposed for the new bond issue). Said report shall contain a description of the district benefited by said improvement. In the event that the original proceedings contemplated an assessment upon lands within the district in accordance with the provisions of section 12 of this act then said report shall contain a proposed assessment of each separate parcel of land within the district benefited by said improvement, which assessment shall conform as nearly as may be with the report required by section 12 hereof, and shall be accompanied by a map or plat as therein provided. In the event that the resolution of intention provided for the levy and collection of special assessment taxes in accordance with the provisions of sections 12a, 12b, and 12c of this act then said report shall contain a map and statement showing the matters and things provided for in section 12a hereof.

In the event any payments have been made on the principal or interest of any bonds previously issued, which have been declared invalid, by the payment of any special assessment taxes, by the owners of land within the assessment district, the amounts of such payments shall be ascertained and deducted from the amount for which new bonds are to be issued under this section and said report shall set forth the amount of the payments made and state that a credit or offset is to be made for said amount in the issuance of such new bonds.

Upon the filing of said report the board of supervisors shall fix a day, hour and place, for a hearing thereon, which time shall not be less than twenty days after the time of filing said report, and shall direct the clerk of said board to give notice of the filing of said report and of said hearing. The said clerk shall thereupon cause notice of the time and place of such hearing to be given by publication in the newspaper designated in the resolution of intention by at least two insertions therein not more than eight days apart. When, before the day of hearing specified in said notice, twenty days, including Sundays and holidays, have elapsed since the first publication of said notice the board of supervisors shall have acquired power to proceed with such hearing. Said notice shall state the fact of the filing of said report and shall contain (a) a general description of the location and extent of the work or improvement sufficient to identify the same; (b) a description of the district benefited by said work or improve-

Hearing of
report.

Notice

ment as contained in said report; (c) either a statement that said report contains an assessment proposed to be levied on each separate parcel of land within said district to retire the bonds proposed to be issued and to pay the interest thereon for each year during which said assessment shall continue, or a description of the zones, if any, into which such district is to be divided, and a statement of the percentage to be raised from the land in each of such zones each year for the payment of the installments of principal and interest on the bonds proposed to be issued; (d) a statement of the reasonable value of the work or improvement together with the incidental expenses of the original proceedings and the amount of interest, if any, upon said total; (e) the amount of the payments of principal or interest made upon the bonds previously issued, if any, and the credit or offset to be deducted in the issuance of such new bonds; (f) the total amount of the proposed new bond issue and a description of the bonds proposed to be issued, which bonds shall be as nearly as possible the same as to maturity, rate of interest, and other particulars as the bonds described in the original proceedings for said work or improvement, correcting any errors or irregularities, that may have existed in the bonds in said original proceedings.

Contents of
notice

Said notice shall advise all persons interested that at the time fixed for the hearing of said report or at the time to which said hearing may be continued any person may appear and be heard upon any of the matters set forth in said report. Said board of supervisors shall have power to confirm said report and to revise, correct or modify the same in respect to any of the matters therein contained either as to the amount or character of the work or improvement done or the reasonable value thereof, the extent of the district to be benefited thereby, the amount of assessment levied upon any particular parcel of land within such district, the zones, if any, into which said district is divided, the percentages to be raised in each or any of said zones, the amount of deductions or offsets by reason of payments of principal or interest upon previously issued bonds, the amount of the bonds proposed to be issued, the maturity or rate of interest thereon, or as to any other matter set forth in said report.

Determina-
tion of
board of
supervisors.

At the conclusion of the hearing the board of supervisors shall adopt a resolution declaring its findings and determinations in the matter, which shall be final and conclusive upon all persons in all proceedings as to all matters so found and determined. If no changes are made in the matters set forth in said report it shall be sufficient in said resolution to declare that said report is confirmed and that bonds shall be issued as therein provided, but if any changes are made such changes shall be set forth and it may be declared that said report is confirmed as so modified by the changes set forth. The clerk of the board of supervisors shall transmit an attested copy of said resolution to the treasurer and upon receipt of the same the treasurer shall immediately proceed to issue the bonds as

therein ordered, which said bonds shall be dated as of the date of the adoption of said resolution. Said bonds shall be issued and signed in all respects by the same officers and in the same manner and form as if issued pursuant to the provisions of section 16 of this act. Said bonds by their issuance shall be conclusive evidence of the regularity of all proceedings prior thereto under this act and after the same are issued no assessment or tax levied or collected for the purpose of paying the principal or interest on said bonds shall be held illegal or set aside or refunded by reason of any error, informality, irregularity, omission, or defect in any of the proceedings prior to the issuance of said bonds, nor shall any action or proceeding be thereafter commenced or maintained to cancel or set aside said bonds or prevent the payment thereof or the levy, collection or enforcement of any assessment or taxes for such payment.

SEC. 6. A new section numbered 24c is hereby added to said act to read as follows:

Stats 1927,
p. 231,
amended
Power to
construct
drains or
conduits

Sec. 24c. The board of supervisors shall have power to construct drains or conduits along, under or across any road, street, alley, avenue, highway, or public property within or without the district; *provided*, that such drains or conduits are constructed in such manner as to afford security for life and property and in a manner which shall not necessarily impair the usefulness of the same, and said board of supervisors shall restore the road, street, alley, avenue, highway, or public property so used to its former state as near as may be.

CHAPTER 726.

An act to amend sections 409 and 410 of the Political Code, relating, respectively, to the fees to be collected by the secretary of state and to the distribution by the secretary of state of the laws, resolutions and journals of the Legislature and of decisions of the supreme court and of the district courts of appeal.

[Approved by the Governor June 6, 1929. In effect August 14, 1929.]

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

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

Stats. 1927,
p. 1126,
amended.
Fees to be
collected by
secretary
of state.

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

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

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

Fees to be
collected by
secretary
of state

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

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

5. For filing articles of incorporation, if the capital stock amounts to twenty-five thousand dollars or less, fifteen dollars; if the capital stock amounts to over twenty-five thousand dollars, and not over seventy-five thousand dollars, twenty-five dollars; if the capital stock amounts to over seventy-five thousand dollars and not over two hundred thousand dollars, fifty dollars; if the capital stock amounts to over two hundred thousand dollars and not over five hundred thousand dollars, seventy-five dollars; if the capital stock is over five hundred thousand dollars and not over one million dollars, one hundred dollars; if the capital stock is over one million dollars, fifty dollars additional for every five hundred thousand dollars or fraction thereof of capital stock over and above one million dollars; for filing articles of incorporation not providing for a capital stock, unless otherwise provided for, five dollars; for filing articles of incorporation provided for in sections 653*d*, 653*o*, and 653*v* of the Civil Code, fifteen dollars; for filing articles of incorporation provided for in section 653*hh* of the Civil Code, fifteen dollars if no capital stock is provided for.

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

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

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

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

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

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

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

13. For each commission, passport, or other document signed by the governor and attested by the secretary of state (pardons, military commissions, commissions issued to nonsalaried state officers, and extradition papers excepted) five dollars.

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

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

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

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

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

19. For each notary public commission signed by the governor and attested by the secretary of state, five dollars.

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

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

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

SEC. 2. Section 410 of the Political Code is hereby amended to read as follows:

410. The laws, resolutions and journals of the Legislature shall be delivered by the state printer to the secretary of state, who shall immediately distribute them as follows:

1. To the library of congress, three copies.

2. To the state library or other library or department in each state, authorized to receive them, one copy.

3. To the librarians of the University of California and the Leland Stanford Junior University, two copies each.

4. To each United States senator and each member of congress from California, to each of the United States district judges in this state, to each of the judges of the supreme court, the district courts of appeal, and the superior courts of this state, one copy.

5. To each administrative department of the state government, as many copies as the chief officer or head thereof states,

Stats 1917,
p 278.
amended

Distribution
of copies
of laws,
etc., by
secretary
of state.

in writing, are necessary in carrying out the duties of the department.

6. To the lieutenant governor, each member of the Legislature, the secretary of the Senate and the clerk of the Assembly, one copy each.

7. To each public library, and each library connected with an incorporated college or other educational, scientific, literary or art institution in this state, which may apply to be put on the mailing list for all or a portion of the state publications, one copy.

8. To the state library, fifty copies, or so many more as the state librarian may require for exchange purposes.

9. Of the laws alone, to the county clerk of each county, in the cheapest and most expeditious manner, to be by the sheriff distributed under the direction of the clerks, one copy for the board of supervisors, one copy for the registrar of voters, one copy to each county officer and each justice of the peace and police judge; and of the journals, one copy of each house to each county clerk, and one copy to each county law library, for the use of the county.

The secretary of state must also distribute of the bound volumes of the decisions of the supreme court, and of the district courts of appeal, as soon as he receives them:

1. To each state library, one copy.

2. To the library of congress, two copies, the supreme court library and the district courts of appeal libraries, one copy each.

3. To each department of this state, and to each of the United States district judges of this state, supreme, district courts of appeal and superior judges of this state, one copy.

4. To each district attorney and county clerk, one copy.

5. To the reporter of the decisions, ten copies.

6. To the state library, ten copies.

7. To each county library of this state, one copy.

CHAPTER 727.

An act to amend section 632 of the Penal Code, relating to the protection of fish.

[Approved by the Governor June 7, 1929. In effect August 14, 1929.]

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

Stats 1927,
p 964,
amended
Protection
of fish
trout and
whitefish

SECTION 1. Section 632 of the Penal Code is hereby amended to read as follows:

632. It shall be unlawful to angle for, take, catch, kill or have in possession, either dead or alive, any trout or whitefish, in the State of California at any time or in any manner except as provided in this section. It shall be lawful to angle for, take, catch, kill and have in possession trout or

whitefish during the open season which shall begin and end, both dates inclusive, in each year as herein prescribed; *provided*, that such trout or whitefish are taken in the manner allowed by law and within the bag limit prescribed, and that not more than one daily bag limit is had in possession by any person during any one calendar day.

(a) The open season on all varieties of trout and whitefish, except golden trout, in all fish and game districts, except fish and game districts numbers fourteen and twenty-six, and except as hereinafter provided, shall be from May first to October thirty-first. Bag limit not more than twenty-five trout or more than ten pounds of trout and one trout in any one calendar day; *provided*, there shall be no bag limit on Dolly Varden trout or whitefish. Season and
limit.

(b) In fish and game districts numbers twenty-three, twenty-four and twenty-five the season shall be open for all varieties of trout and whitefish except golden trout from May thirtieth to October thirty-first, with the same bag limit as specified in subdivision (a) hereof. Districts
23, 24
and 25.

(c) The open season on golden trout in all fish and game districts shall be from July first to September thirtieth. Bag limit not more than twenty trout, or more than ten pounds of trout and one trout in any one calendar day. Size limit not less than five inches in length. Golden
trout

(d) In fish and game district number two and one-half the season shall be open for all varieties of trout and whitefish from May thirtieth of one year to February fourteenth of the following year, with the same bag limit as specified in subdivision (a) hereof. District 2½

(e) In the Russian river and in the Napa river and in Eel river in fish and game district two, and in tidewater in fish and game districts two, three and fifteen, in addition to the open season provided in subdivision (a) hereof, the season shall be open for steelhead trout from November first of one year to February twenty-eighth of the following year. Bag limit three fish per day, irrespective of size. Steelhead
trout

(f) In fish and game district number one and one-half and in Klamath river fish and game district, in addition to the open season provided in subdivision (a) hereof, the season shall be open for steelhead trout from November first to December thirty-first. Bag limit five fish per day, irrespective of size. District 1½
and Klamath
river

(g) In any lake exceeding twenty-five square miles in area within the boundaries of fish and game district twenty-five, in addition to the open season provided in subdivision (b) hereof, the season shall be open for all varieties of trout from May first to May twenty-ninth, with the same bag limit as specified in subdivision (a) hereof, and such trout so taken may be possessed within the boundaries of fish and game district twenty-five. Lakes in
district 25

(h) In any stream in fish and game district twenty-three flowing into the state of Nevada, not including, however, District 23.

its tributaries, nor any lake from which said stream may flow, in addition to the open season provided in subdivision (b) hereof, the season shall be open for all varieties of trout and whitefish from May fifteenth to May twenty-ninth, with the same bag limit as specified in subdivision (a) hereof, and such trout or whitefish so taken may be possessed within the boundaries of fish and game district twenty-three.

Districts
23 and 24

Every person who, in fish and game districts twenty-three and twenty-four, between the first day of November and the thirty-first day of July of the year following, both dates inclusive, angles for, takes, catches, kills or pursues any trout or whitefish in any stream flowing into any lake within two miles, extending from its mouth towards its source, or has in his possession any trout or whitefish taken from such streams, is guilty of a misdemeanor.

Lakes

Every person who, between the first day of November and the thirty-first day of July of the year following, both dates inclusive, angles for, takes, catches, kills or pursues any trout or whitefish in any lake within three hundred feet of the mouth of any stream flowing into any lake, or who has in his possession any trout or whitefish so taken, is guilty of a misdemeanor.

Manner of
taking

No person shall at any time angle for, take, catch, kill or pursue any trout or whitefish, except with rod and line held in the hand and used in the manner commonly known as angling and the hook or hooks baited with live or artificial bait or lure. Fishing for trout or whitefish with snag or gaff hooks, set lines, or lines having more than two attractor blades, or more than three hooks, shall be unlawful.

Fish spears
and gaffs.

It shall be unlawful for any person to have in his possession, except in his home, any fish spear, gaff or other such appliances, within three hundred feet of any lake or stream in the State of California, at any time when spearing is prohibited in such lake or stream; *provided*, that this provision shall not apply to the possession of gaff or other such appliance carried as accessory to the larding of a fish already taken with hook and line in the manner commonly known as angling.

Goldfish and
minnows.

It shall be unlawful for any person to use goldfish as bait for the purpose of taking, catching or killing trout or whitefish, and no person shall use minnows for said purpose unless such minnows are native to or have been introduced into the waters so being fished.

Dolly
Varden
trout

It shall be lawful to take, catch, kill or have in possession any number of Dolly Varden trout (*Salvelinus malma* or *Salvelinus parkei*) when such trout are taken in the open season for other trout in the same district; *provided, further*, that any person lawfully catching and killing trout in any open district may carry the same into a closed district; *provided*, an affidavit is made before a justice of the peace or notary public in the district in which the trout are caught, or legally possessed and in which is set forth the date and place of catching such trout, the name and address of the consignor

Transporting
and shipping
trout

and consignor and the number of the angling license of the consignee. The original of this affidavit must be attached to this shipment and a copy left on file with the justice of the peace, or notary public before whom the affidavit is made; *provided*, that trout lawfully taken and possessed may be shipped into a closed district, when said shipment is accompanied by a written statement signed by the person taking said trout and countersigned by the agent of the express company to whom said trout are offered for shipment, stating that the trout were legally taken and setting forth the address of the person possessing same; *provided, further*, that it shall be unlawful at any time to offer for shipment, ship or receive for shipment or transport from the State of California any trout caught or taken in the waters of the state.

Nothing in this section shall prohibit the possession and sale of Dolly Varden or steelhead trout from without the state, nor the sale of such trout within the state, when the same shall be inspected and tagged according to regulations to be prescribed by the fish and game commission; *provided*, that steelhead trout are not to be sold, offered or exposed for sale or held in possession in excess of the daily limit provided for in subdivisions (a) and (f) hereof, at any time in fish and game district one and one-half. The cost of such inspection must be paid by the person or persons submitting such Dolly Varden or steelhead trout for such inspection and tagging.

Construction, sale and inspection of trout from without the state

Nothing in this section shall apply to trout raised under the provisions of the act authorizing and regulating the raising and selling of domesticated trout.

Domesticated trout

Nothing in this section shall prohibit the fish and game commission of this state, or persons authorized by them, from taking at all times such trout as they deem necessary for the purposes of propagation or for scientific purposes.

Taking for propagation purposes

Every person guilty of a violation of any of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars or more than five hundred dollars, or by imprisonment in the county jail of the county in which the conviction shall be had not less than ten or more than one hundred fifty days, or by both such fine and imprisonment. All fines and forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

Penalties

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

Constitutionality.

CHAPTER 728.

An act to amend section 7 of and to add new sections to be numbered 7a and 7b to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to the organization of municipal courts in cities or cities and counties of the first and one-half class; to provide for the number of judges, clerks, marshals and other officers and attaches of such municipal courts and their deputies; to fix the compensation therefor.

[Approved by the Governor June 7, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 129,
amended

SECTION 1. Section 7 of an act entitled "An act authorizing the establishment of municipal courts prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, is hereby amended to read as follows:

Cities of
1½ class
judges, etc.

Sec. 7. The municipal court in a city or city and county of the first and one-half class shall be constituted and the judges, officers and attaches thereof shall be as herein enumerated and shall receive the compensation herein fixed, as follows:

There shall be twenty-six judges, each of whom shall receive seven thousand five hundred dollars per annum, payable in equal monthly installments; one clerk to be appointed by the judges of the court who shall receive five hundred dollars per month; one marshal to be appointed by the judges of the court, who shall receive five hundred dollars per month; one referee to be appointed by the judges of the court who shall receive three hundred dollars per month.

Stats 1925,
p. 652,
amended
Cities of
1½ class
clerk and
deputies

SEC. 2. A new section to be numbered 7a, is hereby added to said act, to read as follows:

Sec. 7a. The clerk of the municipal court in cities of the first and one-half class shall appoint the following deputies and attaches who shall each receive as monthly compensation the sum set opposite the title of their respective offices or positions:

One chief deputy clerk, three hundred fifty dollars;

One deputy clerk (chief clerk traffic department) three hundred twenty-five dollars;

One deputy clerk (chief clerk civil department) three hundred dollars;

One deputy clerk (chief clerk criminal department) three hundred dollars;

Three deputy clerks, two hundred fifty dollars;

One deputy clerk, two hundred seventy-five dollars;

One deputy clerk (secretary to presiding judge who shall also act as jury commissioner), three hundred dollars;

Thirty-four deputy clerks, two hundred twenty-five dollars;

Eighteen deputy clerks, one hundred seventy-five dollars;

Eight deputy clerks, one hundred sixty dollars;

Thirty-six deputy clerks, one hundred fifty dollars;

Thirty-two deputy clerks, one hundred thirty dollars;

Four deputy clerks, one hundred twenty-five dollars.

SEC. 3. A new section, to be numbered 7b, is hereby added to said act, to read as follows: Stats. 1925,
p. 652,
amended.

Sec. 7b. The marshal of the municipal court in cities of the first and one-half class shall appoint the following deputies and attaches who shall receive as monthly compensation the sums set opposite the title of their respective offices or positions: Cities of
1½ class:
marshal and
deputies.

One assistant marshal at three hundred fifty dollars; one deputy (chief clerk) at two hundred fifty dollars;

One deputy at two hundred twenty-five dollars;

Two deputies at two hundred dollars;

Three deputies at one hundred ninety dollars;

Forty-six deputies at one hundred seventy-five dollars;

One deputy at one hundred sixty-five dollars;

Six deputies at one hundred fifty dollars;

Six deputies at one hundred thirty dollars;

One hundred deputy marshals (custodians), four dollars per day.

The deputy marshals serving as custodians shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

In addition to the salaries in this section above provided, the marshal and deputy marshals shall be allowed their necessary incidental expenses incurred in the performance of their duty. They may be furnished with automobiles at public expense for use in the service of writs and process or may in lieu of other traveling expenses be allowed not to exceed six cents per mile for the operation of automobiles furnished by themselves while actually used on public business in the performance of their duty.

CHAPTER 729.

An act to amend sections 7, 8, 9, 12, 15, 16 and 18 of the general dairy law of California, approved June 15, 1923, as amended.

[Approved by the Governor June 7, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 1627,
amended.

SECTION. 1. Section 7 of the general dairy law of California, approved June 15, 1923, as amended, is hereby amended to read as follows:

Cheese.

Sec. 7. (a) Cheese is the sound, solid or semisolid product made from milk, skim milk or cream by coagulating the casein thereof with rennet, pepsin, lactic acid or such other coagulating agents as may be approved in writing by the department of agriculture of the State of California, with or without the addition of ripening ferments and seasoning and with or without salt (sodium chloride) and with or without harmless coloring matter. Milk to be made into cheese shall conform to the following requirements as a minimum: It shall be unadulterated, fresh, clear, free from foreign substances detrimental to its quality or to the quality of the products prepared therefrom, and shall have been obtained from the udder by the complete milking of one or more healthy cows properly fed and kept, excluding that obtained within five days after or fifteen days prior to parturition.

Pasteurized
cheese.

(b) Pasteurized cheese is the clear, sound, pasteurized product made by comminuting and mixing one or more lots of cheese of the same variety into a homogeneous, plastic mass.

Pasteurized-blended cheese is the clean, sound, pasteurized product made by comminuting and mixing two or more lots of cheese of different varieties into a homogeneous, plastic mass.

Emulsified cheese, and "process cheese," is the clean, sound, pasteurized product made by comminuting and mixing one or more lots of cheese of the same variety or of different varieties into a homogeneous, plastic mass with or without the addition of water and with the incorporation of a suitable emulsifying agent not exceeding three per cent, of the mass, by weight.

The limits for fat and moisture, the labeling, and the advertising of pasteurized cheese, pasteurized-blended cheese, process cheese, shall be in accordance with the provisions of this act and the regulations promulgated by the director of agriculture for its enforcement.

Labels.

(c) All cheese sold, offered for sale, exposed for sale, or on hand for sale must be labeled to indicate the variety and the grade, whether whole milk, part skim or skim, and, if made in California, it must be labeled at the factory with the manufacturer's factory number, assigned annually by the department of agriculture of the State of California under the rules and regulations provided in section 16 of this act. If made outside of the State of California, it must be

labeled with the name of the manufacturer or distributor. Whole milk cheese must contain not less than fifty per cent of pure milk fat in its water-free substance. Part skim cheese must contain not less than thirty per cent of pure milk fat in its water-free substance. Skim cheese is cheese that contains less than thirty per cent of pure milk fat in its water-free substance. It shall be unlawful for any person, firm, corporation or association by themselves, or their agents or employees, to sell, exchange or deliver, or to offer for sale, exchange or delivery, or to cause or permit to be sold, exchanged or delivered or advertised for sale any part skim cheese or skim cheese, except cottage cheese, unless the same be offered for sale and sold as part skim cheese or skim cheese; and it shall be unlawful for any person, firm, corporation or association to expose any such cheese for sale, unless there shall be attached to the outside of every vessel, can, package or piece from or in which such cheese is exposed, sold or held for exchange or delivery, a tag, upon which shall be legibly and distinctively printed in black letters at least one inch in height the words "part skim cheese" or "skim cheese" as the case may be.

Milk fat
content.

(d) Established varieties of cheese are those for which definitions and standards appear in law. All other varieties shall be known as special varieties and shall be made under written permit from the department of agriculture of the State of California. The standards of composition and labeling requirements shall be those promulgated by the director of agriculture of the State of California, and designated in the special permit issued for their manufacture; *provided, however,* that no special variety of cheese shall be made in shape, form or size similar to any cheese defined by law in paragraph (e) of this section.

Established
varieties

(e) Definitions of established varieties: (1) Cheddar cheese is cheese made by the so-called cheddar process which consists in part of subjecting the curd to a matting and milling process and molding into characteristic forms with a plain white bandage in hoops under pressure, and containing not more than thirty-eight per cent of moisture. (2) Granular cheese is cheese made by the so-called stirred curd or granular process and molded into characteristic forms with a red bandage in hoops under pressure, similar to those of the cheddar variety, and containing not more than thirty-eight per cent of moisture. (3) Monterey cheese is cheese made by the so-called stirred curd or granular process, without added color, characteristic in size and molded into characteristic shape or form in bags under pressure and containing not more than forty-two per cent of moisture. (4) Cream cheese is an unripened cheese made by the Neufchatel process or variations thereof, from cream, milk, or skim milk enriched with cream or butter fat sufficient so that the resultant cheese shall contain in its water-free substance not less than sixty-five per cent of pure milk fat. All manufacturers of cheese who manu-

"Cheddar "

"Granular "

"Monterey."

"Cream "

Permit to manufacture. manufacture cream cheese from butter shall first secure from the department of agriculture of the State of California a permit to do so. Said permit shall be issued subject to the rules and regulations made and promulgated by the director of agriculture and may be revoked for violation thereof after due hearing by the department of agriculture of the State of California.

"Cottage." (5) Cottage cheese shall be made from pure milk or skim milk which has been pasteurized by the system described for market milk or by the system described for manufacturing milk or cream as provided for in section 15 of this act, with or without harmless coloring matter, and sold fresh without molding into forms.

"Creamed cottage." (6) Creamed cottage cheese is cottage cheese to which a sufficient quantity of pure, fresh, pasteurized sweet cream is added so that the finished product contains not less than four per cent of pure milk fat.

Stats 1927,
p. 1629,
amended.

SEC. 2. Section 8 of said act is hereby amended to read as follows:

Ice cream.

Sec. 8. (a) Ice cream, ice milk, is a frozen product made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or condensed skim milk, dry milk, dry skim milk, pure milk fat, or wholesome sweet butter made from sweet cream, or any combination of any such products, with or without sweetening, clean wholesome eggs or egg products, and with or without the use of harmless flavoring and coloring. Ice cream shall contain not less than ten per cent of milk fat, ice milk not less than four per cent of milk fat, nor more than six-tenths of one per cent of pure and harmless edible stabilizer, approved by the department of agriculture of the State of California. Ice cream, ice milk, when sold by the manufacturer, shall not contain more than one hundred fifty thousand bacteria per gram. Ice cream, ice milk, shall otherwise conform to the composition and weight requirements which shall be specified in regulations promulgated by the director of agriculture, in accordance with the provisions of section 21a of this act. All manufactures of ice cream and/or ice milk who use butter, eggs, or egg products in its manufacture shall first secure from the department of agriculture of the State of California a permit to do so. Said permit shall be issued subject to the rules and regulations made and promulgated by the director of agriculture, and may be revoked for violation thereof, after due hearing.

Milk fat content.

Permit to manufacture

Fruit ice cream.

(b) Fruit ice cream is ice cream which contains not less than eight per cent of milk fat and not less than three per cent by weight of clean, mature, sound fruit or the juice thereof, with or without the use of harmless flavoring and coloring and containing not more than six-tenths of one per cent of pure, harmless edible stabilizer, approved by the department of agriculture of the State of California.

Nut ice cream.

(c) Nut ice cream is ice cream which contains not less than eight per cent of milk fat and not less than one per cent by weight of sound, nonrancid nut meats, with or without the use of harmless flavoring and coloring, and containing not more

than six-tenths of one per cent of pure, harmless, edible stabilizer, approved by the department of agriculture of the State of California.

(d) French ice cream, French custard ice cream, cooked ice cream, ice custard, parfaits and all similar frozen products are varieties of ice cream, which shall contain not less than ten per cent of milk fat, and not less than five dozen of clean, wholesome egg yolks, or one and five-tenths pounds of wholesome, dry egg yolk containing not to exceed seven per cent of moisture, or three pounds of wholesome, frozen egg yolk containing not to exceed fifty-five per cent of moisture, or the equivalent of egg yolk in other form, for each ninety pounds of ice cream mix, and which shall otherwise conform to the regulations promulgated by the director of agriculture in accordance with the provisions of section 21 of this act.

Miscellaneous varieties

(e) The ingredients except fruits, nuts and flavors, to be used in the manufacture of ice cream and/or ice milk shall be pasteurized in accordance with regulations promulgated by the director of agriculture under the provisions of section 21a of this act. The labeling of containers of, and of vehicles conveying ice cream and/or ice milk, and the advertising of said products, shall be in accordance with the provisions of this act and the regulations promulgated by the director of agriculture for its enforcement.

Ingredients to be pasteurized

SEC. 3. Section 9 of said act is hereby amended to read as follows:

Stats 1927, p. 1631, amended

Sec. 9. (a) Milk fat or butter fat is the fat of milk and has a Reichert-Meissl number not less than twenty-four and a specific gravity not less than nine hundred five thousandths (0.905) (milk fat at forty degrees centigrade compared with water at forty degrees centigrade). By Reichert-Meissl number is meant the number of milliliters of decinormal alkali required to neutralize the acidity of the distillate from five grams of fat treated in the manner described in the book entitled, "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," published by that association in the month of July in the year nineteen hundred twenty-four (July, 1924, A. D.).

Milk fat or butter fat

(b) Skim milk is milk from which a part or all of the milk fat has been removed, which contains less than three per cent of milk fat and not less than eight and eight-tenths per cent of milk solids not fat.

Skim milk.

(c) Dried milk is the product resulting from the removal of water from milk, and shall otherwise conform to the definition, standards and requirements established by the secretary of agriculture of the United States for this product.

Dried milk.

(d) Dried skimmed milk is the product resulting from the removal of water from skimmed milk and shall otherwise conform to the standards and requirements established by the secretary of agriculture of the United States for this product.

Dried skim milk

(e) Buttermilk is that portion of sweet or ripened milk or cream which remains after the separation and complete or

Buttermilk.

partial removal therefrom of milk fat in the process of churning, and, when sold for human consumption, shall be deemed to be adulterated if any water is added to said buttermilk.

Cultured
buttermilk

(f) Cultured buttermilk is pasteurized milk or pasteurized skim milk, or a combination thereof, with or without an admixture of buttermilk, which has been treated with special cultures of lactic acid bacteria, so that the product somewhat resembles buttermilk in appearance, composition and flavor.

Acidophilus
milk

(g) Acidophilus milk is milk, skim milk, or a combination thereof, which has been sterilized and afterward fermented by a pure culture of *Lactobacillus acidophilus* (Moro).

License

Before engaging in the business of manufacturing, preparing, selling, distributing, or otherwise dealing in acidophilus milk, every person, firm, corporation or association, in addition to the usual factory license, shall obtain and hold an acidophilus milk license from the department of agriculture of the State of California. Upon receipt of the application for such a license, said department of agriculture shall investigate the equipment and sanitary condition of the place where such acidophilus milk is to be manufactured or prepared, and provide the applicant with a copy of the laws of the State of California pertaining thereto. If the condition of the place is found to be satisfactory, a special fee of one hundred dollars (\$100) shall be paid by the applicant, whereupon the license shall be issued. Said license shall normally expire on the thirty-first day of December of each year, and shall be revocable for violation of any of the requirements pertaining to acidophilus milk.

Fee

Modified
milk.

(h) Modified milk is milk which has been altered in composition to conform to special nutritional requirements. Modified milk may be sold only upon prescription of a regularly licensed physician.

License.

Before engaging in the business of manufacturing, preparing, selling, distributing, or otherwise dealing in modified milk, every person, firm, corporation or association, in addition to the usual factory license, shall obtain and hold a modified milk license from the department of agriculture of the State of California. Upon receipt of application for such license, said department of agriculture shall investigate the equipment and sanitary conditions of the place where such modified milk is to be manufactured or prepared, and provide the applicant with a copy of the laws of the State of California pertaining thereto. If the condition of the place is found to be satisfactory, a special fee of one hundred dollars (\$100) shall be paid by the applicant, whereupon the license shall be issued. Said license shall normally expire on the thirty-first day of December of each year, and shall be revocable for violation of the requirements pertaining to modified milk.

Fee.

Use of
milk in
soft drinks.

(i) Milk or skim milk, properly pasteurized, and combined with fruit or fruit juices, chocolate, chocolate syrups, or other harmless syrups, with or without the addition of harmless coloring material, may be used in the manufacture and sale of soft drinks under a trade term; *provided*, that such product

shall be so colored or contain ingredients that cause it to distinctly differ from milk in appearance or other characteristics.

SEC. 4. Section 12 of said act is hereby amended to read as follows:

Stats 1923,
p 855,
amended

Sec. 12. (a) Imitation milk is any substance, mixture, or compound made in imitation of, or having the appearance or semblance of milk, condensed milk, condensed skim milk, evaporated milk, evaporated skim milk, dried milk or dried skim milk, which substance, mixture, or compound contains any edible oil or fat other than milk fat; *provided*, that chocolate when used in combination with either whole or skim milk and sweetened shall not be deemed to be imitation milk. Imitation milk shall contain not less than three per cent of edible oils or fats and, if evaporated or condensed, shall contain not less than seven and eight-tenths per cent of edible oils or fats. The manufacture and sale of imitation milk as herein defined shall, otherwise, be in accordance with chapter fifty-nine of statutes of 1919.

Imitation
milk

(b) Imitation ice cream, imitation ice milk, is any substance, mixture, or compound made in imitation or semblance, or having the appearance or semblance of ice cream, ice milk, and which contains any edible oil or fat other than milk fat. Imitation ice cream shall contain not less than ten per cent of edible oil or fat. Imitation ice milk shall contain not less than four per cent of edible oil or fat.

Imitation
ice cream

(c) Imitation ice cream and/or imitation ice milk shall be manufactured, advertised, and sold in accordance with regulations promulgated by the director of agriculture under the provisions of section 21a of this act.

Manufacture
and sale

(d) For the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds including such mixtures and compounds with butter, milk or cream, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef-fat, suet, lard, lard oil, cocoanut oil, peanut oil, intestinal fat, and offal fat made in imitation or semblance of butter, or when so made, calculated or intended to be sold as butter or for butter; or butter substitute; and for the purposes of this act, every article, substance or compound, other than that produced from pure milk, or cream from the same, made in the semblance of cheese, and designed to be used as a substitute for cheese made from pure milk or cream, is hereby declared to be imitation cheese; *provided*, that the use of salt, rennet and a harmless coloring matter for coloring the product of pure milk or cream, shall not be construed to render such product an imitation; *and provided*, that nothing in this section shall prevent the use of pure skim milk in the manufacture of cheese.

Oleomar-
garine

Imitation
butter or
cheese.

(e) No person, by himself or his agents or servants, shall render, manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell or to use or to serve to patrons, guests, boarders, or inmates in any hotel, eating house, restaurant, public conveyance or boarding house or public or private hospital, asylum or eleemosynary or penal institution, any article, product or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced directly and at the time of manufacture from unadulterated milk or cream from the same, which article, product or compound shall be colored in imitation of butter or cheese produced from unadulterated milk or cream, or be made to resemble yellow butter in color, by whatever means the coloring is accomplished; *provided*, that nothing in this section shall be construed to prohibit the manufacture or sale, under the regulations hereinafter provided, of substances or compounds, designed to be used as an imitation or as a substitute for butter or cheese made from pure milk or cream from the same, in a separate and distinct form not resembling butter or cheese, and in such a manner as will advise the purchaser and consumer of its real character, free from coloration or ingredients that cause it to look like butter or cheese made from pure milk or cream, a product of the dairy.

Labeling
oleomargarine and
butter and
cheese
substitutes.

(f) Each person, who by himself or another, lawfully manufactures any oleomargarine or any substance designed to be used as a substitute for butter or cheese, shall mark the same by branding, stamping or stenciling upon the top and sides of each tub, firkin, box or other package in which such article or substance shall be kept, and in which it shall be removed from the place where it is produced or put up, in a clear and durable manner, in the English language, the words, "oleomargarine," or "substitute for butter," or "substitute for cheese," as the case may be, in printed letters in plain roman type, each of which shall not be less than one inch in height by one-half inch in width, and in addition to the above shall prepare a statement, printed in plain roman type, of a size not smaller than pica, stating in the English language its name, and the name and address of the manufacturer, the name of the place where manufactured or put up, and also the names and actual percentages of the various ingredients used in the manufacture of such oleomargarine, imitation butter or imitation cheese; and shall place a copy of said statement within and upon the contents of each tub, firkin, box or other package, and next to that portion of each tub, firkin, box or other package as is commonly and most conveniently opened, and shall label the top and sides of each tub, firkin, box or other package by affixing thereto a copy of said statement, in such manner, however, as not to cover the whole or any part of said mark of "oleomargarine," "substitute for butter," or "substitute for cheese." The absence of the markings and labelings specified in this para-

graph, shall always be construed as representation that the contents of substance in question is butter, or cheese as the case may be.

(g) No person, by himself or another, shall knowingly ship, consign, or forward by any common carrier, whether public or private, any oleomargarine or any substance designed to be used as a substitute for butter or cheese, unless the same be marked and contain a copy of the statement, and be labeled as provided in paragraph (f) of this section; and no carrier shall knowingly receive the same for the purpose of forwarding and transporting unless it shall be manufactured, marked and labeled as hereinabove provided, and unless it is consigned and by the carrier received for by its true name; *provided*, that this act shall not apply to any goods in transit between foreign states across the State of California.

Unlawful
to ship
unless
marked

(h) No person or his agent shall knowingly have in his possession or under his control any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, unless the tub, firkin, box or other package containing the same shall be clearly and durably marked and labeled as provided by paragraph (f) of this section, and also contain a copy of the statement required by said paragraph (f) of this section; and if the tub, firkin, box or other package be opened, then a copy of the statement described in said paragraph (f) of this section, shall be kept with its face up, upon the exposed contents of said tub, firkin, box or other package; *provided*, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves or family, and for no other purpose.

Unlawful
to possess
or control
unless
marked.

(i) No person, by himself or another, shall sell, or offer for sale, or take orders for the future delivery of any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, under the name of butter, or under the pretense that the same is butter or cheese; and no person, by himself or another, shall sell any substance designed to be used as a substitute for butter or cheese, unless he shall inform the purchaser distinctly, at the time of the sale, of its true name and character, and that the same is a substitute for butter or cheese, as the case may be, and shall deliver to the purchaser at the time of the sale, a separate and distinct copy of the statement described in paragraph (f) of this section; and no person shall use in any way in connection or association with the sale, or exposure for sale, or advertisement of any oleomargarine or any substance designed to be used as a substitute for butter or cheese, the words "butterine," "creamery," or "dairy" or the representation of a cow or any breed of dairy cattle, or any combination of such words and representations, or any other words or symbols, or combinations thereof, commonly used by the dairy industry, except only the labeling requirements described in paragraph (f) of this section.

Unlawful to
sell, take
orders, etc

Unlawful
use in
eating
places

(j) No keeper or proprietor of any bakery, hotel, boarding-house, restaurant, saloon, lunch counter, or other place of public entertainment, and no person having charge thereof or employed thereat, and no person furnishing board, for others than members of his own family, and no employee where such board is furnished as the compensation or as a part of the compensation of any employee, shall place before any patron or employee, for use as food, any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, unless the same be accompanied by a copy of the statement described in paragraph (f) of this section, and by a verbal notification to said patron that such substance is a substitute for butter or cheese.

Violation
bars certain
actions

(k) No action can be maintained on account of any sale or other contract made in violation of, or with intent to violate, this act, by or through any person, who was knowingly a party to such wrongful sale or other contract. Every person having possession or control of any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, which is not marked as required by the provisions of this act, shall be presumed to have known, during the time of such possession or control, that the same was imitation butter, or imitation cheese, as the case may be.

Alteration
of labels.

(l) No person shall efface, erase, cancel or remove any mark, statement or label required by this act, with intent to mislead, deceive, or with intent to violate any of the provisions of this act.

Possession
presumed to
be intention
to violate
law.

(m) Whoever shall have possession or control of any imitation butter or imitation cheese or any oleomargarine, or any substance designed to be used as a substitute for butter or cheese, or any renovated butter, contrary to the provisions of this act, shall be construed to have possession of property with intent to use it as a means of committing a public offense, within the meaning of chapter three, of title twelve, of part two, of an act to establish a Penal Code; *provided*, that it shall be the duty of the officer who serves a bench warrant issued for imitation butter or imitation cheese, or oleomargarine, or any substance designed to be used as a substitute for butter or cheese, or any renovated butter, to deliver to the agent or inspector of the department of agriculture of the State of California, or to any person by such department of agriculture authorized in writing to receive the same, a perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed and forthwith to return to the person from whom it was taken the remainder of each article seized as aforesaid. If any sample be found to be imitation butter or imitation cheese, or oleomargarine, or a substance designed to be used as a substitute for butter or cheese, or renovated butter, it shall be returned to and retained by the magistrate as and for the purpose contemplated by section 1536 of an act to establish a Penal Code; but if any sample be found not to be imitation butter or imitation cheese, or

oleomargarine, and not a substance designed to be used as a substitute for butter or cheese, or renovated butter, it shall be returned forthwith to the person from whom it was taken.

(n) No person, firm or corporation, by themselves, or their agents or employees, shall sell, offer for sale, or expose for sale, or have in his, its or their possession for sale, any oleomargarine or any renovated butter, unless the same shall have printed upon each and every package, roll, print, square, and upon any container of such renovated butter, or oleomargarine, the words "renovated butter," or the word "oleomargarine," as the case may be, in letters not less than one-half inch in height, and who shall not have secured from the said department of agriculture a license as provided hereinafter. Sale.

(o) Renovated butter is the product made from impure or rancid butter reduced, for the purpose of cleansing and renovating, to a liquid state by melting and draining off the liquid milk fat and afterwards churning or otherwise manipulating it in connection with milk or any product thereof. Butter made from assembled cream made from pure milk fat (made from non-rancid butter) combined with other wholesome milk products, under special permit from the department of agriculture of the State of California, which otherwise conforms to the standards for butter required by this act, shall not be construed to be renovated butter. Renovated butter.

(p) No person, firm or corporation, shall engage in the business or occupation of manufacturing, selling, dealing in, or furnishing renovated butter, oleomargarine, or any substance designed to be used as a substitute for butter, without first having applied for and obtained a license so to do, as hereinafter provided. Any person, firm or corporation, desiring to engage in the business or occupation of manufacturing, selling, dealing in or furnishing to his, its or their patrons, oleomargarine or any substance designed to be used as a substitute for butter, or imitation butter, or adulterated butter, or renovated butter, as in this section defined, shall first make application each year to the said department of agriculture for a license, and upon payment of a license fee of the amount mentioned herein to the said department of agriculture, said department of agriculture shall issue to the applicant a license. All such licenses shall contain the following proviso: *provided*, that this license does not authorize the holder thereof to manufacture, sell, deal in or furnish any oleomargarine, or similar substances designed to be used as a substitute for butter, which contain any coloring matter or which resemble a yellow butter in appearance. All said licenses shall expire on the thirtieth of June of each year, and may be issued in periods of one year, or less than one year, upon payment of a proportionate part of the license fee. The fees for issuing said licenses are hereby fixed at the amounts named below annually. Licenses.

The fee for issuing said license to manufacturers of any of said substances within this state shall be one hundred dollars, and if issued to wholesale dealers in, or importers or agents Fees

for importers of any of said substances the fee shall be fifty dollars, and if issued to retail dealers in any of said substances the fee shall be five dollars, and if issued to the keeper of any hotel, restaurant, boarding-house or other place where meals are served and payment is received therefor, either immediately or by the day, week or month, the fee shall be two dollars. The term wholesale dealer as used in this section includes all persons, firms or corporations, who sell any of said substances in quantities of ten pounds or more at a time or in the same transaction. The term retail dealer includes all persons who sell only in quantities of less than ten pounds. All licenses, while in force, shall be kept conspicuously displayed in the place of business of the party or parties to whom they have been issued. It shall be unlawful for any person, firm or corporation, to manufacture, buy, sell, deal in, or furnish to his, its or their patrons, or to have in possession, for any purpose whatsoever other than for consumption in his own family, or for transportation in case of a boat or railroad company, or for the purpose of storage in case of a warehouse or cold storage company, any oleomargarine, or similar substance designed to be used as a substitute for butter, or any substance resembling butter, but not made wholly from pure milk or cream, or renovated butter as in this section defined, without first having applied for and obtained from the department of agriculture of the State of California the license herein required.

Posting of
license.

Records to
be kept
by licensee

(q) Every person, firm or corporation, who is required by the provisions of paragraph (p) of this section to obtain and hold a manufacturer's or wholesaler's or importer's license shall keep a correct record in a form separate from all other business, in which every sale and purchase of renovated butter, imitation butter, oleomargarine, or any substitute for butter or substance designed to be used as a substitute for butter, or resembling butter, which substance is not made wholly from pure milk or cream, or any imitation cheese or imitation dairy products of any kind, shall be recorded at the time of the transaction, giving in detail the quantity sold or purchased, the name and location of the buyer or seller, the date, and the place to which it was shipped or delivered, and by whom the order or sale was put up and delivered. Every warehouse, cold storage company, boat, railroad or other transportation company shall keep a correct record of all oleomargarine, imitation butter, renovated butter, substitute for butter, imitation cheese or other imitation dairy products, which at any time may be in their possession, or which may be transported or stored by them, showing the owner, the quantity and kind of goods, the date when stored, and when removed, in case of warehouses and cold storage companies, and showing the character of goods billed, the quantity, the name and address of consignor and consignee, and the date of transportation, in case of boats and railroad companies. All said records herein required to be kept shall, at all times dur-

Records to
be kept by
warehouse-
men, trans-
portation
companies,
etc

ing business hours, be open to the inspection of the agents and inspectors of the said department of agriculture and of any officer of any city or county board of health, and of any peace officer of any city or county of the state. A failure to keep any of the records herein required to be kept or to permit the inspection of such records, by any inspector or agent of the said department of agriculture or of any city or county board of health, or by any peace officer of any city or county, as herein required, is hereby declared to be a misdemeanor and punishable as provided herein.

(r) No imitation milk or cheese, and no oleomargarine shall be used in any of the charitable or penal institutions that receive assistance from the state.

Use in
state
institutions

SEC. 5. Section 15 of said act is hereby amended to read as follows:

Stats. 1927,
p. 1634,
amended
Pasteurization

Sec. 15. (a) The process of pasteurization, as applied to milk, skim milk, cream and other milk products, is hereby defined to be a process for the elimination therefrom of organisms harmful to human beings, which process shall consist of uniformly heating such milk, skim milk or cream, as the case may be, to a temperature of not less than one hundred forty degrees Fahrenheit and of holding the same at a temperature between one hundred forty and one hundred forty-five degrees Fahrenheit for a period of not less than thirty minutes, nor more than one and one-half hours, and immediately thereafter cooling the same to a temperature of not above fifty degrees Fahrenheit; *provided*, that when cream is pasteurized to be used and is used in the manufacture of butter, or when milk is pasteurized to be used and is used in the manufacture of cheese, and where the process of ripening or starting in each case is to be commenced immediately, then it shall not be required that such cream or milk be cooled to a lower degree than necessary for such ripening or starting; *and provided, further*, that modification of this method may be practiced when approved in writing by the department of agriculture of the State of California after due investigation of the efficiency of such method. Milk and/or its derivatives that are to be used in the manufacture of milk products, and cream may be pasteurized by heating above one hundred forty-five degrees Fahrenheit and when the same is uniformly heated to and held at a temperature above one hundred fifty-one degrees Fahrenheit, the time for holding may be decreased from thirty minutes by one minute for each degree of temperature above one hundred forty-five degrees Fahrenheit. If milk is repasteurized, it must not be sold as market milk.

(b) All apparatus used for the pasteurization of milk, skim milk or cream shall be kept in strictly clean and sanitary condition and every pasteurizing plant shall be equipped with sufficient recording thermometer devices to accurately record the temperature to which, and the length of time for which the pasteurized product has been heated.

Apparatus.

All recording thermometer devices used in the pasteurization of any milk, skim milk or cream must be of a type approved by, and the use thereof must at all times be subject to the approval of, the department of agriculture of the State of California. All persons, firms, corporations or associations using pasteurizing apparatus within the State of California shall date, preserve and keep on file for a period of not less than two months after the same are made, all records made by such thermometer, or in lieu of such preservation may deliver such records to any public officer authorized by law or ordinance to receive the same, and said records shall, at all times, be open to the inspection of the said department of agriculture, state board of health, and of all other state, county, and municipal officers charged with the enforcement of laws and ordinances respecting dairy products or the public health.

Unlawful
sales

(c) No person, firm, corporation or association shall sell, exchange or offer or expose for sale or exchange, or have in its possession for sale or exchange any milk, cream, skim milk, ice cream, ice milk, butter, buttermilk, cheese, or other products of milk as and for pasteurized milk, cream, skim milk, ice cream, ice milk, butter, buttermilk, cheese or other products of milk, as the case may be, nor use the word "pasteurized," or any of its derivatives in connection with the sale, designation, advertising, labeling or billing of any milk, cream, skim milk, ice cream, ice milk, butter, buttermilk, cheese or other milk products, unless the same and all products of milk contained therein or used in the manufacture thereof consist exclusively of milk, skim milk or cream which has been treated by the process of pasteurization as defined and regulated in this section. Amendment approved May 28, 1927.

Stats 1927,
p. 1635,
amended

License to
manufacture.

SEC. 6. Section 16 of said act is hereby amended to read as follows:

Sec. 16. (a) Every person, firm, corporation or association, before regularly engaging in the business of dealing in, receiving, manufacturing, freezing or processing milk or any product of milk shall obtain a license to do so for each separate plant or place of business from the department of agriculture of the State of California. Hotels, restaurants, boarding houses, hospitals, or other concern or agency which shall manufacture ice cream, ice milk or other product of milk for the use of its or their patrons, guests, patients or servants, shall be required to take out the license herein provided for; *provided*, that nothing in this section shall apply to private homes manufacturing for their own use or to retailers dealing in finished products received from a distributor or producer in final form. Upon receipt of an application for such license, the said department of agriculture shall investigate the equipment and the sanitary condition of the plant where milk or the products of milk are to be received, processed, frozen or manufactured, and provide the applicant with a copy of the dairy laws of the State of California. If the condition of the

plant is found to be satisfactory, a "factory license" shall be issued by said department of agriculture to such applicant upon receipt of a license fee of ten dollars, except that every person, firm, corporation, or association engaged in the business of dealing in, receiving, manufacturing, freezing, or processing ice cream, imitation ice cream, ice milk, imitation ice milk, and all similar frozen products shall be required to pay annually, with the exception of hospitals and sanitariums, a minimum factory license fee of twenty-five dollars for the manufacture of fifty thousand gallons or fraction thereof per year, and for each additional ten thousand gallons or fraction thereof manufactured per year, said applicant shall pay an additional license fee of one dollar. All factory licenses herein required shall expire at the end of each calendar year; *provided*, that such license shall remain in full force and effect during the month of January of the next succeeding year or such part thereof as may be necessary for the renewal of said license by said department of agriculture. All licenses may be renewed each successive year; *provided*, that the plant for which previous license was issued or the business thereof shall have been conducted in accordance with the requirements of this act during the year next preceding that for which renewal is requested. The fee for the renewal of such license (except for ice cream, ice milk, and all similar frozen products, which shall be as hereinbefore provided) shall be one dollar for each one hundred thousand pounds of milk fat or part thereof, or each four hundred thousand gallons of milk or part thereof, purchased or received during the preceding year, ending the thirty-first day of December; *provided*, in no case shall the renewal fee exceed ten dollars except for ice cream, ice milk, and all similar frozen products which shall be as hereinbefore provided. The correct amount of the fee for the renewal of said license shall be forwarded with said application for its renewal. Any factory license may be suspended or revoked by the said department of agriculture for violation of any of the provisions of this act, or for violation of any of the rules and regulations promulgated for its enforcement as provided in section 21 of this act.

(b) All persons who shall test milk or cream, purchased, received or sold on the basis of the milk fat contained therein must first obtain and hold a license to do so from the department of agriculture of the State of California, said license to be known as a "tester's license." Any method or process which gives accurate results may be used; *provided*, that all glassware and other apparatus must be examined for accuracy and the procedure be approved by the department of agriculture of the State of California; *and provided, further*, that a tester's license must be obtained for each method or process used. The said department of agriculture upon receipt of an application for such license, shall examine into the qualifications of the applicant and every applicant shall satisfy said department of agriculture of his qualifications,

"Factory
license"
issued

Testers'
licenses

and shall have a thorough knowledge of the provisions of the law with which he must comply and pay a fee of five dollars before any such license shall be issued. Said applicant shall state the method of testing to be used by the applicant, which method must be approved by said department of agriculture of the State of California before a license may be issued. All such licenses shall expire with the thirty-first day of December of each year and may be renewed within thirty days prior to expiration upon filing application for such renewal and payment of a renewal fee of one dollar; *provided*, all requirements of the law and regulations pertaining to the work of the licensee have been observed. Any "tester's license" may be suspended or revoked by the said department of agriculture for violation, by the holder thereof, of any of the provisions of this act, or any of the rules and regulations for its enforcement, promulgated as provided in section 21 of this act.

"Sampler's
and
weigher's
license."

(c) All persons, other than licensed testers, who shall take samples of milk or cream purchased, received or sold on the basis of the milk fat contained therein, on which sample tests are to be made as a basis of payment, and all persons who shall make weighings of milk or cream, the weights thus obtained to be used as a basis of payment, must first obtain and hold a license to do so from the department of agriculture of the State of California, said license to be known as a "sampler's and weigher's license"; *provided*, that when the same person does both the sampling and weighing only one license shall be required; *and provided, further*, that in case of emergency a person may weigh or sample for a period not exceeding one week before making application for a license. The said department of agriculture upon receipt of an application for such license shall examine into the qualifications of the applicant, and every applicant shall satisfy said department of agriculture of his qualifications and shall have a thorough knowledge of the provisions of the law with which he must comply and pay a fee of one dollar before any such license shall be issued. All such licenses shall expire with the thirty-first day of December of each year and may be renewed within thirty days prior to expiration upon filing application for such renewal and payment of a renewal fee of one dollar; *provided*, all requirements of the law and regulations pertaining to the work of the licensee have been observed. Any "sampler's and weigher's license" may be suspended or revoked by the said department of agriculture for violation, by the holder thereof, of any of the provisions of this act, or any of the rules and regulations for its enforcement, promulgated as provided in section 21 of this act.

Any person who shall take samples of milk or cream for testing shall be required to hold the same in an unchanged condition until delivered to a licensed tester.

"Techni-
cian's
license"

(d) All persons who shall make bacteriological determinations upon milk or cream which determinations are used as a basis of payment or determining value must first obtain and

hold a license to do so from the department of agriculture of the State of California, said license to be known as a "technician's license." The department of agriculture upon receipt of an application for such license shall examine into the qualifications of the applicant. Upon successfully passing the required examination and the payment of a fee of five dollars a license shall be issued to said applicant. All such licenses shall expire with the thirty-first day of December of each year and may be renewed within thirty days prior to expiration upon filing application for such renewal and payment of a renewal fee of one dollar; *provided*, all requirements of the law and regulations pertaining to the work of the licensee have been observed. Any "technician's license" may be suspended or revoked by the department of agriculture of the State of California for violation, by the holder thereof, of any of the provisions of this act, or of any of the rules and regulations promulgated as provided in section 21 of this act.

Stats. 1927,
p. 1640,
amended
Sterilization
of con-
tainers.

SEC. 18. (a) Every person, firm, corporation or association, not a common carrier, who receives from a private or common carrier in cans, bottles, vessels or other containers, any milk, cream, ice cream, or other product of milk intended for human consumption, which has been transported over any railroad, or boat, or freight line, or by other common or private carrier, which said cans, bottles, vessels or other containers, are to be returned to the manufacturer, distributor, consignor or shipper, shall cause the said empty cans, bottles, vessels or other containers to be thoroughly cleansed and sterilized by boiling water or superheated steam before return shipment of the same, and every private or common carrier before accepting such cans or containers to be returned to the manufacturer or distributor shall require that each container be plainly marked with the name and address of the person returning same. All milk bottles, cans or containers of any kind in which milk or any product of milk is kept, stored, transported or delivered shall be sound, smooth, free from rust or open seams, and at all times kept in a condition which will permit thorough cleansing of all surfaces with which the milk or its products come in contact. Bottles, cans, tubs, cabinets, containers or other receptacles commonly used for the reception, storage or delivery of milk, cream, ice cream or other products of milk shall not be used as a receptacle for, or storage place of any vegetables, fish, fowls, meats, other foodstuffs, or refuse matter, bottles, or filthy, or offensive substance, or for any other purpose than that for which they were originally intended. All empty cans, bottles, vessels or other containers delivered to the producer by the manufacturer, retailer, or distributor for the reception of milk or any product of milk shall be kept by said producer in a clean, sanitary, sterile condition and shall be used for no other purpose whatsoever. All empty cans, bottles, vessels or other containers delivered to the consumer by retailer or distributor

shall be thoroughly cleansed before returning the same to the retailer or distributor.

Brands.

(b) Any person, firm, corporation or association or association the members of which are engaged in receiving, producing, manufacturing, packing, canning, bottling, handling or selling milk or any product of milk in containers marked or otherwise identified with the name or names of such person, firm, corporation, or association, or with any fictitious or other name or word or words or with any mark or device whatsoever, may file with the department of agriculture of the State of California a description of the name or names, or word or words or mark or device so used, and an application for registration of the same as a brand, which application shall be accompanied by a fee of five dollars. The applicant shall also cause such description to be printed once a week for three successive weeks in one or more newspapers of general circulation published in the locality or localities in which said applicant shall be engaged in business. The department of agriculture of the State of California may refuse to register a brand when it appears that the same or a similar brand has been previously registered by another; and whenever it appears that two or more applicants have applied for the registration of the same or similar brands, the director of agriculture may after hearing determine the right of prior ownership in such brand; and when such right of prior ownership is determined the director of agriculture shall refuse to register, or shall cancel the registration of, any duplicate or similar brand. Any person, firm, corporation or association acquiring any container marked with a brand registered under the provisions of this section, by purchase or by other lawful means, shall so notify the department of agriculture of the State of California, and shall not thereafter be required again to file and publish said description, but may acquire as a part of said purchase all such benefit as the vendor had under this act. It shall be the duty of every person who finds or receives in the regular course of business or in any other manner any container marked with a brand registered under the provisions of this section to make diligent effort to find the owner thereof and to restore or return the same.

**Deposit of
money as
security for
container**

(c) Whenever the owner or owners of said containers so marked or branded or of said equipment or supplies used in said business or businesses aforesaid, so marked or otherwise impressed, shall require taking or accepting of any sum of money as a deposit for security for the safekeeping and return of such article or articles, it shall not constitute a sale of such property, either optional or otherwise, in any proceeding under this act.

CHAPTER 730.

An act to amend the Political Code by adding a new section thereto to be numbered section 594c, relating to the sale of securities and capital stock of companies organized for the purpose of transacting an insurance business, and to brokers and agents engaged in the sale of such securities and capital stock, providing for the supervision thereof, defining the powers and duties of the insurance commissioner in relation thereto and prescribing penalties for violation of the provisions thereof.

[Approved by the Governor June 7, 1929. In effect August 14, 1929.]

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

SECTION 1. The Political Code is hereby amended by adding ^{New section} a new section thereto to be numbered section 594c and reading as follows:

594c. The word "security" as herein used shall include any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation, certificate of interest in a profit-sharing agreement, collateral trust certificate, preorganization certificate, preorganization subscription, any transferable share, investment contract, or beneficial interest in title to property, profits or earnings or any other instrument commonly known as a security; but shall not include: ^{Security defined.}

(a) Bills of exchange, trade acceptances, promissory notes and other commercial paper issued, given or acquired in a bona fide way in the ordinary course of legitimate business, trade or commerce;

(b) Promissory notes, whether secured or unsecured, where the notes are not offered to the public, or are not sold to an underwriter for the purpose of resale;

(c) Mortgage participation certificates issued under and in accordance with the provisions of chapter eight of title two of part four of division one of the Civil Code.

"Sale" or "sell" as used in this section shall include every ^{Sale defined.} disposition, or attempt to dispose, of a security or interest in a security for value. Any security given or delivered with or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. "Sale" or "sell" shall also include a contract of sale, an exchange, an attempt to sell, an option of sale, a solicitation of a sale, a subscription or an offer to sell, directly or by an agent, or a circular letter, advertisement or otherwise; *provided*, that a privilege pertaining to a security giving the holder the privilege to convert such security into another security of the same company shall not be deemed a sale of such other security within the meaning of this definition; *and provided, further*, that the issue or transfer of a right pertaining to a security and entitling the holder of such right to subscribe to another

security of the same company shall not be deemed a sale of such security within the meaning of this definition; but the sale of such other security upon the exercise of such right shall be subject to the provisions of this section.

Broker
defined.

The word "broker" as used in this section includes every person, firm or corporation, other than an agent, who shall, in this state, engage either wholly or in part in the business of selling, offering for sale, negotiating for the sale of, or otherwise dealing in any security as defined in this section, issued by others, or of underwriting any issue of such securities, or of purchasing such securities with the purpose of reselling them, or of offering them for sale to the public.

Agent
defined

The word "agent" as used in this section means and includes every person, firm or corporation employed or appointed by a company or broker who shall, within this state, either as an employee or otherwise, for a compensation, sell, offer for sale, negotiate for the sale of or take subscriptions for any security as defined in this section.

Permit
to sell
securities

No company organized for the purpose of transacting, any insurance business in this state shall sell, except upon a sale for delinquent assessment made in accordance with the provisions of article two of title one of part four of division one of the Civil Code, or offer for sale, negotiate for the sale of, or take subscriptions for, any security or capital stock of its own issue until it shall have first applied for and secured from the insurance commissioner a permit authorizing it so to do.

Application

The application for the permit shall be verified as provided in the Code of Civil Procedure for the verification of pleadings, and shall be filed in the office of the commissioner. In such application the applicant shall set forth the names and addresses of its officers, the location of its office, an itemized account of its financial condition, the amount and character of its assets and liabilities, a detailed statement of the plan upon which it proposes to transact business, a copy of any security it proposes to issue, a copy of any contract it proposes to make concerning the same, a copy of any prospectus or advertisement, or other description of such securities, then prepared by or for it for distribution or publication, and such additional information concerning the company, its condition and affairs as the commissioner may require. If the applicant is a partnership or an unincorporated association or joint stock company, it shall file with its application a copy of its articles of partnership or association, and all other papers pertaining to its organization. If the applicant is a corporation, it shall file with its application a copy of all minutes of any proceedings of its directors or stockholders or members relating to or affecting the issue of such securities, and also a copy of its articles of incorporation and of its by-laws and of any amendments thereto. If the applicant is a corporation or association organized under the laws of any other state, territory, or government, it shall also file with its application a certificate, executed by the proper officer of such state, territory, or gov-

ernment not more than thirty days before the filing of such application, showing that such applicant is authorized to transact business in such state, territory, or government; and also, in such form as the commissioner may prescribe, its written instrument, irrevocably appointing the commissioner and his successor in office its true and lawful attorney upon whom all process in any action or proceeding against it may be served, with the same effect as if said corporation or association were organized or created under the laws of this state and had been lawfully served with process therein.

Upon the filing of such application, it shall be the duty of the commissioner to examine it and the other papers and documents filed therewith, and he may, if he deems it advisable, make or have made a detailed examination, audit, and investigation of the applicant and its affairs. If he finds that the proposed plan of business of the applicant is not unfair, unjust, or inequitable, that it intends to fairly and honestly transact its business, and that the securities that it proposes to issue and the methods to be used by it in issuing or disposing of them are not such as, in his opinion, will work a fraud upon the purchaser thereof, the commissioner shall issue to the applicant a permit authorizing it to issue and dispose of securities, as therein provided, in this state, in such amounts and for such considerations and upon such terms and conditions as the commissioner may in said permit provide. Otherwise, he shall deny the application and refuse such permit and notify the applicant in writing of his decision. Every permit shall recite in bold type that the issuance thereof is permissive only and does not constitute a recommendation or endorsement of the securities permitted to be issued. The commissioner may impose conditions requiring the deposit in escrow of securities, the impoundment of the proceeds from the sale thereof, limiting the expense in connection with the sale thereof and such other conditions as he may deem reasonable and necessary or advisable to insure the disposition of the proceeds of such securities in the manner and for the purposes provided in such permit. The commissioner may, from time to time for cause, amend, alter or revoke any permit issued by him hereunder, or temporarily suspend the rights of the applicant under such permit. The commissioner shall have the power to establish such rules and regulations as may be reasonable or necessary to carry out the purposes and provisions of this section.

Examination
of applica-
tion

Permit
issued

Powers of
commis-
sioner.

Every company authorized by the commissioner to sell securities shall thereafter, at such times as it may be required by the commissioner, make and file in the office of the commissioner a report, setting forth, in such form as the commissioner may prescribe, the securities sold by it under the authority of any permit issued by him, the proceeds derived therefrom, the disposition of such proceeds, and such other information concerning its property, officers, or affairs, relating to or affecting the value of such securities, as the commissioner may require.

Reports

Broker's
certificate

No person, firm or corporation shall act as an agent or broker unless he shall have first applied for and secured from the insurance commissioner a certificate, then in effect, authorizing him so to do.

Application,
what to
contain

Every such certificate shall expire on the first day of July next after its issue, unless sooner suspended or revoked. To secure such certificate, the applicant shall make and file in the office of the commissioner an application therefor in writing, verified by or in behalf of the applicant. In such application, the applicant shall set forth, in addition to such other information as may be required by the commissioner:

1. The name and address of the applicant, and if it be a corporation, association, or joint stock company, the name and address of each of its managing officers and agents, and, if it be a partnership, the name and address of each of the partners;

2. A succinct statement of facts showing that the applicant, and its managing officers and agents, if it be a corporation, or members, if it be a partnership, have a good business reputation;

3. If the applicant is a broker, the general plan and character of the business of the applicant.

Applicant's
bond

At the time of filing an application for a broker's certificate, the applicant shall file with the commissioner a good and sufficient bond for five thousand dollars, payable to the people of the State of California, for the use and benefit of any interested person, executed by said applicant and by sufficient surety or sureties, and to be approved by the commissioner. Said bond shall be conditioned upon the strict compliance with the provisions of this section, and the honest and faithful application of all funds received and the faithful and honest performance of all obligations and undertakings in the purchase or sale of securities, by said broker, his agents and employees. Said bond shall be further conditioned upon the payment of all damages suffered by any person damaged or defrauded by reason of the violation of any of the provisions of this section, or by reason of any fraud connected with or growing out of any transaction contemplated by the provisions of this section. Any person who sustains an injury covered by such bond, may in addition to any other remedy that he may have, bring an action in his own name upon said bond for the recovery of any damages sustained by him. Upon such action being commenced the commissioner may in his discretion, require the filing of a new bond, and immediately upon the recovery in any action on such bond, such broker shall file a new bond, and upon failure to file the same within ten days in either case such failure shall constitute sufficient grounds for the suspension or revocation of such broker's certificate.

Recovery
on bond.

Where
applicant is
a foreign
corporation

If the applicant is a corporation or association organized under the laws of any other state, territory, or government, it shall file with its application a copy of its articles of incorpora-

tion or association, together with a certificate executed by the proper officer of such state, territory, or government not more than thirty days before the filing of such application, showing that such applicant is authorized to transact business in such state, territory, or government, and also in such form as the commissioner may prescribe, its written instrument, irrevocably appointing the commissioner and his successor in office its true and lawful attorney upon whom all process in any action or proceeding against it, arising out of or founded upon the fraud of such applicant in the sale of securities within this state, or in any action upon any bond provided by this section, may be served, with the same effect as if said corporation or association were organized or created under the laws of this state and had been lawfully served with process therein.

The commissioner shall examine such application, and shall make such further investigation of the applicant and its affairs as he shall deem advisable. If, from such examination, the commissioner, shall be satisfied of the good business reputation of the applicant and of its officers or members, if any, that the sale of the securities proposed to be sold by it would not be unfair, unjust or inequitable to the purchasers thereof, that neither it nor its officers or members have violated any of the provisions of this act and that neither it nor its officers or members have engaged or are about to engage in any fraudulent transaction he shall issue such certificate. Otherwise, he shall refuse the same and deny the application and notify the applicant of his decision. The commissioner may at any time temporarily suspend or revoke any broker's or agent's certificate issued by him if he shall find that the holder thereof is of bad business repute, or has violated any provision of this act, or has engaged, or is about to engage in any fraudulent transaction.

Every broker shall, at such times as it may be required by the commissioner, make and file in the office of the commissioner a true and correct statement concerning any security sold or offered for sale by such broker, showing the name and location of the principal office of the issuer of such security; the names of its managing officers, if it is a corporation, or of its members, if it is a partnership; its assets, liabilities, and issued capital stock, at the close of its fiscal year then last ended, or at a later date; its gross income, expenses, and fixed charges for the year next preceding such date, or for such time as such issuer of such security has transacted business, if for less than one year, and the approximate price at which such broker has sold or proposes to sell such security, together with such other information, of which the broker may have knowledge, as the commissioner may require, nor shall any broker sell or offer for sale any security after notice in writing given to it by the commissioner that in his opinion, the sale thereof would be unfair, unjust, or inequitable to the purchaser thereof, unless the commissioner shall subsequently in writing withdraw such objection to the sale thereof.

Statement
by broker
on sale of
securities.

Advertisements
submitted
to commis-
sioner.

No person, partnership, association, or corporation, other than a broker holding a broker's certificate, then in effect, shall issue, circulate, or publish any advertisement, pamphlet, prospectus, or circular concerning any security, to be issued by any company, that such person, partnership, association, or corporation desires or proposes to sell, until the company proposing to issue such security shall have first secured from the commissioner a permit authorizing it to issue or sell such security; nor shall any company, broker, or agent, or any other person, issue, circulate, or publish any advertisement, pamphlet, prospectus, or circular concerning any security sold or offered for sale by it, unless the name of the company, broker, agent, or person issuing, circulating, or publishing the same shall be subscribed thereto, and a true copy thereof shall have been first filed in the office of the commissioner at least one day prior thereto; *provided, however*, that the filing of a copy of such advertisement, pamphlet, prospectus or circular, as herein provided, shall not be required in any case in which the commissioner shall have authorized or consented to the issuance, circulation or publication thereof; nor shall any company, broker, or agent, or any other person, issue, circulate, or publish any such advertisement, pamphlet, prospectus, or circular after notice in writing given to it by the commissioner that, in his opinion, the same contains any statement that is false or misleading or otherwise likely to deceive a reader thereof.

Documents
open to
public
inspection.

All papers, documents, reports, and other instruments in writing filed with the commissioner under this section shall be open to public inspection; *provided*, that if, in his judgment, the public welfare or the welfare of any company, demands that any portion of such information be not made public, he may, in his discretion, withhold such information from public inspection for such time as in his judgment is necessary. The commissioner may at any time give, issue, or make public any information concerning any company or any contracts, stocks, bonds, or other securities, sold or offered for sale within this state, if in his judgment the giving, issuing, or publishing of the same will be of public interest or advantage or will tend to prevent the fraudulent sale of such securities.

Review of
orders, etc.
of commis-
sioner.

Every order, decision, permit or other official act of the commissioner made, issued or done under the provisions of this section, shall be subject to review, in accordance with the provisions of chapter one of title one of part three of the Code of Civil Procedure. Upon such review, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the commissioner under review, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in making such order, decision, or permit.

Securities
issued
without
permit,
void.

Every security issued by any company, without a permit of the commissioner authorizing the same then in effect, shall be void, and every security issued by any company, with the

authorization of the commissioner but not conforming in its provisions to the provisions, if any, which it is required by the permit of the commissioner to contain, shall be void.

Every company which shall directly or indirectly offer for sale, or negotiate for the sale of or sell, or issue, or cause to be issued any security contrary to the provisions of this section, or of the constitution of this state, or in nonconformity with a permit of the commissioner authorizing the same, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes, if any, specified in such permit, or to any purpose specified in such permit in excess of any amount limited in such permit to be used for such purpose, shall be guilty of a public offense and shall be punishable by a fine not exceeding ten thousand dollars.

Penalty for violation

Every officer, agent, or employee of any company, and every other person, who knowingly authorizes, directs, or aids in the issue or sale of, or issues or executes, or sells, or causes or assists in causing to be issued, executed, or sold, any security, in nonconformity with a permit of the commissioner then in effect authorizing such issue, or contrary to the provisions of this section, or of the constitution of this state, or who, in any application to the commissioner, or in any proceeding before him, or in any examination, audit, or investigation made by him or his authority, knowingly makes any false statement or representation, or who, with knowledge of its falsity, files or causes to be filed in the office of the commissioner any false statement or representation concerning such company or the property which it then holds or proposes to acquire, or concerning its officers or its financial condition or other affairs, or concerning its proposed plan of business, or who, with knowledge of the falsity of any such statement or representation, issues, executes, or sells, or causes to be issued, executed, or sold, any security, without first informing the commissioner of the falsity of such statement in writing, or who, directly or indirectly, knowingly applies, or causes or assists in causing to be applied, the proceeds, or any part thereof, from the sale of any security to any purpose contrary to the provisions of the permit authorizing the issue of such security, or to any purpose specified in such permit in excess of any amount limited in such permit to be issued for such purpose, or who, with knowledge that any security has been issued or executed, in violation of any of the provisions of this section, sells or offers the same for sale, or who, with knowledge that any advertisement, pamphlet, prospectus, or circular concerning any security contains any statement that is false or misleading, or otherwise likely to deceive a reader thereof, issues, circulates, or publishes the same, or shall cause the same to be issued, circulated, or published, or who, in any respect, wilfully violates or fails to comply with any of the provisions of this section, or who, in any other respect, wilfully violates or fails, omits, or neglects to obey, observe, or comply with any order, permit, decision, demand, or requirement, or

Penalty for officers, etc

any part or provision thereof, of the commissioner under the provisions of this act, or who with one or more other persons conspires to violate any permit or order issued by the commissioner or any of the provisions of this act, is guilty of a public offense and shall be punished by imprisonment in the state prison not exceeding five years, or in a county jail not exceeding two years, or by a fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Fees

The commissioner in the exercise of his powers and the performance of his duties in accordance with this section shall charge and collect the following fees:

1. For filing an original or supplemental application for a permit to issue securities, ten dollars, plus—

One-twentieth of one per cent of the amount of any excess of the aggregate value of the securities sought to be issued over twenty thousand dollars and not exceeding fifty thousand dollars;

One-twenty-fifth of one per cent of such amount in excess of fifty thousand dollars and not exceeding one hundred thousand dollars;

One-fiftieth of one per cent of such amount in excess of one hundred thousand dollars and not exceeding five hundred thousand dollars; and

One-one-hundredth of one per cent of such amount in excess of five hundred thousand dollars.

Determination of fees

For the purpose of determining the above fees:

(a) The value of such securities shall be deemed to be their par or face value unless the consideration for such securities is in excess of such par or face value, in which case the value will be deemed to be the amount of the consideration so received.

(b) Where the securities proposed to be issued have no nominal or par value, the value of such securities shall be deemed to be the price at which the company proposes to sell or issue the same, or the value, as alleged in the application, of the consideration (if other than money) to be received in exchange therefor; *provided, however*, until a new value shall have been established, that each share of no par value stock proposed to be issued shall be deemed to have a value equal to the value which has been established by previous sales for money or other property of other shares of the same class.

(c) Rights, warrants or other certificates evidencing stockholders' rights to purchase additional securities shall be deemed to have a value equal to the difference between the selling price of the securities represented by such rights, warrants or other certificates and the market value of the securities so represented at the date of filing of application.

(d) Where an application is made to issue securities containing a provision entitling the holder or holders thereof to convert or exchange the same for a different class of securities, the value of the securities to be so issued shall be deemed to be an amount equal to twice the amount of the consideration

to be received for the securities containing the conversion or exchange provision.

2. For filing any application for a broker's certificate twenty-five dollars.

3. For filing any application for an agent's certificate five dollars.

4. For any examination, audit, or investigation, ten dollars per day or fraction thereof, if made by the commissioner, or the actual amount of the salary or other compensation paid to any deputy or other employee of the commissioner, if made by a deputy or other employee, for each day or fraction thereof that such commissioner, deputy, or other employee shall necessarily be absent from his office for the purpose of making such examination, audit, or investigation, plus the actual amount of expenses reasonably incurred in the performance of such work.

5. For filing any application for an amendment to an existing permit to issue securities, or for a permit to negotiate for the sale of securities, ten dollars.

No fees shall be charged or collected for copies of papers, records, or official documents furnished to public officers for use in their official capacity or for the reports of the commissioner in the ordinary course of distribution.

CHAPTER 731.

An act to amend section 421 of the Civil Code, relating to investments of insurance companies.

[Approved by the Governor June 7, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 421 of the Civil Code is hereby amended to read as follows:

421. 1. Corporations organized under the laws of this state for the transaction of any kind of insurance business authorized by such laws may invest their capital, surplus and accumulations in the purchase of, or loans upon, any of the securities specified in the following subdivisions, to wit:

(a) Bonds or interest-bearing notes or obligations of the United States or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Bonds or interest-bearing notes or obligations of the Dominion of Canada or any province of the Dominion of Canada, or those for which the faith and credit of the Dominion of Canada or any province of the Dominion of Canada are pledged for the payment of principal and interest.

(c) Bonds of this state or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, and bonds of any other state or

Stats. 1925,
p. 423,
amended.

Investments
of insurance
companies

U S bonds

Canadian
bonds.

State bonds.

territory in the United States that has not, within five years next preceding such investment by such insurance company, defaulted in payment of any part of either principal or interest due upon any legally authorized bond issue.

Local gov-
ernment
bonds

(d) Bonds or interest-bearing notes or obligations issued under authority of law by any city, city and county, county, municipality, or school district in this state or in any other state or territory of the United States or in any province of the Dominion of Canada; *provided*, that said city, city and county, county, municipality, or school district, or the state, territory or province in which it is located has not within two years next preceding such investment by such insurance company, defaulted in the payment of any part of either principal or interest due upon any legally authorized bond issue.

District
bonds

(e) Bonds of any permanent road division in this state, and bonds of any reclamation district, irrigation district, municipal water district, county water works district, or of any other district, which are, by the express terms of the law of this state, made legal investments for the savings banks or insurance companies.

Mortgage
bonds

(f) Notes or bonds secured by mortgage or deed or trust or other lien upon improved or unimproved unincumbered real property; *provided*, that the principal so loaned or the entire note or bond issue so secured shall not exceed sixty per centum of the market value of such real estate, or of such real estate with improvements taken as security at the date of investment; *provided, also*, in case said loan is made, or said note or bond issue created for a building loan on real estate, that at no time shall the principal so loaned, or the entire outstanding note or bond issue exceed sixty per centum of the market value of the real estate and the actual cost of the improvements thereon taken as security; *provided, also*, that real property shall not be deemed to be incumbered or subject to lien within the meaning of this section by reason of the existence of tax liens or outstanding mineral, oil or timber rights, rights of way, sewer rights, rights in walls, nor by reason of building restrictions or other restrictive covenants, nor when such real property is subject to lease under which rents or profits are reserved to the owner; *provided*, that security for such loan is a first lien upon such real property and that there is no condition or right of reentry or forfeiture under which such lien can be cut off, subordinated or otherwise disturbed.

Bonds
guaranteed
by insurance
policy.

(g) Notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, and mortgage participation certificates, issued by a mortgage insurance company in accordance with the provisions of chapter eight of title two of part four of division first of the Civil Code; *provided*, that no insurance corporation shall make any investment in any of the securities hereinbefore in this section specified at a cost exceeding the market value of such security, at the date of such investment.

(h) Collateral trust bonds or notes when secured by either: Collateral trust bonds or notes.

(1) Deposit of bonds or notes authorized for investment by this section of a market value at least fifteen per centum in excess of the par value of the collateral trust bonds or notes issued; or

(2) Deposit of bonds authorized for investment by this section and other securities of a combined market value at least twenty per centum in excess of the par value of the collateral trust bonds or notes issued; *provided*, that the par value of said collateral trust bonds or notes shall in no case exceed the market value of that portion of the security represented by bonds authorized for investment by this section.

(3) Deposit of any notes or bonds authorized for investment by this section and other securities of a combined market value of at least thirty per centum in excess of the par value of the collateral trust bonds or notes issued; *provided*, that the par value of such collateral trust bonds or notes shall in no case exceed the market value of that portion of the security represented by notes or bonds hereinbefore in this section authorized for investment; *provided, further*, that the collateral pledged consist of bonds authorized for investment by this section of the market value of at least seventy-five per centum of the par value of such collateral trust bonds or notes issued.

2. Corporations organized for and engaged in the business of fire, life or marine insurance may, after the investment of two hundred thousand dollars for each of such kinds of insurance transacted, and corporations organized for and engaged in the business of transacting any other kind or kinds of insurance authorized by law, except mortgage insurance, may also, after the investment of an amount equal to the minimum amount of capital stock required to do such kind or kinds of insurance, in any of the securities specified in subdivision one of this section, invest the balance of their capital, surplus and any accumulations in the purchase of, or loans upon the stock of any corporation (except a mining corporation) organized and carrying on business under the laws of this state, or the laws of any other state or territory in the United States, which stocks have at the date of such investment a market value not less than the purchase price thereof, or the amount loaned on the security thereof; or in the purchase of, or loans upon, interest-bearing bonds, notes or other obligations issued by a corporation organized under the laws of any state or territory in the United States; or bonds of any permanent road division, reclamation district, irrigation district, or any other district of any state which are legal investments for savings banks of this state; or bonds issued by any city, city and county, municipality, or school district in this state to represent assessments for local improvements authorized by the laws of this state; *provided*, the purchase price thereof or principal loaned thereon shall not exceed, at the date of such purchase or loan, fifty per centum of the market value of the real estate, or of Investment of balance of capital

such real estate with the improvements thereon, upon which such bond is made a first lien by law. Nothing herein shall authorize the purchase of or loans upon such obligations of any corporation or district which, within five years next preceding, shall have defaulted in payment of any part of either principal or interest of any bond, note or obligation offered. Stocks, bonds, notes or obligations must, in each case, be rated as first-class securities, and in case of a purchase, the price paid for the securities must not be in excess of the current market value thereof at the date of purchase or, in case of a loan, the amount loaned must not exceed eighty-five per centum of the market value, at the date of the loan, of the collateral taken as security thereon. No loan shall be made to any one borrower on the security of the capital stock of any corporation in an amount exceeding ten per centum of the capital stock and surplus of such insurance company, and all purchases of or loans upon the capital stock in any one corporation shall not exceed in the aggregate twenty-five per centum of the capital stock and surplus of such insurance company; and no fire, life or marine insurance company shall purchase or loan upon the stock of any one corporation in an amount exceeding thirty per centum of the capital stock of such last named corporation; *provided*, that nothing in this clause shall be construed to limit the purchase by an insurance company of the stock of another insurance company organized under the laws of this state and authorized to do business therein; *provided*, that any investment made under the provisions of this subdivision of this section shall be approved by a vote of two-thirds of all the directors of the investing corporation. Such approval shall be entered upon the records or minutes of such corporation. Such entry must show the fact of making such investment, the amount thereof, the name of each director voting to approve the same, the amount, character and value of the security purchased or taken as collateral, and if the investment be a loan, the name of the borrower, the rate of interest thereon and the date when the loan will become due or payable. It shall be the duty of the secretary of any such investing corporation to report in writing during the months of January and July of each year to the insurance commissioner the data above set forth respecting each such investment, and the insurance commissioner may, if any such investment is not approved by him, require the corporation to sell or dispose of the same.

Policy loans
of life
insurance
companies

3. Life insurance companies may also loan upon their own policies; *provided*, that the amount so loaned upon each policy shall not exceed the reserve against such policy at the time said loan was made; *provided, further*, that no policy loans whatever shall ever be used as security which may be deposited with the insurance commissioner under section 634 of the Political Code. The amount loaned by a company upon its own policies shall be credited to said company in determining the amount of deposit required to comply with the provisions

of section 634 of the Political Code, and such loans shall be deducted from the net value of the registered policies.

4. Any insurance company of this state doing business in any foreign country may invest so much of its funds as are required to meet its obligation incurred in such foreign country and in conformity to the laws thereof, in the same kind of securities issued in such foreign country that such company is by law allowed to invest in this state, and subject to the limitations imposed by law in this state.

Company
doing
business in
foreign
country

CHAPTER 732.

An act to add a new section to the Political Code of the State of California, to be numbered 3456c, relating to assessments levied by reclamation districts.

[Approved by the Governor June 7, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 3456c, and to read as follows:

New section

3456c. The assessments levied by any reclamation district formed or operating under the provisions of this article shall include all lands and all rights of way lying within such district and owned by the State of California, or by any city, city and county, county, public corporation, or any utility district formed under the laws of the State of California, except school districts. The assessments upon such lands or rights of way shall be levied in proportion to the benefits that will accrue to such land or rights of way in the same manner as assessments are levied upon other lands or rights of way within said district. No land or rights of way owned by the State of California, or by any city, city and county, county, public corporation, or any utility district formed under the laws of the State of California, except school districts, shall be sold for nonpayment of assessment, but it shall be the duty of the governing body of the state, or any city, city and county, county, public corporation, or any utility district formed under the laws of this state (except school districts), and owning land or rights of way on which an assessment has been lawfully levied by any such reclamation district, to pay such assessment before the same becomes delinquent. Any reclamation district formed or operating under the provisions of this article may take the procedure prescribed by chapter two, title one, part three of the Code of Civil Procedure to compel the payment of any assessment lawfully levied by it upon the land or rights of way within said district and belonging to the state, or city, city and county, county, public corporation, or any utility district formed under the laws of the State of California, except school districts. Nothing in

Assessments
levied by
reclamation
districts

State land

Procedure

Construction.

this section shall be construed to authorize the levying of an assessment upon public roads or highways lying within any reclamation district.

CHAPTER 733.

An act to amend an act entitled "An act to provide whole family protection for members of fraternal benefit societies," approved April 20, 1917.

[Approved by the Governor June 7, 1929 In effect August 14, 1929]

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

Stats 1917,
p 144,
amended

SECTION 1. An act entitled "An act to provide whole family protection for members of fraternal benefit societies," approved April 20, 1917, is hereby amended to read as follows:

Stats 1917,
p 144,
amended
Fraternal
benefit
society
may insure
children

Section 1. Any fraternal benefit society authorized to do business in this state may provide in its laws, in addition to other benefits provided for therein, for the payment of death and annuity benefits upon the lives of children between the ages of one and eighteen years at next birthday, upon the application of some adult person, as the laws of such society may provide, upon whom such child is dependent for support and maintenance. Any such society may, at its option, organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society. The death benefits payable as above provided shall in no case exceed the following amounts at ages at next birthday at time of death, respectively, as follows: One, twenty-five dollars; two, fifty dollars; three, seventy-five dollars; four, one hundred dollars; five, one hundred thirty dollars; six, one hundred seventy-five dollars; seven, two hundred dollars; eight, two hundred fifty dollars; nine, three hundred twenty-five dollars; ten, four hundred dollars; eleven, five hundred dollars; twelve, six hundred dollars; thirteen, seven hundred dollars; fourteen, eight hundred dollars; fifteen, nine hundred dollars; and sixteen to eighteen years, where not otherwise authorized by law, one thousand dollars.

Total
benefits
payable

Stats 1917,
p 145,
amended
Conditions
of benefit
certificate.

Sec. 2. No benefit certificate as to any child shall take effect until after such examination or inspection as may be required by the laws of the society, nor shall any such benefit certificate be issued unless the society shall, when first engaging in this class of business, simultaneously put in force at least five hundred such certificates, on each of which at least one assessment has been paid. The death benefit contributions to be made upon such certificate shall be based upon the "Standard Industrial Mortality Table" or the "English Life Table Number Six," or the society may use a table based upon its own juvenile experience of at least ten years and cov-

ering not less than one hundred thousand lives with a rate of interest not greater than four per cent per annum, or upon a higher standard; *provided*, that contributions may be waived or returns may be made from any surplus held in excess of reserve and other liabilities, as provided in the laws of the society; *and provided, further*, that extra contributions shall be made if the reserves hereinafter provided for become impaired.

Sec. 3. Any society issuing such benefit certificates shall maintain on all such certificates the reserve required by the standard of mortality and interest adopted by the society for computing contributions as provided in section 2, and the funds representing the benefit contributions and all accretions thereon shall be kept as separate and distinct funds, independent of the other funds of the society, and shall not be liable for nor used for the payment of the debts and obligations of the society other than the benefits herein authorized; *provided*, that a society may provide that when a child who is eligible for benefit membership reaches the minimum age for such membership, such child may be so admitted into such society upon compliance with such requirements as may be provided by the laws of the society, and upon such admission any reserve upon such juvenile certificate shall be transferred to the benefit or reserve fund of the society. If the child be not admitted to benefit membership, the juvenile certificate shall terminate upon the child's reaching age eighteen, or any younger age fixed by the laws of the society as the maximum age at death for the payment of juvenile benefits, neither the person who originally made application for benefits on account of such child, nor the beneficiary named in juvenile certificate, nor the person who paid the contributions, shall have any vested right in such certificate, or any new certificate, issued to such child, but the nomination of an eligible beneficiary shall be left to the child so admitted to benefit membership.

Stats 1917,
p. 145,
amended.
Reserve
required.

Sec. 4. An entirely separate financial statement of the business transactions and of assets and liabilities arising therefrom shall be made in its annual report to the insurance commissioner by any society availing itself of the provisions hereof. The separation of assets, funds and liabilities required hereby shall not be terminated, rescinded or modified, nor shall the funds be diverted for any use other than as specified in section 3, as long as any certificates issued hereunder remain in force, and this requirement shall be recognized and enforced in any liquidation, reinsurance, merger or other change in the condition of the status of the society.

Stats 1917,
p. 146,
amended.
Separate
financial
statement.

Sec. 5. Any society shall have the right to provide in its laws and the certificate issued hereunder for payments on account of the expense or general fund, which payments shall or shall not be mingled with the general fund of the society as its laws may provide.

Stats 1917,
p. 146,
amended.
Payments
on account
of expense
or general
fund

Stats 1917,
p 146,
amended
General
powers of
societies

Sec. 6. A society shall have full power to provide for means of enforcing payment of contribution, designation of beneficiaries and changing such designations, and in all other respects for the regulation, government and control of such certificates and all rights, obligations and liabilities incident thereto and connected therewith not at variance with the provisions of this act.

Stats 1917,
p 146,
amended
Repealed

Sec. 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 734.

An act to revise an act entitled "An act to provide for the registration of brands and earmarks, the licensing and regulating of cattle slaughterers and sellers of meat; prescribing duties of the department of agriculture in relation thereto, and penalties for the violation hereof," approved June 3, 1921.

[Approved by the Governor June 7, 1929 In effect August 14, 1929.]

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

See
Stats 1921,
p 1248

SECTION 1. The act cited in the title hereof is hereby revised to read as follows:

Title
of act

Section 1. This act shall be known as the hide and brand law.

Enforcement

Sec. 2. The director of agriculture is hereby authorized and it is made his duty to enforce the provisions of this act and to exercise a general supervision over and protect the cattle of this state from theft, and to make such rules and regulations as may be necessary to carry out the purpose of this act.

He shall appoint a secretary, counsel and such hide and brand inspectors and other employees and clerks as may be necessary for this purpose and fix the salaries of such appointees. The salaries and expenses of appointees, including other additional expenses incurred in the enforcement of this act, as hereinafter provided, shall be paid out of the cattle protection fund, which fund is hereinafter provided.

All rules and regulations made under this act shall be promulgated in a proclamation under the seal of the department of agriculture, and shall be published in one or more stock journals of general circulation in the state.

Recorded
brands and
marks

Sec. 3. 1. It shall be unlawful to brand any cattle with a brand unless such brand shall be recorded and not forfeited under the provisions of this act.

2. Any person except as hereinafter provided may have a brand, or brand and mark recorded with which to brand or brand and mark his cattle; *provided*, such brand be not the

same or similar to the brand heretofore recorded for any other person, except by special permit issued by said director. Said brands or brands and marks must be recorded by the director of agriculture.

3. Recording a brand or brand and mark shall consist of depicting in the brand records a facsimile of the design of the brand adopted, a diagram denoting the manner of ear-marking adopted, an entry of the name and address of the person adopting the same, the date of recordation, the place upon the animal where the brand is to be used, number of the district and the location of the range whereon such animals are to range.

A brand or brand and mark shall not be deemed similar if it is not recorded by any other person in the same or a contiguous district.

Whenever the brand records on file with the state department of agriculture disclose evidence whereby the same or a similar brand has been recorded by two or more persons in any one branding district, the director of agriculture may proceed to cause an investigation to be made, and hearing held, for the purpose of determining the rights of prior ownership in such brand and when in the judgment of the director of agriculture, prior ownership to such brand or brand and mark has been fully established, the director shall cause the cancellation of any duplicate recorded brand in such branding district.

A brand or brand and mark shall not be considered recorded unless all renewal fees due hereunder shall have been paid.

4. The director may divide the state into a number of districts. Such districts may be changed as often as may be necessary to avoid the recordation of a brand or brand and mark in any two contiguous districts. A mark may be recorded only with a brand.

5. The sum of two dollars shall be paid said director for ^{Fee} the recordation of any brand or brand and mark; for the right to continue the use of said brand or of said brand and mark, under the provisions of this act, the owner thereof shall before the first day of January of each year after its recordation transmit to the said director the sum of one and one-half dollars. Failure to make such payment shall forfeit the right to use said brand or brand and mark. When forfeited, said brand or brand and mark shall not be recorded by any other person until after the expiration of one year from the date of the forfeiture thereof; *provided*, that no brand or brand and mark used or to be used for the purpose of branding cattle shall be recorded by any county clerk or recorder of any county of this state until said brand or brand and mark has been recorded under this act.

6. No transferee of any brand, or brand and mark, shall use such brand or brand and mark, until transfer thereof shall have been recorded in the office of the said director and the sum of one dollar paid therefor. ^{Recordation of transfer.}

Obliterating
brand.

7. No person shall obliterate a brand on the hide of any bovine animal until such hide has been inspected and tagged

Inspection
of cattle

Sec. 4. 1. Inspection of cattle shall consist of the examination of the same for brands and marks, and in the case of unbranded cattle, for natural marks, and the issuance of a certificate showing said brands and marks, or natural marks. If an animal bears another brand or brands in addition to that of the person presenting the same for inspection then the inspector shall have the right to demand that he be shown a bill of sale or other proof of ownership to one brand other than that of the person presenting the same for inspection. The inspector, as he proceeds with the inspection, shall make a record showing the number, kind, age, sex, marks and brands of each animal inspected, name of owner or claimant, consignor and consignee. Any corporation, copartnership, association, person or persons, their or its agents, who shall remove any animal and substitute another therefor, or add other animals, or take other animals, away from any lot of cattle for which an inspector has issued a certificate for shipment or slaughter, without notifying inspector who issued the certificate before cattle are shipped or slaughtered, shall be guilty of a misdemeanor.

Inspection of
carcasses

2. Inspection of carcasses of cattle with the hides attached, and of hides, will be the same as for cattle, except such inspector before issuing a certificate of inspection shall tag the same with the official tag of the department of agriculture; *provided*, that the animals from which such hides were removed, or from which such carcasses were obtained, were not inspected at shipping point or place of slaughter within fifteen days prior to slaughter.

Inspection
fee

3. The inspector shall make such inspection upon request of the shipper or slaughterer at the point of shipment prior to shipment or at the place of slaughter prior to slaughter, as soon as practicable after being notified, and shall receive from the person in charge of the same for such inspection the sum of five cents for each animal, carcass or hide inspected before he shall issue a certificate of inspection therefor.

Unlawful
to issue
certificate

4. It shall be unlawful for any inspector or other employee to issue any certificate of inspection unless such inspection shall have been personally made by him and all inspection fees collected, or neglect or refuse to forward the original certificate of inspection and fees collected to the director of agriculture within fifteen days after said inspection has been made.

Tagging

5. Tagging shall consist of attaching the official tag of the department of agriculture to the left side of the neck of the hide, and when so attached, said tag shall be prima facie evidence of inspection.

6. No charge shall be made for the inspection of hides which have been previously inspected and tagged under the provisions of this act.

Sec. 5. 1. No person shall slaughter a bovine animal or offer for sale, barter or exchange the meat thereof, unless he shall have a license therefor issued in accordance with the provisions of this act, except as herein otherwise provided

License to slaughter animal or sell meat

2. Every person slaughtering cattle as a business shall do so in a designated slaughterhouse. Before beginning business he must procure from the director a license to carry on such business and execute a bond to the State of California, in the penal sum of one thousand dollars to be approved by the director, conditioned that such person shall not slaughter, sell or expose for sale any cattle or the meat thereof, without first being the owner thereof, or being authorized so to do by such owner, and that in case he shall slaughter any cattle without being the owner, or so authorized by the owner, he shall, in addition to all other statutory penalties, pay therefor double the value of such animal. All amounts recovered on said bonds shall be paid as follows: One-half to the owner of such animal and the remaining one-half to the cattle protection fund.

License to maintain slaughterhouse.

Bond

3. Said director shall grant to every applicant who complies with the provisions of this act a license to slaughter cattle and sell the meat thereof for the unexpired portion of the current calendar year. Every applicant for such license shall pay to said director the following annual fee which shall be paid in advance: Applicants who slaughter less than ten head per month, five dollars per annum. Applicants who slaughter more than ten head and less than fifty head per month, ten dollars per annum. Applicants who slaughter more than fifty head, twenty-five dollars per annum. One-fourth of said fees shall be paid for a fractional quarter of a year. But in no case shall the fee be less than two dollars for a fractional part of the year.

Applicant's fee.

4. The applicant shall state in his application where slaughterhouse in which he is to operate is located and to whom it belongs and he shall not slaughter cattle at any other place. If a licensee desires to change to another location he shall apply to said director to have his license transferred and the director may reissue the license without additional cost. It shall be unlawful for a licensed slaughterer, excepting on a strictly commission basis, to slaughter for any other person, or allow any one to slaughter for himself at that plant, unless he be licensed to slaughter there.

Location.

5. Any slaughterer who continues to slaughter cattle after expiration of license and who does not apply for new license within thirty days after expiration of previous license, must pay twenty-five dollars in addition to regular fee and fifty cents per day for every day he slaughters cattle after the expiration of his license, until new license is issued. It shall be unlawful for any person or persons not the keeper of a shop or meat market to sell or offer for sale the meat of any bovine animal without having in his or her possession the hide or hides with ears attached and brand untampered

Penalty for slaughtering cattle after expiration of license.

with, of cattle from which the meat was obtained and exhibiting same to any hide and brand inspector or peace officer upon demand.

Revocation
of license.

6. The director may revoke a license for a wilful violation of any of the provisions hereof, after notice to the interested party and a hearing and a license so revoked shall not be reissued except upon the payment of a renewal fee of twenty-five dollars.

Slaughterer's
records

7. Every licensed slaughterer of cattle shall keep on file in his office for ninety days after slaughter, the original bill of sale and the certificate of inspection of all cattle slaughtered by him.

Retailer's
records

8. Every peddler or retailer of meats purchasing the meat of any bovine animal must enter in a book to be kept for that purpose and exhibit the same on demand, to any agent of this department or peace officer, the name of the person from whom said meat was purchased or otherwise obtained, the date of said purchase, the quantity so purchased and the time and place of delivery thereof to him.

No peddler, or retailer of meat, shall purchase the meat of a slaughtered bovine animal from any person not known to him to be licensed under the provisions of this act, or a regular wholesale dealer in meats with an established place of business.

Sale to
retailer
without
license

9. No person not licensed as a slaughterer under this act shall give, sell or deliver to any peddler of meats, any part of the carcass of a bovine animal. This provision shall not apply to purchases from a regular wholesaler of meat having an established place of business.

Slaughtering
for own
consumption

10. Nothing in this act shall be so construed as to prohibit an owner of property, or a ranchman located on a definite property as a tenant, lessee or purchaser under contract, from slaughtering cattle in small numbers on said premises for his own consumption, and nothing herein shall be so construed as to prohibit such ranchmen from selling or giving away a portion of the meat thereof.

Slaughtering
calves.

11. Any person engaged in the dairy business or raising of cattle may slaughter upon his own premises, any calves under eight months of age, actually produced by him; *provided*, same are marketed by whole carcass with hide on.

Report of
slaughterer.

12. Every licensed slaughterer shall at the end of each calendar month mail to the director a written report stating the total number of cattle slaughtered during the preceding month and showing in separate columns the number thereof that were: Calves; cows; steers; stags; bulls; number slaughtered on each date; from whom purchased; giving date of purchase, and brands on branded cattle.

13. The director may, after notice to the interested party and a hearing, revoke a license for wilful violation of any of the provisions hereof, or for maintaining an insanitary slaughterhouse, unless such slaughterhouse shall be under the

supervision of a city or county meat inspection department where regular inspection is conducted by employees who have passed a civil service meat inspector's examination, or the United States department of agriculture, and a license so revoked shall not be reissued except upon the payment of a renewal fee of twenty-five dollars.

Sec. 6. 1. The director shall adopt a device for tagging hides, the design of which may be changed from time to time at his option. Tagging
hides.

2. No person shall buy or sell a bovine animal, or the carcass of any bovine animal from which the hide has not been removed, or hide thereof, unless the seller give, and the buyer receive, at the time of the delivery of such animal, carcass of any bovine animal from which the hide has not been removed, or hide, a written bill of sale, giving the number, kind and brands or brands and marks of each hide, carcass of any bovine animal from which the hide has not been removed, or animal, signed by the party giving the same and two subscribing witnesses who have been freeholders of the county for at least two years; *provided*, that no witness shall be necessary if each of the parties is known to the other to have been a resident of the county for two years immediately preceding the date of sale. Bill of sale

3. The hides of all cattle slaughtered by the owner thereof, or removed from any cattle which have died from any cause, shall be retained in the possession of the owner where the same may be inspected by any agent of this department or peace officer, with the brands attached thereto, and without any alteration or disfigurement thereof, until said hides are inspected and tagged. Retention
of hides
until
inspection

4. Every ranchman, who so slaughters cattle on such premises, shall keep a record in a book to be kept for that purpose of all cattle so slaughtered by him, with a description thereof, including the brands and marks of such slaughtered cattle, the date of slaughter and shall at the end of each month, make a true and correct copy of such record and send the same by registered mail to the office of the director of agriculture, and he shall likewise exhibit the said record on demand of any inspector of this department or peace officer.

5. It shall be unlawful to counterfeit or reuse the official tag adopted by the director of agriculture for tagging hides.

6. No person shall remove any tag from a hide within this state until after it has been partially tanned.

7. No person shall sell, give away, deliver, transport, buy, accept or receive the hide of any bovine animal within thirty days after the same has been removed, unless such hide shall have been inspected and tagged, as herein provided.

Sec. 7. 1. No common carrier, or owner or driver of any conveyance or vehicle engaged for hire in the business of freighting or transporting cattle, the carcasses of cattle with hide on or the hides thereof, shall receive cattle, the hide or the dressed carcass thereof with the hide thereon, for transportation Stats 1921,
p 1253.
amended
Inspection
before
shipping

until the same has been inspected under the provisions of this act, and said carrier, owner or driver, has been furnished with duplicate certificates signed by an inspector, showing the brands or brands and marks, the names of the shipper and consignee and also the origin and destination of the same; *provided, however*, that in the case of hides that have been previously tagged and the bundles or packages of the same are so arranged that the tags are all visible, the certificates shall simply tell the number of hides and the fact that they are officially tagged. No inspector shall issue such certificate in the case of dressed carcasses, with the hides thereon, or the shipment and transportation of hides, until the official tag has been attached. One copy of said certificate of inspection shall accompany said shipment and the other copy shall be sent to the consignee forthwith. In lieu of regulations in the above paragraph, a release of shipment may be given by the director of agriculture. But such cattle shall be inspected en route or at destination.

2. No cattle except cattle shipped for slaughter and which have been inspected as herein provided prior to shipment shall be slaughtered until they shall have been inspected as herein provided, and any slaughterer claiming the right to slaughter cattle because of an inspection at time of shipment, shall keep on file and produce on demand, the certificate of inspection thereof, made and forwarded to him at the time of shipment; *provided*, every licensed slaughterer who slaughters cattle where it is impossible or impracticable to have such animals inspected by a brand inspector before slaughter, shall keep a record of all cattle slaughtered. Such record shall set forth the name of party from whom said cattle were purchased and identity, such as color, age, weight, sex, brands or brands and marks, if any. Such record shall be open to inspection by any agent of this department, or peace officer; *and provided, further*, that he retain the hides of such animal or animals until inspected as herein provided, or released by the director of agriculture.

When
inspection
impossible.

3. It shall be unlawful for any person who buys any kind of cattle for transportation, for sale or slaughter to receive such cattle for transportation, or transport the same, or carry on said business of transporting or buying and transporting cattle, without having first procured from the director of agriculture a license to do so. Any applicant for such license shall file with the said director a written application, stating his name, present address and addresses for the preceding three years, the county or counties in which he proposes to carry on said business, and the certificate of two reputable citizens who have been residents for at least two years of the county in which the applicant resides, certifying to the good moral character of the applicant. The director of agriculture shall receive for issuing such license a fee of twelve dollars per year, payable quarterly in advance.

License to
transport
cattle.

Every person holding such a license must on or before the tenth day of each month file with the director of agri-

culture a statement showing from whom he purchased said cattle, where he received them, to whom he sold them, to whom and when he delivered them, and a general description showing the marks and brands or natural marks on, and the age, weight, sex, color and general description of said cattle.

Sec. 8. 1. Any bovine animal presented for inspection, either before shipment or slaughter and which is not claimed by the consignor or the consignee or which does not bear the brand or brand and mark of the person presenting the same for inspection and is not accompanied by a bill of sale to the party presenting the same for shipment from the holder of the brand or brand and mark upon the same is hereby declared to be an estray, and shall be taken by the inspector and proceedings shall be had as provided by law for estrays; *provided, however*, that the proceeds from the sale of said cattle, after paying the costs thereof, shall be paid to the director of agriculture, who shall make a record of the same showing the brands or brands and marks and other means of identification of such animals giving the amount realized from the sale of the same. All moneys received by the director of agriculture for the sale of estrays shall be kept in the hands of the director of agriculture aside from other funds, and shall be known as the "estrays fund," and shall be so held by the director of agriculture until paid to the owner of the said estray. If, after the expiration of one year from date of such sale no claim is made, said money shall be paid over to the state treasurer and by him credited to the cattle protection fund.

Stats 1921,
p. 1254,
amended
Estrays

2. Whenever an inspector finds the hide of a bovine animal in the possession of any person whom he has reason to believe is not the legal owner thereof he shall take possession of hide or notify person in possession of same where to leave it, pending investigation and no person shall without release from hide and brand inspector sell, ship, give away, transport or otherwise dispose of the hide of a bovine animal within thirty days after receiving such instructions from the inspector under this act. Any agent of this department shall have the right to stop any truck while transporting cattle, carcasses of same with hide on, or hides thereof on public thoroughfare, for purpose of making an investigation, and take possession of cattle, carcasses of same with hide on, or hides being transported, and hold same for thirty days pending an investigation. Any expense incurred thereby to be paid by whoever proves to be owner. The cost for caring for such property so held shall be a lien upon the property.

Seizure
of hides.

Sec. 9. 1. It shall be the duty of said director to prepare volumes for the recordation of said brands or brands and marks, and to keep a true record of all official transactions. When cattle, carcasses of same with hide on, or the hides thereof having been shipped or slaughtered, a record thereof must be filed in such manner as to disclose under the particular brand or brand and mark, the number of cattle, carcasses

Stats 1921,
p. 1255,
amended
Recordation
of brands

of same with hide on, and hides bearing such brand or brands and marks which have been shipped or slaughtered.

Report of
moneys

2. All moneys received by any inspector, deputy, servant or employee, shall be forwarded to said director at least biweekly.

3. The director, at least once each month, shall report to the state controller the total amount of moneys collected for fees, penalties, judgments or otherwise, and at the same time or oftener, he shall pay into the state treasury the entire amount of such receipts. All moneys received by the director shall be paid to the controller and credited to the department of agriculture fund created by chapter seventy of the statutes of 1929 to be expended in accordance with law in carrying out the provisions of this act.

Stats 1921,
p 1255,
amended
Right to
Information
concerning
brands, etc
Stats 1921,
p 1256,
amended
Terms
defined

Sec. 10. 1. Any one, upon request to the director of agriculture, is entitled to receive information as to any recorded brand or brand and mark, or any information contained in inspection certificates of inspectors.

Sec. 11. 1. The term "tag" wherever used herein shall mean the official tag for hides provided in section 4 in this act.

2. The term "person" wherever used includes every person, persons, firm, association or corporation.

3. The term "cattle" wherever used herein includes every kind of animal of the bovine species.

4. A civil action may be brought by the director to recover any fee, penalty or other money that may become due hereunder.

5. Any person, who, as servant, employee, or otherwise, assists another in the performance of any act in violation of the provisions hereof, shall be punishable therefor to the same extent as if acting as principal.

Offense.

6. Any person violating any provision of this act, shall, unless otherwise provided herein, be guilty of a misdemeanor.

Repealed.

7. All acts and parts of acts in conflict herewith are hereby repealed.

Intent of
Legislature

8. It is hereby declared to be the intention of the Legislature to enact each subdivision of each section irrespective and independently of every other subdivision or every section and that if any subdivision of any section thereof be declared unconstitutional all of the other subdivisions are intended to remain in full force and effect.

Continued
in effect.

9. All brands recorded and all licenses issued under the provisions of chapter six hundred seventy-eight, of the statutes of 1917 entitled "An act to create a cattle protection board, to define its powers and duties, to protect the breeders and growers of cattle from theft, to provide for the registration of cattle brands and the licensing of cattle slaughterers and sellers of the meat thereof, to provide for the inspection of cattle and cattle hides for brands and marks, to provide for the collection of license and inspection fees, to provide for the creation of a fund to be known as the cattle protection fund, and to provide penal-

ties for violation of the provisions hereof," and amendments thereto, under the approved provisions of the act of May 28, 1917, are hereby continued in full force and effect under the provisions of this act.

CHAPTER 735.

An act to amend an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, by amending sections 12 and 17 thereof, relating to directors, and by adding a new section thereto to be numbered 19a, relating to nomination of candidates for office, and by amending section 20 thereof relating to elections, section 41 thereof, relating to assessments, and section 58 thereof, relating to actions to determine the validity of bonds.

[Approved by the Governor June 7, 1929 In effect August 14, 1929]

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

SECTION 1. Section 12 of that certain act of the Legislature of California entitled "An act to provide for the organization and government of drainage districts, to provide for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts," approved March 20, 1903, is hereby amended so as to read as follows:

Stats 1903,
p 294,
amended

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

Term of
office of
directors

President
and
secretary

SEC. 2. Section 17 of said act is hereby amended so as to read as follows:

Stats 1903,
p 296,
amended.

Biennial
election of
directors.

Sec. 17. In each district organized as herein provided, an election shall be held on the first Wednesday in February of each odd-numbered year, at which shall be chosen a successor to each director whose term of office shall expire in March next thereafter. The person receiving the highest number of votes for each office to be filled at said election shall be elected thereto. A director shall be an elector and freeholder of the district and a resident of the division which he shall be elected to represent. In a district in which the directors are elected by divisions, no one shall be entitled to vote for a director for a division who does not reside in that division and is a qualified elector under the general election laws of this state. If the directors are elected at large, each qualified elector of the district may vote for one director from each division for which a director is to be elected. Within ten days after receiving their respective certificates of election, each person elected a director shall qualify as such by taking and subscribing the official oath and executing an official bond in the sum of one thousand dollars, which shall be approved by a judge of the superior court. Such oath and bond shall be in the form prescribed by law for public officers and shall be filed with the secretary of the board of directors. Each such bond shall be recorded in the office of the county recorder of the county where the organization of the district was effected. If a vacancy shall occur in the office of director, the same shall be filled by appointment by the board of supervisors of the county in which the organization of the district was effected. Such appointee shall qualify as herein provided within ten days after receiving notice of his appointment and shall hold office for the unexpired portion of the term of his predecessor. All directors shall hold office until their successors are elected and shall have qualified.

Director's
bond.

Vacancies;
how filled

Stats 1903,
p 297,
amended.

Sec. 3. A new section is hereby added to said act to be numbered 19a and to read as follows:

Petition to
nominate
candidate
for director.

Sec. 19a. Not less than ten days before an election for directors or a director, as provided in this act, any ten or more electors in the district may file with the secretary of the board of directors a petition nominating a candidate for director or as many candidates as there are directors to be elected; *provided*, that if the directors are to be elected by divisions, any five electors of a division may file with the secretary such a petition nominating a candidate for director for that division. The secretary shall prepare for the election a ballot in substantially the form prescribed by law for use at elections of county officers and shall print thereon the names of the candidates nominated as herein provided, and no others, but there shall be sufficient blank spaces left on the ballot in which electors may write other names as candidates for the respective offices to be filled, if they so desire.

Ballot

Stats 1903,
p. 297,
amended

Sec. 4. Section 20 of said act is hereby amended so as to read as follows:

Sec. 20. The inspector is chairman of the election board ^{Elections.} and may administer all oaths required in the progress of the election and appoint a successor to any judge or clerk who during the progress of the election may cease to act. If the inspector shall cease to act during the progress of an election, the other members of the board shall appoint his successor. Any member of the election board may administer and certify oaths required to be administered during the progress of an election. Before opening the polls, each member of the board must take and subscribe an oath to faithfully perform the duties imposed on them by law. Any elector of the precinct may administer and certify such oath. The polls at all elections held under the provisions of this act must be opened at nine o'clock a.m. of the day of election and be kept open until four o'clock p.m., when the same must be closed, except that the board of directors may order that the polls be opened at a specified time not more than three hours earlier than nine a.m., and be kept open until a specified time not more than three hours later than four p.m., but if the board shall order that the polls be opened earlier than nine o'clock a.m., or be kept open later than four o'clock p.m., the notice of the election shall be published at least once a week for two successive weeks before the day of election in some newspaper published in the county in which the office of the district is kept.

SEC. 5. Section 41 of said act is hereby amended so as to read as follows: ^{Stats 1903, p 304, amended.}

Sec. 41. If such district is in more than one county, the total estimate provided for in section 40 hereof shall be divided by the board of directors in proportion to the value of real property within the district in each county, as shown by the assessment rolls of the respective counties equalized in the year in which the estimate is made, but if the board shall find that the assessed valuation of real property in the various counties in which parts of the district are situated is on a different basis as compared with the actual value thereof, so that a division of the estimate as above provided would be inequitable, then the board of directors shall determine by resolution the amount of said estimate which should be levied on the lands within the district in each county in order that substantially the same proportion of the estimate shall be paid by owners of real property of the same actual value in each county, and shall fix a time for a public hearing on said matter at the office of the district, or at some other convenient place, which time shall be not less than fifteen days nor more than twenty-one days from the date of the adoption of said resolution, and shall give notice of said hearing by publication in a newspaper published in each county in which any part of the district is situated. Said notice shall state the determination of the board as to the division of said estimate and the time and place for the hearing thereon, and shall notify all persons interested that objections to said division of said estimate may be made at said hearing. ^{When district lies in more than one county.} ^{Notice and hearing} The board of

directors shall meet at the time and place fixed for said hearing and shall hear all objections to said division of said estimate and any evidence offered in support of said objections and any evidence offered in support of said division. After the hearing of all evidence, if any, offered in regard to said matter, the board of directors shall, if any objection to said division has been made, make an order reaffirming or modifying said division of said estimate as may be just, but if no objection to said division is made at said hearing, no change shall be made therein. When such division of said estimate has been finally made, the board of directors shall furnish the board of supervisors and the auditor of each county in which any part of the district is situated a written statement of that part of said estimate apportioned to that county.

Statement
for board of
supervisors

Stats 1903,
p 307,
amended.

SEC. 6. Section 58 of said act is hereby amended so as to read as follows:

Action
in rem to
determine
validity
of bonds

Sec. 58. The board of directors may, within thirty days after the making of an order or the passage of a resolution fixing the date and prescribing the form of any bonds of the district, file a suit in the superior court of the State of California in and for the county in which the office of the board is located to determine the validity of such bonds. The district shall be named as plaintiff in such suit and all persons having or claiming any interest in any real property in said district or affected in any way by the issuance of said bonds shall be in general terms made defendants. The suit shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested or affected shall be had by publication of the summons at least once a week for three successive weeks in a newspaper of general circulation in the county where the suit is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within twenty days after the full publication of such summons in the manner herein provided. Anyone interested may, at any time before the expiration of said twenty days, appear and demur to or answer the complaint in such suit. Judgment shall be given as speedily as possible, declaring the bonds valid or invalid. Either party shall have the right to appeal at any time within thirty days after the entry of such judgment, which appeal must be heard and determined as speedily as possible.

Appeal.

CHAPTER 736.

An act to amend section 1463 of the Penal Code, relating to disposition of fines and forfeitures collected in municipal courts.

[Approved by the Governor June 7, 1929. In effect August 14, 1929.]

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

SECTION 1. Section 1463 of the Penal Code is hereby amended to read as follows:

Stats 1925,
p. 949,
amended

1463. Except where otherwise specifically provided by law all fines and forfeitures collected upon conviction or upon the forfeiture of bail in any municipal court shall be paid to the county treasurer of the county in which such court is situated.

Disposition
of fines
collected in
municipal
courts

All such fines and forfeitures, together with moneys deposited as bail shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer.

For the purpose of partially reimbursing the county in which any such court is situated for the cost of maintaining and operating said court, while acting in the exercise of its criminal jurisdiction in misdemeanor cases, said county treasurer shall withhold monthly out of the total amount of such fines and forfeitures collected during the preceding calendar month a sum equal to seventy-five per cent of the total monthly cost of maintaining and operating such departments of said court while acting in the exercise of its criminal jurisdiction in misdemeanor cases, such cost to be computed by the county auditor and based upon the average monthly cost thereof during the preceding fiscal year; *provided, however*, that in the case of any such court hereafter established such cost shall be computed from month to month and after the first month shall be based upon the average monthly cost for such preceding month or months until the end of the first fiscal year. Thereafter such cost shall be computed as hereinabove provided. The amount so withheld, together with all fines and forfeitures collected by said court following arrests by state or county officers for violation of the California vehicle act, shall be transferred monthly into the proper fund of said county. The remainder of such total amount of such fines and forfeitures shall, at least once a month be paid over to the treasurer of the city for which such court is established by warrant of the county auditor which shall be drawn upon the requisition of the clerk of said court.

Percentage
to county for
maintenance

Any money deposited with such court or with the clerk thereof which, by order of the court or for any other reason, should be returned in whole or in part to any person, or which is by law payable to the state or to any other public agency, shall be paid to such person or to the state or to such other public agency by warrant of the county auditor, which shall be drawn upon the requisition of the clerk of such court.

Ball not
claimed.

All money deposited as bail which has not been claimed within one year after the final disposition of the case in which such money was deposited, or within one year after an order made by the court for the return or delivery of such money to any person, shall be paid or transferred, in the manner above provided, to the general fund of the county and such money so deposited shall be apportioned between the city and county and paid in the manner hereinabove provided for the apportionment of fines and forfeitures.

CHAPTER 737.

An act to amend section 1203 of the Penal Code, relating to probation of persons arrested for crime, after plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation or the imposition of jail sentence or fine or both or other conditions to fit the crime in connection with probation, and the disposition of such accusation after full compliance with the terms of probation and providing for the creation of offices of adult probation officer, assistant adult probation officer and deputy adult probation officer and fixing their compensation and duties and providing for adult probation boards in said counties and cities and counties.

[Approved by the Governor June 7, 1929 In effect August 14, 1929]

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

Stats 1927,
p 1493,
amended
Summary
determina-
tion of
probation.

SECTION 1. Section 1203 of the Penal Code is hereby amended to read as follows:

Investigation
by probation
officer.

1203. After the conviction by plea or verdict of guilty of a public offense in cases where discretion is conferred on the court or any board or commission or other authority as to the extent of the punishment the court, upon application of the defendant or of the people or upon its own motion, may summarily deny probation, or at a time fixed may hear and determine in the presence of the defendant the matter of probation of the defendant and the conditions of such probation, if granted; if probation is not denied, the court must immediately refer the matter to the probation officer to investigate and to report to the court at a specified time, upon the circumstances surrounding the crime and concerning the defendant and his prior record, which may be taken into consideration either in aggravation or mitigation of punishment; the probation officer must thereupon make an investigation of circumstances surrounding the crime and the prior record and history of the defendant and make a written report to the court of the facts found upon such investigation and must accompany said report with his written recommendations as to the granting or withholding of probation to the defendant

and as to the conditions of probation if it shall be granted and the report and recommendations must be filed with the clerk of the court as a record in the case. At such time or times fixed by the court, the court must hear and determine such application and in connection therewith must consider any report of the probation officer, and must make a statement that it has considered such report which must be filed with the clerk of the court as a record in the case. And Probation if it shall determine that there are circumstances in mitigation of punishment prescribed by law, or that the ends of justice would be subserved by granting probation to the defendant, the court shall have power in its discretion to place the defendant on probation as hereinafter provided; if probation is denied, the clerk of the court must forthwith send a copy of the report and recommendations to the board of prison directors; *further provided, however*, that probation shall not be granted to any defendant who at the time of the perpetration of the crime or at the time of his arrest was armed with a deadly weapon (unless at the time he had a lawful right to carry the same) nor to one who used or attempted to use a deadly weapon in connection with the perpetration of the crime, nor to one who in the perpetration of the crime inflicted great bodily injury or torture, nor to any defendant unless the court shall be satisfied that he has never in any place been previously convicted of a felony, nor to any public official or employee of the state, county, city, city and county, or other political subdivision thereof who in the discharge of the duties of his public office or employment accepts or gives or offers to accept or give a bribe or embezzles public money or is guilty of extortion in the discharge of his official duty.

1. The court, judge or justice thereof, in the order granting probation, may suspend the imposing, or the execution of the sentence and may direct that such suspension may continue for such period of time not exceeding the maximum possible term of such sentence, except as hereinafter set forth, and upon such terms and conditions as it shall determine. The court, judge or justice, in the order granting probation and as a condition thereof may imprison the defendant in the county jail for a period not exceeding the maximum time fixed by law in the instant case; may fine the defendant in such sum not to exceed the maximum fine provided by law in such case; or may in connection with granting probation, impose either imprisonment in county jail, or fine, or both, or neither; may provide for reparation in proper cases; and may require bonds for the faithful observance and performance of any or all of the conditions of probation. In counties or cities and counties where road camps, farms, or other public work is available the court may place the probationer in such camp, farms, or other public work instead of in jail, and subdivision twenty-nine of section 4041 of the Political Code shall apply to probation and the court shall have the same power to Court's power in re punishment.

require adult probationers to work, as prisoners confined in the county jail are required to work, at public work as therein provided; and supervisors of the several counties are hereby authorized to provide public work and to fix the scale of compensation for such adult probationers in their respective counties. In all cases of probation the court is authorized to require as a condition of probation that the probationer go to work and earn money for the support of his dependents or to pay any fine imposed or reparation condition, to keep an account of his earnings, to report the same to the probation officer and to apply such earnings as directed by the court.

Additional
punishment.

The court may impose and require any or all of the above mentioned terms of imprisonment, fine and conditions and other reasonable conditions, as it may determine are fitting and proper to the end that justice may be done, that amends may be made to society for the breach of the law; for any injury done to any person resulting from such breach and generally and specifically for the reformation and rehabilitation of the probationer; *provided*, that if the probationer should violate the terms and conditions of his probation and the court should deem it just or necessary to revoke such probation, then and in that event any period of time which such probationer may have served in jail or other detention place or any fine paid, under the terms and conditions of his probation, shall be taken into consideration as a part of his punishment, and he shall have a credit therefor to be deducted from his term of confinement or from the amount of any fine imposed upon final judgment. Upon the defendant being released from the county jail under the terms of probation or sooner by order of court, and in all cases where he is not confined in the county jail at the time of granting probation, the court shall place the defendant in and under the charge of the probation officer of the court, during such suspension or period of probation; *provided, however*, that upon the payment of any fine imposed and the fulfillment of all conditions of probation, probation shall cease at the end of the term of probation, or sooner, in the discretion of the court. In counties and cities and counties in which there are facilities for taking finger prints, such marks of identification of each probationer must be taken and a record thereof kept and preserved.

Rearrest and
revocation
of probation.

2. At any time during the probationary period of the person released on probation in accordance with the provisions of this section, any probation or peace officer may without warrant, or other process, at any time until the final disposition of the case, rearrest any person so placed on probation under the care of a probation officer, and bring him before the court, or the court may in its discretion issue a warrant for the rearrest of any such person and may thereupon revoke and terminate such probation, if the interests of justice so require, and if the court in its judgment, shall have reason to believe from the report of the probation officer, or otherwise, that the person so placed upon probation is violating any of

the conditions of his probation, or engaging in criminal practices, or has become abandoned to improper associates or a vicious life. Upon such revocation and termination the court may, if the sentence has been suspended, pronounce judgment after said suspension of the sentence for any time within the longest period for which the defendant might have been sentenced, but if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the person shall be delivered over to the proper officer to serve his sentence, less any credits herein provided for.

3. The court shall have power at any time during the term of probation to revoke or modify its order of suspension of imposition or execution of sentence. It may at any time when the ends of justice will be subserved thereby, and when the good conduct and reform of the person so held on probation shall warrant it, terminate the period of probation and discharge the person so held, but no such order shall be made without written notice first given by the court or the clerk thereof to the proper probation officer of the intention to revoke or modify its order, and in all cases, if the court has not seen fit to revoke the order of probation and impose sentence or pronounce judgment, the defendant shall at the end of the term of probation or any extension thereof, be by the court discharged subject to the provisions herein.

Termination
of probation
and
discharge

4. Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, shall at any time prior to the expiration of the maximum period of punishment for the offense of which he has been convicted, dating from said discharge from probation of said termination of said period of probation, be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusation or information against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right and privilege in his probation papers. The probationer may make such application and change of plea in person or by attorney authorized in writing; *provided*, that in any subsequent prosecution of such defendant for any other offense such prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.

Change
of plea.

5. The offices of adult probation officer, assistant adult probation officer, and deputy adult probation officer are hereby created; *provided*, that except as hereinafter specified the probation officers, assistant probation officers and deputy pro-

Adult
probation
officers.

bation officers appointed under an act known as the juvenile court law and entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, or under any laws amending or superseding the same shall be ex officio adult probation officers, assistant adult probation officers and deputy adult probation officers respectively except in the case of offenses committed in any city and county and in any county or counties not operating under a freeholders' charter and having a population of more than three hundred thousand and under five hundred thousand and also in any county or counties having a population of more than one hundred thousand and under one hundred ten thousand, as the same is determined by the federal census taken in the year anno Domini 1920, in which counties and cities and counties the adult probation officers, assistant and deputy adult probation officers appointed under subdivision six of this section shall serve under this act; *provided, however*, that in all cases of offenses defined by section 21 of said act, known as the juvenile court law and by section 270 of the Penal Code, the same probation officers, assistants and deputies shall serve under this act as are appointed under said juvenile court law.

Adult
probation
board.

6. In any county having a population of more than nine hundred thousand in any city and county, and in any said county or counties having a population of more than three hundred thousand and under five hundred thousand and also in any county or counties having a population of more than one hundred thousand and under one hundred ten thousand, the judges presiding in the departments designated for the hearing and disposition of criminal cases and proceedings by a majority vote shall by order entered in the minutes of the court in the criminal department or departments thereof, appoint seven citizens of good moral character to be known as the adult probation board and shall fill all vacancies occurring in such board. The clerk of said court shall immediately notify each person appointed on said board and thereupon

said persons shall appear before a judge of the superior court and qualify by taking an oath, which shall be entered in said record, to perform faithfully the duties of such adult probation board.

The members of such adult probation board shall hold office for four years and until their successors are appointed and qualified; *provided*, that of those first appointed, one shall hold office for one year, two for two years, two for three years and two for four years, the terms for which the respective members shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any adult probation board by expiration of the term of office of any member thereof, the successor shall be appointed to hold office for the term of four years. When any vacancy occurs for any other reason the appointee shall hold office for the unexpired term of his predecessor. Any member of the probation board may be removed for cause at any time by an affirmative vote of four members of said board at a meeting called for the special purpose of considering the question of said removal and the subsequent written approval of a majority of said judges designated for the hearing and disposition of criminal cases and proceedings, said written approval to be filed with the clerk of the court within thirty days after the written report of the said board has been received by said judges. Written notice as to said special meeting shall be served on each of the members of said board at least ten days prior to the date therefor and shall specify the purpose thereof. The member sought to be removed shall be informed in writing of the charges against him and be given an opportunity to be heard.

Term of office

Removal for cause

It shall be the duty of the members of such adult probation board to work in cooperation with the adult probation officer to meet at stated times, to familiarize themselves with the charges against the probationers under the charge of the adult probation officer and the conditions of such probation, to exercise a friendly supervision of probationers when so directed by the court, to furnish the court and the adult probation officer information, and to render special assistance when requested by the court, and from time to time to advise and recommend to the court any changes or modification of the order made in the case of a probationer, as may be for the best interests of such person. Members of the adult probation board shall serve without compensation.

Duties of board.

7. In any county having a population of more than nine hundred thousand there shall be one adult probation officer and eight assistant adult probation officers who shall receive salaries as follows: One adult probation officer three hundred dollars per month; one assistant adult probation officer two hundred twenty-five dollars per month; and seven assistant adult probation officers each one hundred seventy-five dollars per month. In any city and county there shall be one adult probation officer and nine assistant adult probation officers

Salaries of adult probation officers

Salaries
of adult
probation
officers

who shall receive salaries as follows: The adult probation officer three hundred fifty dollars per month; one assistant adult probation officer two hundred seventy-five dollars per month; seven assistant adult probation officers each two hundred ten dollars per month; and one assistant adult probation officer who shall act as cashier and clerk, one hundred ninety dollars per month.

In any county or counties of more than three hundred thousand and under five hundred thousand, there shall be one adult probation officer, one assistant adult probation officer and two deputy probation officers who shall receive salaries as follows: The adult probation officer two hundred fifty dollars per month; one assistant probation officer two hundred dollars per month; one deputy adult probation officer one hundred seventy-five dollars per month and one deputy adult probation officer fifty dollars per month. One deputy adult probation officer in such county shall be a woman and shall be a competent stenographer and typist of sufficient ability to perform the clerical and stenographic work of the office in addition to her other duties.

In any county or counties of more than one hundred thousand and under one hundred ten thousand, there shall be one adult probation officer and one deputy adult probation officer who shall receive salaries as follows: The adult probation officer two hundred dollars per month and one deputy adult probation officer one hundred twenty-five dollars per month; *provided, however*, that if in the judgment of the majority of the judges regularly sitting in or assigned to the criminal department or departments of superior court in any county or city and county herein mentioned, the services of any assistant adult probation officer or deputy adult probation officer are not required, such assistant or deputy shall not be appointed until the efficiency of the probation system and number of probationers in such county or city and county require such appointment.

The salaries of the adult probation officer, assistant and deputies herein provided shall be paid out of the treasury of the county or city and county in which they are appointed in the same manner as the salaries of other county or city and county officers. The adult probation officer, assistants and deputies and members of the adult probation board shall be allowed such necessary incidental expenses incurred in the performance of their duties as required by any law of the State of California as may be authorized by a judge designated for the hearing and disposition of criminal cases and proceedings, or by the judge of a department to which criminal actions and proceedings are assigned, and the same shall be a charge upon the county or city and county and said expenses shall be paid out of the county or city and county treasury upon the written order of said judge, directing the county auditor to deliver his warrant upon the treasurer for the specified amount of such expenses and the adult

probation officer shall keep a list of expenses and file a copy monthly with the board of supervisors.

8. In counties and cities and counties herein mentioned ^{Appointment.} the adult probation officer, assistants and deputies herein provided shall be nominated by the adult probation board and shall be appointed by a majority vote of the judges presiding in the departments designated for the hearing and disposition of criminal cases. The term of office of the adult probation officer, assistants and deputies herein provided for shall be ^{Term of office} two years from the date of their appointment. The said officers may at any time be suspended or removed by an order of a majority of the judges presiding in the department designated for the hearing and disposition of criminal cases and proceedings for good cause shown and on the filing of written charges by the said judge or judges by a written resolution of the adult probation board or by the chief probation officer. Upon filing such charges, said judge or judges shall make an order setting the same for hearing at a specified time and place not less than ten days nor more than twenty days after filing such charges. Notice shall be served upon the person against whom such charges are made at least five days before such hearing together with a copy of such charges.

Each adult probation officer, assistant and deputy shall give ^{Bond.} a bond in the sum of not more than two thousand dollars and approved by the judges of the superior court presiding in the departments designated for the hearing and disposition of criminal cases, conditioned for the faithful discharge of the duties of said office. If said bonds are furnished by a surety company licensed to transact business in the State of California, the premium thereon shall be paid out of the county treasury.

The adult probation officer may appoint as many additional ^{Deputies.} deputies as he may desire; *provided, however*, that such deputy shall not have authority to act until their appointment shall be approved by a majority vote of the adult probation board and by a majority vote of the judges presiding in departments designated for the hearing and disposition of criminal cases. The term of office of such deputies shall expire with the term of the adult probation officer making such appointment, but the adult probation officer may at any time in his discretion revoke and terminate such appointment. Such deputies, except as herein provided, shall serve without compensation.

Boards of supervisors of counties and cities and counties ^{Offices} herein mentioned shall provide and maintain at the expense of such county or city and county in a location in the vicinity of the county jail, suitable offices and quarters for the adult probation officer. Nothing contained in this subdivision shall apply to offenses defined by section 21 of the said juvenile court law.

9. Whenever any person is released upon probation under the provisions of this act, the case may be transferred to any court of the same rank in any other county, or city and county, ^{Transfer of cases to other courts}

of this state in which such person resides, or to which such person may remove, and such court shall thereupon commit such person to the care and custody of the probation officer of the county or city and county, to which such person has been transferred; such court shall thereafter have entire jurisdiction over such cases, with like power to make transfer whenever to such court such transfer may seem proper.

Report on
character,
etc., of
prisoner.

Recom-
mendation
of probation
officer.

10. At the time of the plea or verdict of guilty of any person over eighteen years of age, the probation officer of the county of the jurisdiction of said criminal shall, when so directed by the court, inquire into the antecedents, character, history, family environment, and offense of such person, and must report the same to the court and file his report in writing in the records of such court. When directed, his report shall contain his recommendation for or against the release for such person on probation. If any such person shall be released on probation and committed to the care of the probation officer, such officer shall keep a complete and accurate record in suitable books or other form in writing of the history of the case in court, and of the name of the probation officer, and his act in connection with said case; also the age, sex, nativity, residence, education, habit of temperance, whether married or single, and the conduct, employment and occupation, and parents' occupation, and condition of such person committed to his care during the term of such probation and the result of such probation. Such record of such probation officer shall be and constitute a part of the records of the court, and shall at all times be open to the inspection of the court or of any person appointed by the court for that purpose, as well as of all magistrates, and the chief of police, or other heads of the police, unless otherwise ordered by the court. Said books of records shall be furnished for the use of said probation officer of said county, and shall be paid for out of the county treasury.

Semiannual
reports of
probation
officers

11. Every probation officer, within fifteen days after the thirtieth day of June, and within fifteen days after the thirty-first day of December, of each year, shall make in writing and file as a public document with the county clerk a report to the superior court of the county or city and county in which such probation officer is appointed to serve, and shall furnish a copy of such report to each judge in said county or city and county who has released any person on probation, who at the time of such report remains on probation, and a further copy to the secretary of the state department of public welfare. Such report shall state, without giving names, the exact number of persons, segregating male and female, and segregating misdemeanors and felonies, who have been released on probation to such probation officer as such number exists, deducting all cases of expiration, discharge, dismissal, and restoration of rights, on said thirtieth day of June, and said thirty-first day of December; and such report shall further segregate such person as having been released on

probation, as the case may be, in 1903, 1904, 1905, and so on, up to and including the calendar year in which such report is made and filed.

12. The probation officer shall furnish to each person who has been released on probation, and committed to his care, a written statement of the terms and conditions of his probation unless such a statement has been furnished by the court, and shall report to the court, judge or justice, releasing such person on probation, any violation or breach of the terms and conditions imposed by such court on the person placed in his care.

Statement of terms of probation furnished by officer

13. Such probation officer shall have, as to the person so committed to the care of said probation officer, the powers of a peace officer.

Peace officer's powers

CHAPTER 738.

An act to amend an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended, by adding a new section thereto to be numbered section 20a providing for appraisers and the creation of an appraisal fund.

[Approved by the Governor June 7, 1929. In effect August 14, 1929]

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

SECTION 1. An act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended, is hereby amended by adding a new section thereto to be numbered section 20a and to read as follows:

Stats 1917, p 684, amended

Sec. 20a. The commissioner shall have power, whenever any application is made to him for permission to issue securities, which securities are proposed to be secured by a lien upon real or personal property, or exchanged for or issued in consideration of real or personal property, to accept and act upon the opinions, appraisements and reports of any engineers or appraisers which may be presented by the applicant so applying for permission on any question of fact concerning or affecting the securities proposed to be issued. In lieu of, or in addition to such opinions, appraisements and reports, the commissioner, if he deems it proper, may have any or all of

Reports of appraisers and engineers.

Applicant to pay expense

"Corporation commission appraisal fund" created

Appropriation of moneys deposited.

matters concerning or affecting such securities investigated, appraised, passed upon and certified to him by engineers, or appraisers employed by him at the expense of the applicant. The actual expense of such investigation or appraisal shall be paid by the applicant, and the commissioner, before making or causing such investigation or appraisements to be made, may require a cash deposit of such amount as he may deem necessary to cover such expense. The cash so deposited under this section shall be paid, at least once each week, accompanied by a detailed statement thereof, into the treasury of the state to the credit of a fund to be known as the "Corporation commission appraisal fund," which fund is hereby created. All investigations or appraisements required by the commissioner to be made pursuant to this section shall be paid out of said fund, and any amount remaining of the deposit made pursuant to this section by any applicant after the payment of all expenses of investigations or appraisements made in connection with the application of such applicant shall be repaid to such applicant. All moneys which shall be paid into the state treasury and credited to the "Corporation commission appraisal fund" are hereby appropriated to be used by the commissioner in carrying out the provisions of this section; and the controller shall draw his warrant on said fund from time to time in favor of the commissioner for the amounts expended under his direction, and the treasury shall pay the same.

CHAPTER 739.

An act to amend section 636 of the Penal Code, relating to the protection of fish and game.

[Approved by the Governor June 7, 1929. In effect August 14, 1929.]

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

Stats. 1927, p 1920, amended

Regulation of use of nets, traps, lines, etc

Gill nets

SECTION 1. Section 636 of the Penal Code is hereby amended to read as follows:

636. 1. Every person who shall use or operate, or who shall assist in using or operating any net, trap, line or other appliance for the purpose of taking or catching fish, mollusks or crustaceans in the State of California at any time, or in any manner, except as otherwise provided in this chapter, is guilty of a misdemeanor.

2. It shall be lawful to use drift gill nets in fish and game districts five, six, seven, eight, nine, ten, eleven, twelve, twelve "B," thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-two and in tidewater in Klamath river fish and game district, and to use set gill nets in fish and game district seventeen, eighteen, nineteen and twenty "A"; *provided*, that in fish and game districts eleven, twelve, twelve "B" and thir-

teen the cork line of any gill net shall not be submerged more than twelve feet below the surface of the water, and that the lines attaching the buoys or floats to the cork line of such submerged nets be not more than twelve feet in length and that the points of attachment of said lines on the cork line be not more than ten fathoms apart; *provided, further*, that in fish and game districts eleven, twelve, twelve "B" and thirteen the length of the meshes of any gill net must be either two and one-half inches or less, or five and one-half inches or more; *provided, further*, that in fish and game districts eleven, twelve, twelve "B" and thirteen the meshes of the gill nets shall be approximately the same size and shall not vary in length more than one inch; *provided, further*, that nets are not to be used at any time in fish and game districts one and one-half, two and one-half and twelve "A," and any net found in any boat in said districts one and one-half, two and one-half and twelve "A" shall be prima facie evidence that the owner of said net was using same in said districts; *provided, further*, that gill or trammel nets are not to be used in fish and game district twelve "B" between September seventeenth and November fourteenth of any year, both dates inclusive, or between June sixteenth and July thirty-first of any year, both dates inclusive; *provided, further*, that any gill or trammel net found in any fishing boat in fish and game district twelve "B" during said closed seasons shall be prima facie evidence that the owner of such net was using same in said fish and game districts; *provided, further*, that in fish and game districts eleven, twelve and thirteen no drift gill net shall be used for taking fish where any part of the net is nearer than three hundred feet to where the surface of the water joins the land; *and provided, further*, that gill nets are not to be used or operated in fish and game district twelve between the first day of June and the thirty-first day of July of any year, both dates inclusive; and no gill net shall be used or operated in fish and game district twelve between the sixteenth day of May and the thirty-first day of May of the same year, both dates inclusive, any of the meshes of which shall measure less than seven and one-half inches in length; *and provided, further*, that no gill nets are to be used or operated in fish and game district twelve between the first day of March and the fifteenth day of May of any year, both dates inclusive, the meshes of which measure between five and five-eighths inches and seven and one-half inches in length. Any line used on gill nets which shall tend to cause the webbing of such gill net to bag or hang slack shall cause such net to lose its identity as a drift gill net and become a trammel net; *provided, further*, that any trammel net found in any boat at any time in fish and game district twelve shall be prima facie evidence that the owner of such net was using same in said fish and game district.

3. It shall be lawful to use trammel nets (also known as two-mesh and three-mesh nets) in fish and game district twelve "B," the minimum meshes of which shall measure not

Trammel
nets in
district
12 "B"

less than five and one-half inches in length; *provided*, that trammel nets or gill nets are not to be used in fish and game district twelve "E" between May sixteenth and June fifteenth, both dates inclusive, any of the meshes of which are, when drawn close together and measured inside the knots, less than seven and one-half inches in length.

Trammel
nets in
districts 10,
18 and 19

4. It shall be lawful to use trammel nets (also known as two-mesh and three-mesh nets) in fish and game districts ten, eighteen and nineteen, the minimum meshes of which shall measure not less than eight inches in length.

Purse nets
and round
haul nets.

5. It shall be lawful to use purse nets and round haul nets (also known as circle seines or lampara nets) in fish and game districts six, seven, eight, nine, ten, eleven, fifteen, sixteen, seventeen, eighteen, nineteen, twenty "A," twenty-one and twenty-two; *provided*, that purse or round haul nets are not to be used in any fish and game district for the purpose of taking salmon, steelhead, striped bass, or shad and that any person who has in possession any salmon, steelhead, striped bass, or shad which have been caught with a purse or round haul net is guilty of a misdemeanor; *and provided, further*, that any beach seine, purse or round haul net or any gill net of less than five and one-half inch mesh, except herring or smelt gill nets in fish and game districts twelve and thirteen of not to exceed two and one-half inch mesh, found in any fishing boat in fish and game districts twelve or twelve "B" and thirteen at any time shall be prima facie evidence that the owner or person in possession of such net or nets was using same in said fish and game districts; *and provided, further*, that every person who in fish and game districts one, two and three has in possession on any boat any gill or trammel net or any beach seine or round haul net is guilty of a misdemeanor; *and provided, further*, that in fish and game district fifteen, purse or round haul nets shall be used only for the purpose of taking fish for bait, and that in fish and game district sixteen purse nets or round haul nets shall be used only for the purpose of taking squids, anchovies and sardines; *and provided, further*, that it shall be unlawful to take barracuda in any fish and game district, with round haul nets or purse seines, between the first day of May and the thirty-first day of July, both dates inclusive, or between the first day of May and the thirty-first day of July, both dates inclusive, to have any barracuda in possession on any purse or round haul net boat or to have in possession any barracuda which have been caught with a purse seine or with a round haul net.

Beach nets.

6. It shall be lawful to use beach nets (also known as beach seines or haul seines) in fish and game districts five, eight, nine, ten, eleven, eighteen, nineteen, and twenty-two; *provided*, that in fish and game district five the meshes of any such beach nets shall measure not less than five and one-half inches in length and that in fish and game districts ten, eighteen and nineteen the meshes of the beach nets shall meas-

ure not less than one and one-half inches in length; and beach nets shall only be used in fish and game district nineteen between the first day of September and the thirty-first day of January of the year following, both dates inclusive, and for the purpose of taking smelt only.

7. For the purpose of this act, any net hauled from the water to the beach or shore for the purpose of taking fish, or any net adapted so to be used, shall be known as a beach net. Beach net defined.

8. It shall be lawful to use fyke nets in fish and game districts three, twelve "A" and twelve "B" for the purpose of catching catfish, carp, pike, hardheads and suckers between the fifteenth day of August and the fourteenth day of May of the year following, both dates inclusive; *provided*, that the smallest meshes of any fyke net so used shall measure not less than two and one-half inches in length; *provided, further*, that nothing in this chapter shall be construed as prohibiting the sale of catfish caught in fish and game districts three, twelve "A" and twelve "B" between the fifteenth day of August and the fourteenth day of May of the year following, both dates inclusive. Fyke nets.

9. It shall be lawful to use trawl nets (also known as paranzella nets, beam trawls, or shrimp trawls) in fish and game districts two, six, seven, twelve, thirteen, seventeen and eighteen; *provided*, that the use of any trawl net in fish and game districts two, twelve and thirteen shall be for the purpose of taking shrimp only; *and provided, further*, that it shall be unlawful to use trawl or paranzella nets in water less than twenty-five fathoms in depth in fish and game district seventeen; *and provided, further*, that it shall be unlawful to use trawl nets in any bay in fish and game district number eighteen; *and provided, further*, that it shall be unlawful to have any trawl net also known as drag net, in possession in fish and game districts four, nineteen, twenty, twenty "A" and twenty-one. Trawl nets

10. It shall be lawful to use crab nets in district one and one-half and it shall be lawful to use crab nets or crab traps in fish and game districts five, six, seven, eight, nine, ten, eleven, twelve, thirteen, seventeen, eighteen and nineteen, and lobster traps in fish and game districts seventeen, eighteen and nineteen. Crab nets

11. It shall be lawful to use shrimp nets (also known as Chinese shrimp or bag nets) in fish and game district thirteen for the purpose of taking shrimp only. Shrimp nets

12. It shall be lawful to use dip nets for the purpose of taking fish other than game fish to be used as bait only, in any fish and game district, except fish and game district fourteen; *provided*, that in fish and game districts one, one and one-half, two, three and four, such dip nets shall not be baited; *and provided, further*, that any dip net in fish and game districts one, one and one-half, two, three, four, nineteen and twenty, shall not measure more than six feet in its greatest breadth; *and provided, further*, that it shall be un- Dip nets.

lawful for any person to have in his possession any nets other than such bait dip nets within fish and game district twenty.

Troll lines
or hand
lines.

13. It shall be lawful to use troll lines or hand lines in any fish and game district excepting fish and game district fourteen and to use trawl lines in fish and game districts six, seven, ten, seventeen, eighteen and nineteen. It shall also be lawful to use trawl lines (also known as set lines) in any lake in fish and game district two having a surface area of not less than seventy-five square miles, for the purpose of catching catfish only; *provided*, that it shall be unlawful to use minnows or any species of young fish on hooks attached to such trawl line.

Spades,
shovels, etc

14. It shall be lawful to use any spade, shovel, hoe, rake or other appliance operated by hand for the purpose of taking mollusks in fish and game districts one and one-half, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty-one.

Set nets and
set lines

15. Any net or line shall be considered a set net or set line that is made fast to the bank or ground or that shall be made fast in any way and shall not be free to drift with the tide or current, and any net so placed that it will catch or impound fish within a bight, bay or estuary or against the shore, upon the receding of the tide shall be considered a set net; *provided*, that fyke nets, shrimp nets or crab nets shall not be considered set nets, nor trawl lines be considered set lines. The length of the meshes of any net shall be determined by taking at least four meshes and measuring them between the knots while they are simultaneously drawn closely together.

Recovery of
fish by fish
and game
commission

16. Nothing in this section shall prevent the fish and game commission or any person authorized by them from using any net or other appliance in any fish and game districts for the purpose of recovering fish from overflowed areas or landlocked sloughs or ponds where they have been left isolated by receding streams or flood waters.

Use of nets,
etc, by
commission
for scientific
purposes

17. Nothing in this section shall prohibit the fish and game commission or any person authorized by them from using any net, traps or other appliances in the waters of the state as they may deem necessary for carrying on scientific investigation or for the propagation of fish, mollusks, or crustaceans. Nothing in this section shall prohibit the fish and game commission or any person authorized by them from using nets, traps or other appliances in any fish and game district for experimental purposes.

Offenses and
penalties

18. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had, not less than one hundred days nor more than six months or by both such fine and imprisonment; and all fines and forfeitures imposed and collected for any viola-

tion of any of the provisions of this section shall be paid into the state treasury, to the credit of the fish and game preservation fund.

CHAPTER 740.

An act to prohibit the sale, issue or delivery of stock or securities of any special or advisory board contracts with life insurance policies in this state, and providing for revocation of license by the insurance commissioner.

[Approved by the Governor June 7, 1929. In effect August 14, 1929.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered 633bb, and to read as follows: New section

633bb. No life insurance company doing business in this state shall issue in this state, nor permit its agents, officers, or employees to issue or deliver in this state, agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board or other contracts of any kind promising returns and profits as an inducement to insurance; and no life insurance company shall be authorized to do business in this state which issues or permits its agents, officers, or employees to issue in this state or in any other state or territory agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special advisory board or other contracts of any kind promising returns and profits as an inducement to insurance; and no corporation or stock company acting as agent of a life insurance company nor any of its agents, officers, or employees shall be permitted to sell, agree or offer to sell, or give or offer to give, directly or indirectly, in any manner whatsoever, any share of stock, securities, bond, or agreement of any form or nature promising returns and profits as an inducement to insurance or in connection therewith. It shall be the duty of the insurance commissioner, upon due proof after notice and hearing that any such company or agent thereof has violated any of the provisions of this section, to revoke the authority of the company or agent so offending. Issuance of stock or contracts as inducement to insurance

Revocation of authority for violation

CHAPTER 741.

An act to amend section 22 of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets,

avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved March 21, 1907, as amended, relating to form and manner of issuance of bonds.

[Approved by the Governor June 7, 1929 In effect August 14, 1929.]

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

Stats 1921,
p 328,
amended

SECTION 1. Section 22 of an act entitled "An act to provide for work upon public roads, streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property not within the territory of incorporated cities or towns; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property inside of incorporated cities, whenever necessary or proper to complete or connect with any work outside thereof; for work upon streets, avenues, boulevards, lanes, alleys, courts, places, easements, rights of way and other public property forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county, whether partly or wholly within or without the boundary of such municipality; for the incidental establishment, change of separation of grades thereof, and the doing of work adjacent thereto which is incidental to the work thereon; for the issue of bonds representing the costs and expenses of such work; for the payment of such bonds by special assessment taxes raised in assessment districts established for the purpose; for the inclusion of the territory of any incorporated city or cities within such assessment district; and for county aid in such work," approved March 21, 1907, as amended, is hereby amended to read as follows:

Road
district
improvement
bonds

Sec. 22. Upon the expiration of twenty days from the making of the final order mentioned in section 20 of this act, the clerk of the board of supervisors shall transmit to the county treasurer of the county an attested copy of said final order, and upon receipt of the same the treasurer shall proceed

to issue bonds amounting in the aggregate to the principal sum for which bonds are to be issued as the same is stated in said final order. Said bonds, when issued, shall be dated as of the day when said final order of the board of supervisors was made. A bond may be issued in any amount, provided that the aggregate of the bond or bonds made payable in any one year is the proper part of the whole principal of the bond issue, as specified in said final order, and that the interest thereon shall be payable as hereinafter in this act provided. The said bonds may be, in form, and shall, in substance be as indicated following, to wit:

Road District Improvement Bond.

Form of bonds.

County of _____, State of California.

Road Improvement District Number _____.

\$_____ Bond number_____.

Under and by virtue of an act of the Legislature of the State of California known as the "Road district improvement act of 1907" (here may be inserted a further designation of the act if desired) the county of _____, State of California, will pay to the bearer out of the fund hereinafter designated, at the office of the treasurer of the said county, on the _____ day of _____, 19__, the sum of _____ dollars in gold coin of the United States of America, with interest thereon in like gold coin, at the rate of _____ per cent per annum, payable semi-annually on the second day of January and the second day of July of each year from the date hereof (except the last installment thereof, which shall be payable at maturity of this bond); upon presentation and surrender, as they respectively become due, of the proper interest coupons hereto attached, the first of which is for interest from date hereof to the next date of interest payment, and the last for interest to maturity hereof from the last preceding day of interest payment.

This bond is issued under and in conformity with the provisions of the above mentioned "Road district improvement act of 1907" and the amendments thereof, and is one of a series of bonds of like date and effect numbered from 1 to _____ consecutively amounting in the aggregate to _____ dollars, issued in behalf of road improvement district number _____ of said county. It is hereby certified, recited, and declared that all proceedings, acts and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed, and this bond is by law made conclusive evidence thereof.

This bond is payable out of road district improvement fund number _____ exclusively, as the same appears on the books of the treasurer of said county, and neither said county nor any officer thereof shall be holden for its payment otherwise; but in accordance with said act the board of supervisors of said county will annually, at the time of levying other taxes, levy upon all the land in said road improvement district a

special assessment tax in an amount clearly sufficient to pay the principal and interest of said bonds as the same shall become payable.

In witness whereof said county has caused this bond to be signed by the chairman of its board of supervisors and countersigned by its treasurer and the seal of said board to be hereto affixed, and said interest coupons to be signed by the said treasurer this ----- day of -----, 19---

Chairman of the board of supervisors of
the county of:-----

(Seal of board of supervisors.)

Countersigned:

Treasurer of the county of:-----

Signatures

Said bonds shall be signed by the chairman of the board of supervisors and countersigned by the treasurer of the county, and shall have the seal of said board of supervisors thereto affixed, and when so signed shall be binding according to the terms thereof as prescribed in said form. The interest coupons attached to said bonds shall be in such form as the said treasurer may determine, subject to the provisions of this act and the determination made by the board of supervisors, and their signature by said treasurer alone, by either written or lithographed or printed facsimile signature, shall be sufficient. Said bonds shall be delivered by the said treasurer to said contractor or to his order, assignee, or lawful representative.

Interest
coupons

CHAPTER 742.

An act to amend section 14 of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915 (Stats. 1915 page 1441), as amended, relating to prorating of assessments upon subdivisions of land.

[Approved by the Governor June 7, 1929 In effect August 14, 1929]

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

Stats 1923,
p. 308,
amended.

SECTION 1. Section 14 of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain

work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915, is hereby amended to read as follows:

Sec. 14. (a) A copy of the order of the council determining the assessments remaining unpaid and upon the security of which bonds are issued shall be filed in the office of the auditor. The auditor shall keep a record in his office showing the several installments of principal and interest on said assessments which are to be collected in each year during the term of said bonds. The auditor shall annually enter in his assessment roll on which taxes will next become due, opposite each lot or parcel of land affected in a space marked "public improvement assessment," or by other suitable designation, the several installments of such assessment coming due during the fiscal year covered by such assessment roll, including in each case the interest due on such total unpaid assessments as herein provided, and also including a percentage of one-fourth of one per cent of the amount of such installments and of such interest so entered. Such percentages when collected shall belong to the city or county and shall cover the expenses and compensation of the city or county treasurer incurred in the collection of such assessments, and of the interest and penalties thereon. No other percentage shall be claimed for any such collections. In the event that such collections are made by the county officials the county auditor shall at the close of the tax collecting season promptly render to the city auditor a detailed report showing the amounts of such installments, interest, penalties and percentages so collected on each proceeding and from what property collected, and also giving a statement of the percentages retained for the expenses of making such collections. Taxpayers shall have the like right to pay such assessment as so entered with interest, and any penalties thereon, under protest as they have to pay general municipal taxes under protest, but in making such payment under protest must accompany the payment with their written protest. In the event of the lot or parcel of land affected by any assessment not being separately assessed on said roll so that the installment to be collected can be conveniently entered thereon, then said auditor shall enter on said roll a description of the lot or parcel affected, with the name of the owners if known, but otherwise described as "unknown owners," and extend the proper installment opposite same.

(b) Whenever any lot or parcel of land affected is subdivided, or the ownership of a portion of such parcel of land is transferred to another person, the legislative body which conducted the proceeding may in its discretion order the street superintendent, or other officer charged with the duty of making such assessments, to file with the clerk of said legislative

Entry of
unpaid
assessments
on tax roll.

Amended
assessments
upon subdivi-
ding or
transfer
of land.

Procedure.

body an amended assessment of the original parcel of land affected by such subdivision or transfer of ownership, segregating and apportioning the unpaid installments of said original assessment in accordance with the benefits to said portions of said original parcel. The person so appointed shall file with the clerk of the legislative body a report and an amended assessment of such parcels of land as have been ordered by said legislative body, together with a map or plat showing how such parcels have been divided. The total amount of the assessments of the several portions of any one original parcel shall be equal to the unpaid assessments upon said original parcel of land. Upon the filing of said report and amended assessment the clerk of said legislative body shall fix a time and place for a hearing upon said amended assessment and shall give notice of said hearing by publication by two insertions in a newspaper. Said notice shall contain a statement of the time fixed for the hearing upon said amended assessment and any objections thereto, which time shall not be less than 15 days from the first publication of said notice. Said notice shall contain a reference to the original assessment and to the proceedings, and shall refer to the report and map or plat of the amended assessment for particulars and no other description shall be necessary. All persons interested in said original assessment, or in the lands affected thereby or in the bonds secured by issuance thereof, may, at the time of said hearing or at the time to which said hearing may be conducted, appear and protest against the same. At such hearing said legislative body shall have full power to hear and determine all objections as to the division of such assessments and shall confirm or modify the same. All determinations and decisions of said legislative body upon notice and hearing, as aforesaid, shall be conclusive upon all persons entitled to object under the provisions of this section. Final action of said legislative body upon said report and amended assessment shall be taken on or before the fifteenth day of July of any year. Upon confirmation or modification in accordance with the order of the legislative body the clerk shall file such amended assessment with the auditor, who shall annually thereafter enter upon the assessment roll the installments becoming due on each component part of the original parcel opposite a description of the respective parcels so assessed; when collections upon said assessments are made by county officials the clerk shall transmit a copy of said amended assessment to the county auditor.

CHAPTER 743.

An act to amend section 4263 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the thirty-fourth class.

[Approved by the Governor June 7, 1929 In effect August 14, 1929.]

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

SECTION 1. Section 4263 of the Political Code is hereby amended to read as follows:

4263. In counties of the thirty-fourth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum, and when a new great register of voters is required by law to be made, he shall receive his actual expense in making said register and the index thereto, and ten cents per name for every name registered. In counties of this class the county clerk may appoint one deputy county clerk at a salary of one thousand eight hundred dollars per annum and one typist at a salary of nine hundred dollars per annum, which offices are hereby created and said salaries fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as salaries of county officers are paid. It is hereby found as a fact that the salary provided for in this subsection does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent.

2. The sheriff, four thousand five hundred dollars per annum. In addition to the fees and expenses allowed by law as set forth in section 4300b of the Political Code, the sheriff shall be allowed his actual and necessary traveling expenses incurred in pursuing criminals and his actual and necessary traveling expenses incurred in the investigation of crimes committed in his jurisdiction. In counties of this class the sheriff may appoint one deputy sheriff at a salary of one thousand five hundred dollars per annum, which office is hereby created and salary fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as salaries of county officers are paid.

3. The recorder, three thousand four hundred dollars per annum. In counties of this class the recorder may appoint one typist at a salary of one thousand two hundred dollars per annum, which office is hereby created, payable at the same time and out of the same fund as salaries of county officers are paid.

4. The auditor, two thousand dollars per annum, and in lieu of fees heretofore paid him under the provisions of section 4099a of the Political Code he shall receive an additional sum of five hundred dollars per annum as compensation for

Stats 1927,
p 867,
amended
Counties of
34th class
(Yolo)
officers and
employees

Clerk

Sheriff.

Recorder.

Auditor.

the extra duties imposed by said section 4099a. In counties of this class the auditor may appoint one deputy auditor at a salary of one thousand two hundred dollars per annum, which office is hereby created and salary fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as salaries of county officers are paid.

Treasurer

5. The treasurer, two thousand dollars per annum. In counties of this class the treasurer may appoint one deputy treasurer at a salary of one thousand dollars per annum, which office is hereby created and salary fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as salaries of county officers are paid.

Tax collector

6. The tax collector, two thousand seven hundred dollars per annum. In counties of this class, the tax collector shall be allowed to employ clerical assistance when needed, at not to exceed eight hundred dollars in any one year.

Assessor

7. The assessor, three thousand five hundred dollars per annum, and his actual and necessary traveling expenses when engaged in assessing the property of his county; *provided*, such traveling expenses shall not in any one year, exceed the sum of three hundred dollars.

District attorney.

8. The district attorney, three thousand six hundred dollars per annum; *provided, however*, that in counties of this class there shall be and there is hereby allowed to the district attorney one clerk which office is hereby created. Said clerk shall receive a salary of one thousand dollars per annum which shall be paid at the same time, in the same manner and out of the same funds as the salary of the district attorney is paid.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of this county. In counties of this class the secretary of the county board of education shall receive the sum of five hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the superintendent of schools. The compensation of the secretary of the county board of education of this county hereby provided is in lieu of the fees heretofore allowed under the provisions of section 1770 of this code. It is hereby found as a fact that the salary provided for in this section does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent. In counties of this class the superintendent of schools may appoint one deputy superintendent of schools, at a salary of one thousand two hundred dollars per annum, which office is hereby created and salary fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as the salary of the superintendent of schools.

12. The county surveyor, one thousand five hundred dollars ^{Surveyor.} per annum, he to furnish all necessary instruments; but transportation charges for field work shall be allowed him. He shall not be required to perform county work more than two-thirds of the working days in any month, except on payment of fees now allowed by law.

13. Justices of the peace, the following salaries to be paid ^{Justices of the peace} each month as county officers are paid, which shall be in full for all services rendered by them as such justices of the peace: In townships having a population of five thousand and more, one hundred dollars; in townships having a population of two thousand five hundred and less than five thousand, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand five hundred, forty dollars; in townships having a population of one thousand and less than one thousand five hundred, twenty-five dollars; in townships having a population of less than one thousand, ten dollars. Each justice must pay into the county treasury, once a month, all fees and all fines collected by him. In all townships having a population of less than five thousand, if there be more than one justice, the compensation or salary allowed herein shall be equally divided between them so that the sum total of their compensation shall not exceed the salary allowed herein for a single justice in such township.

14. Constables, the following salaries, which shall be paid ^{Constables} monthly as salaries of county officers are paid, and shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of two thousand five hundred or more, seventy dollars; in townships having a population of one thousand five hundred and less than two thousand five hundred, forty-five dollars; in townships having a population of one thousand and less than fifteen hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all the services performed by him in civil actions. In all townships having a population of less than two thousand five hundred, if there be more than one constable, the compensation herein allowed shall be equally divided between them, so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single constable in each township. The board of supervisors shall, during each and every year, ascertain and determine the population of the several townships of the county for the purpose of ascertaining the compensation of township officers regulated by this section, in proportion to their duties.

In addition to the fees and expenses allowed by law as set forth in section 4300*d* of the Political Code, constables shall be allowed the necessary and actual traveling expenses incurred by them in the investigation of a felony committed within the township of which they are officers, and the necessary and

actual traveling expenses incurred by them in pursuing criminals charged with the commission of a felony.

Supervisors. 15. Each supervisor, one thousand two hundred dollars per annum, for all services performed by him as supervisor, member of the board of equalization and road commissioner.

Jurors. 16. Grand jurors, and trial jurors in the superior court in civil and criminal cases, shall receive, as compensation for each day's attendance, per day three dollars and for each mile actually and necessarily traveled in attendance as such, in going only, per mile twenty-five cents.

Effect of act. 17. It is hereby found as a fact that the provisions herein made for expenses of the sheriff and constables of counties of the thirty-fourth class do not work an increase in compensation and it is intended that the same apply immediately to the present incumbents.

18. It is hereby found and declared that all deputies, assistants, and other subordinate officers provided for herein are additional deputies and assistants necessary and proper to be allowed to the incumbent principals and shall be effective at once during their present terms of office.

CHAPTER 744.

An act to amend the title, to amend section 1 and to add a new section to be numbered section 1a, to an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements.

[Approved by the Governor June 7, 1929. In effect August 14, 1929.]

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

Stats 1903,
p 376,
amended.

SECTION 1. That the title of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the

payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, is hereby amended as follows:

An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public highways, roads, streets, squares, lanes, alleys, courts, and places, within municipalities, or within unincorporated territory and one or more municipalities, or lying within two or more municipalities; for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and providing for aid from the county or municipalities toward the expense of such improvement.

Title amended

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Stats. 1927, p. 1142, amended

Section 1. Whenever the public interest or convenience may require, the city council of any municipality shall have full power and authority to order the laying out, opening, extending, widening or straightening, in whole or in part, of any one or more of any public streets, squares, lanes, alleys, courts or places within such municipality, and to acquire by condemnation any and all property necessary or convenient for that purpose or any interest therein including an easement or easements for the construction and maintenance of any one or more of any public streets or walks, passages or ways upon the surface of the earth or in any designated level or levels or slope or slopes above or below such surface together with a sufficient clearance height thereabove which height shall be conclusively determined and designated by the city council of such municipality and the leaving to the owner or owners the right to maintain or construct and maintain any building or buildings or other structure or structures above or below, or above and below such street or streets, walk or walks, passage or passages, way or ways and the clearance height therefor so acquired by such municipality.

Power to open streets, etc

SEC. 3. A new section to be known as section 1a is hereby added to said act to read as follows:

Stats. 1903, p. 377, amended.

Sec. 1a. In addition to the power and authority conferred upon the city council of any municipality by section 1 of this act, and when the public interest or convenience so requires, and whenever, in the opinion of the city council initiating the proceedings, the proposed improvement is of such a character that it directly and peculiarly affects property in two or more municipalities, or in one or more municipalities and unincorporated territory, and that the purposes sought to be accomplished by such improvement can best be accomplished by a single, comprehensive scheme of acquisition, there is hereby conferred upon such city council full power and authority to extend such improvement beyond the territorial limits of such municipality, and the city council of any

Power of council when improvement affects two or more municipalities.

municipality shall have full power and authority to order the laying out, opening, extending, widening or straightening, in whole or in part, of any one or more of any public streets, squares, lanes, alleys, courts, places, roads or highways within the limits of the municipality which is carrying through the proceeding in question, and also into the limits of other municipalities or extending from the said municipality through or over one or more other municipalities, or extending through or over one or more municipalities and into unincorporated territory of a county or extending along the exterior boundary between a municipality and unincorporated territory, or along the boundary between two municipalities, whether wholly or partly within or without said boundary, and to acquire by condemnation property necessary or convenient for that purpose; *provided*, that the consent of the legislative body of any territory proposed to be assessed shall first be obtained to the formation of the assessment district and to the improvement described in the resolution of intention and the assumption of jurisdiction thereover for the purposes aforesaid prior to the adoption thereof. The proposed resolution of intention together with a copy of the map or plat required by section 2 hereof shall be submitted to such legislative body or bodies as may have jurisdiction over the property into which the proposed improvement or the assessment district therefor may extend. When the resolution of intention is approved and the consent of the legislative bodies whose consent is necessary by the provisions hereof is obtained, to said improvement and the formation of the assessment district described therein said resolution of intention may be adopted. In the event the assessment district includes property without the territorial jurisdiction of the city council conducting the proceeding, the legislative body of the city or county having jurisdiction thereover may in its discretion, order by resolutions entered upon its minutes, a copy of which shall be transmitted to the city council conducting the proceedings, that any part of the cost or expense of said improvement shall be paid out of the treasury of the municipality or county as the case may be, and a liability for the portion of the costs set forth in said resolution shall thereby be created against said municipality or county. The street superintendent in making up the assessment as provided in section 16 hereof shall deduct from the costs and expenses, in addition to any sum or percentage payable by the city council conducting said proceeding, such part thereof as has been so ordered to be paid out of the treasury of said municipality or county. All notices provided for, to be published by the clerk of the court or the city clerk, shall be published in a newspaper published and circulated in the county.

Consent
necessary.

CHAPTER 745.

An act to amend section 2322x54 of the Political Code, relating to the horticultural commissioner of counties of the fifty-fourth class.

[Approved by the Governor June 7, 1929. In effect August 14, 1929]

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

SECTION 1. Section 2322x54 of the Political Code is hereby amended to read as follows:

2322x54. In counties of the fifty-fourth class, the commissioner shall receive a salary of two thousand dollars per annum.

Stats. 1925, p. 217, amended.
Counties of 54th class (Det Norte) horticultural commissioner

CHAPTER 746.

An act to add new sections to chapter two of title three of part one of the Code of Civil Procedure, to be numbered 261, 261a, relating to superior courts in and for counties and cities and counties having a population of nine hundred thousand or more; providing for the appointment and compensation of court commissioners, stenographers and other attaches of such court.

[Approved by the Governor June 7, 1929 In effect August 14, 1929]

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

SECTION 1. A new section is hereby added to chapter two of title three of part one of the Code of Civil Procedure, to be numbered 261, and to read as follows:

261. In any county or city and county having a population of nine hundred thousand or over in which the superior court shall appoint six court commissioners, who shall receive a salary of forty-eight hundred dollars each per annum. The salaries in this section provided for shall be paid in monthly installments out of the salary fund of the county or city and county, or if there be no salary fund, then out of such fund as other salary demands against the county or city and county are paid, and shall be allowed and audited in the same manner as other salary demands against said county or city and county are required by law to be allowed and audited.

SEC. 2. A new section is hereby added to said chapter of the code, to be numbered 261a, and to read as follows:

261a. In each county, or city and county, having a population of nine hundred thousand inhabitants and over, the judges of the superior court in and for such county, or city and county, a majority thereof concurring therein, to assist the court in the transaction of the judicial business of said court, may appoint the following employees: One stenographic

New section.
Court commissioners.
New section
Employees

secretary, at a salary of one thousand nine hundred twenty dollars per annum; ten stenographers, each at a salary of one thousand six hundred eighty dollars per annum; two assistant stenographers, each at a salary of one thousand five hundred dollars per annum; two investigators of domestic relations cases, each at a salary of two thousand one hundred dollars per annum; two messengers, each at a salary of one thousand twenty dollars per annum.

Salaries;
manner of
payment

The salaries in this section provided for shall be paid in monthly installments out of the salary fund of the county, or city and county, or if there be no salary fund, then out of such fund as other salary demands against the county, or city and county, are paid, and shall be allowed and audited in the same manner as other salary demands against the county, or city and county, are required by law to be allowed and audited.

CHAPTER 747.

An act to amend section 4262 of the Political Code, relating to the salaries of county officers of counties of the thirty-third class.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

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

Stats 1925,
p. 155,
amended
Counties of
33d class
(Siskiyou)
officers and
employees

SECTION 1. Section 4262 of the Political Code is hereby amended to read as follows:

4262. In counties of the thirty-third class, county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, three thousand five hundred dollars per annum, and such fees as are now or may hereafter be allowed by law; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk, one clerk, which office is hereby created, at a salary of one thousand eight hundred dollars per annum, and who shall be appointed by the county clerk. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the county clerk is paid; *and it is further provided*, that in counties of this class there shall be and is hereby allowed to said county clerk, one stenographer, which office is hereby created, at a salary of nine hundred dollars per annum, who shall be appointed by the clerk. The salary of said stenographer herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the county clerk is paid. And it is hereby found as a fact that the changes herein provided for

in the salary of the said clerk do not work an increase in the compensation of said county clerk, and it is intended that the same shall apply immediately to the present incumbent.

2. The sheriff, six thousand dollars per annum; *provided*,^{Sheriff} that in counties of this class there shall be and there is hereby allowed to the sheriff, one clerk, which office is hereby created, at a salary of one thousand eight hundred dollars per annum and who shall be appointed by the sheriff. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the sheriff is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said sheriff, and it is intended that the same shall apply immediately to the present incumbent.

3. The recorder, three thousand five hundred dollars per annum; *provided*,^{Recorder} that in counties of this class there shall be and there is hereby allowed to the recorder, one copyist to be paid twelve hundred dollars per annum. The salary of said copyist herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the recorder is paid.

4. The auditor, two thousand four hundred dollars per annum; *provided*,^{Auditor.} that in counties of this class, there shall be and there is hereby allowed to the auditor, two clerks to be appointed by the auditor, one at a salary of one thousand eight hundred dollars per annum, the other at a salary of one thousand two hundred dollars per annum which offices are hereby created. The salary of each of said clerks herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the auditor is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk, do not work an increase in the compensation of said auditor, and it is intended that the same shall apply immediately to the present incumbent.

5. The treasurer, two thousand four hundred dollars per annum; *provided*,^{Treasurer.} that in counties of this class there shall be and there is hereby allowed to the treasurer, one clerk, which office is hereby created, at a salary of nine hundred dollars per annum, and who shall be appointed by the treasurer. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the treasurer is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said treasurer, and it is intended that the same shall apply immediately to the present incumbent.

Tax
collector

6. The tax collector, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector, one deputy, which office is hereby created, at a salary of one thousand two hundred dollars per annum, and who shall be appointed by the tax collector. The salary of said deputy tax collector herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the tax collector is paid; *and provided further*, that in counties of this class, all fees and commissions of every name and nature received by the tax collector, shall be paid into the county treasurer. And it is hereby found as a fact that the changes herein provided for in the salary of the said deputy tax collector do not work an increase in the compensation of said tax collector, and it is intended that the same shall apply immediately to the present incumbent.

Assessor

7. The assessor, four thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the assessor, one clerk, which office is hereby created, at a salary of one thousand two hundred dollars per annum, and who shall be appointed by the assessor. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the assessor is paid. The assessor shall also appoint seven field clerks, which offices of field clerk are hereby created, to serve not exceeding sixty days in any one year, and said field clerks shall receive as compensation for all services performed by them, the sum of seven dollars and fifty cents per day for each day actually and necessarily employed as such, to be paid out of the county treasury at the same time, and in the same manner and out of the same fund as the salaries of county officers are paid; *provided*, that each field deputy when so employed shall file with the auditor a statement verified by oath of such field deputy, and approved by the assessor, showing the number of days actually and necessarily employed in the duties of such employment during the period covered by said statement, before any warrant for the payment of such compensation shall be drawn by the auditor. All commissions, fees or compensation for the collection of taxes on personal property, for services in making out the roll of persons subject to military duty, and all other fees and commissions shall be collected by the assessor and by him paid into the county treasury and no part shall be retained by him as part of his compensation. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said assessor, and it is intended that the same shall apply immediately to the present incumbent.

District
attorney

8. The district attorney, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the district attorney, one

clerk, which office is hereby created, at a salary of one thousand two hundred dollars per annum, and who shall be appointed by the district attorney. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the district attorney is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said district attorney, and it is intended that the same shall apply immediately to the present incumbent.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator

11. The superintendent of schools, two thousand one hundred dollars per annum and actual traveling expenses when visiting the schools of the county, and five dollars per day for services as a member at meetings of the board of education; *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools, one clerk, which office is hereby created, at a salary of nine hundred dollars per annum, and who shall be appointed by the superintendent of schools. The salary of said clerk herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the superintendent of schools is paid. And it is hereby found as a fact that the changes herein provided for in the salary of the said clerk do not work an increase in the compensation of said superintendent of schools, and it is intended that the same shall apply immediately to the present incumbent. Superintendent of schools

12. The county surveyor, two thousand seven hundred fifty dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor one deputy, who shall be appointed by the surveyor of said county, and shall be paid a salary of one thousand five hundred dollars per annum; the salary of such surveyor and such deputy surveyor shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid. The county surveyor shall make all maps, plats and blockbooks required by the county assessor; he shall do all work for the county in which the county employs a surveyor or civil engineer; he shall have general advisory supervision over all road and bridge work for the county and shall file annually with the board of supervisors a statement, which shall be published as a part of the proceedings of said board, showing the cost of all new road and bridge construction in the county, also the cost per mile of maintaining the different roads of the county for the preceding fiscal year; *and provided, further*, that when in the judgment of the board of supervisors Surveyor.

of the county it is necessary to employ additional assistants for the performance of any of said work, the board of supervisors shall allow the necessary actual expense thereof; *and provided, further*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field. The salary herein fixed for said surveyor shall be in lieu of all fees, commissions or compensation of whatsoever kind or nature for services performed by said surveyor for said county. All acts or parts of acts relative to such fees, commissions, or compensation for work performed for counties of this class by such county surveyor are hereby repealed.

Reporter.

13. In counties of this class there shall be a court reporter whose salary shall be two thousand four hundred dollars per year. The salary of said reporter herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salaries of county officers are paid, said salary shall be in lieu of fees received for reporting on criminal and civil cases and proceedings in the superior court, juvenile court, before the grand jury and all preliminary examinations in the justice courts of the county, and all investigations in criminal matters made by the district attorney. In addition to the salary the reporter shall be allowed a fee now or hereafter allowed for transcribing the proceedings and testimony in all such matters.

The fees for transcribing in civil cases in the superior court shall be paid by the parties litigant and in criminal cases in the superior court and juvenile courts to be paid by the county, when ordered by the court, as other claims are paid; and transcripts of proceedings before the grand jury, preliminary examinations, and statements and investigations by the district attorney, when required by law to be transcribed, or ordered transcribed by the district attorney shall be paid by the county as required by law; *provided, however*, that the per diem fee now paid by parties litigant on behalf of such court reporter, shall continue to be paid by such parties litigant to the clerk of the court who shall transmit the same to the county treasury to be paid into the general fund of the county.

When it shall be necessary for such reporter to travel away from the county seat in the performance of his duty, he shall receive his actual and necessary traveling and personal expenses, to be allowed and paid by the board of supervisors as are other county charges. And it is hereby found as a fact that the changes herein provided for in the salary of the said reporter do not work an increase in the compensation of said reporter, and it is intended that the same shall apply immediately to the present incumbent.

Justices of
the peace

14. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered in both civil and criminal cases; in townships where the popu-

lation is three thousand five hundred, or more, seventy-five dollars per month, and said justice of the peace shall be furnished with offices and necessary supplies by the board of supervisors of said county; in townships where the population is two thousand five hundred, or more, and less than three thousand five hundred, fifty dollars per month; in townships where the population is one thousand five hundred, or more, and less than two thousand five hundred, thirty-five dollars per month; in townships where the population is one thousand, or more, and less than one thousand five hundred, twenty-five dollars per month; in townships where the population is less than one thousand, fifteen dollars per month; *provided*, that all fees and fines chargeable and collectible by justices of the peace in civil and criminal cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury; *provided, further*, that for the purpose of this subdivision, the population of the several townships shall be ascertained by the board of supervisors, by multiplying the number of registered voters at the last general election of each township by three.

15. Constables, in townships having a population of two thousand, or more, shall receive a monthly salary of fifty dollars per month; in townships having a population of one thousand or less than two thousand, shall receive a salary of forty dollars per month and in townships having a population of less than one thousand shall receive a salary of twenty dollars per month. Constables shall also receive actual traveling expenses in transporting prisoners to the county jail. The salaries of township officers, herein provided for, shall be paid monthly, in the same manner as the salaries of the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases. Constables

16. The meetings of the board of supervisors shall be monthly and shall be held on the first Monday of each and every month. Each member of the board of supervisors is to receive a salary of one thousand two hundred dollars per annum and mileage at the rate of twenty cents per mile from his home to and from county seat. Supervisors

17. Grand jurors and trial jurors in the superior court shall receive for each day's attendance per day the sum of three dollars. In justices' courts in civil and criminal cases, the jurors sworn to try the case shall receive for each day's attendance per day the sum of two dollars. All jurors shall receive for each mile actually and necessarily traveled from his residence to the place of service and return, the sum of fifteen cents per mile; *provided*, that in justice courts mileage shall be allowed only to those sworn to try the case. Jurors.

CHAPTER 748.

An act to amend section 10 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the fish and game commission," approved May 18, 1917, as amended, relating to the protection of bears and predatory animals.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

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

Stats 1927,
p. 1960,
amended

SECTION 1. Section 10 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the fish and game commission," approved May 18, 1917, as amended, is hereby amended to read as follows:

What are
fur-bearing
mammals

Sec. 10. For the purpose of this act, the following shall be considered fur-bearing mammals: Black and brown bear, ring-tailed cat, coon, pine marten, fisher, wolverine, mink, skunk, river otter, grey, cross, silver and red fox, kitfox, beaver and muskrat; nothing in this act shall apply to or in any manner restrict the killing or destroying or capturing of bears in fish and game districts one, one and one-half, two and two and one-half, until the first day of July, 1930; and nothing in this act shall apply to or in any manner restrict the killing or destroying or capturing of predatory animals in fish and game districts two, two and one-half, three, four and four and three-quarters.

 CHAPTER 749.

An act to amend sections 1044, 1083b, 1096, 1096a, 1125, 1151, 1195b, 1204, 1205, 1210, 1261, 1262, 1264, 1265, of the Political Code, relating to registration of electors and conduct of elections.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

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

Stats 1911,
p. 896,
amended
Conduct of
elections.

SECTION 1. Section 1044 of the Political Code is hereby amended to read as follows:

1044. Except in the particulars or cases otherwise provided for in the constitution or laws of the state or by the provisions of a freeholder charter duly adopted or amended pursuant to the constitution of this state, any and all elections shall be conducted under the provisions of sections 1044, 1120, 1121, 1133 and 1151 of this code.

SEC. 2. Section 1083*b* of the Political Code is hereby amended to read as follows:

Stats. 1915,
p. 287,
amended.

1083*b*. Whenever the county clerk or registrar of voters is required by law to examine the signatures upon any nomination paper or petition of any candidate for a municipal office, he is hereby empowered to employ the necessary help for said examination, to be paid by such municipality a sum not to exceed five dollars per day for each person so employed in such examination.

Employment
of necessary
help for
examining
signatures

SEC. 3. Section 1096 of the Political Code is hereby amended to read as follows:

Stats 1917,
p. 1334,
amended

1096. The affiant making the affidavit of registration must be at least twenty-one years of age at the time of the next succeeding election; a citizen of the United States ninety days prior to such election; a resident of the state one year, of the county ninety days, and of the precinct thirty days next preceding such election and the affidavit must show such facts. It shall also show:

Qualifica-
tions for
registration

1. The name at length, including christian or given name, the middle name, or initial, if any, said christian or given name, if the name of a women, to be preceded in all cases by the designations of Miss or Mrs. as the case may be.

What
affidavit
must show

2. The place of residence and post-office address with sufficient particularity to identify the same and determine therefrom the voting precinct of such affiant. If the elector be not the proprietor or head of the house, or the wife or husband of such proprietor, then it must show upon what floor thereof, and what room such elector occupies in such house.

3. The occupation of affiant.

4. The height of affiant in feet and inches.

5. The country or state of nativity of affiant.

6. If foreign born, how citizenship was acquired, whether by citizenship of father, by provisions of a treaty or act of congress, by order of a court of naturalization, by marriage to a citizen, by naturalization of a parent or husband, or otherwise. The date or year when, and the place or state where affiant became a citizen shall be shown, except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of congress. When citizenship depends upon the citizenship or naturalization of parent or husband the name of such parent or husband shall appear.

7. The fact whether or not the elector desiring to be registered is able to read the constitution in the English language and to write his or her name, and whether or not the elector has any physical disability, by reason of which he or she can not mark the ballot; and if he or she can not mark the ballot by reason of physical disability, then the nature of such disability must be entered. The affiant shall sign such affidavit with his or her own usual signature, and if unable to write he or she shall sign with a mark or cross, and the county clerk or registrar before whom such affidavit is made shall insert therein the date of such affidavit, which shall be the date of

the jurat. The affiant may state in such affidavit the name of any political party or organization with which he intends to affiliate at the ensuing primary election, whether or not such party or organization is a party or organization qualified, at the time of such registration, to participate in such primary election according to the provisions of the direct primary law.

Stats 1917, p 1335, amended.

Declaration of political party

SEC. 4. Section 1096a of the Political Code is hereby amended to read as follows:

1096a. At the time of registering and of transferring registration, in all places where the primary election law is in force, each elector shall declare the name of the political party with which he intends to affiliate at the ensuing primary election or elections, and the name of such political party shall be stated in the affidavit of registration and the index thereto.

If the elector declines to state the fact, the fact of such declination shall likewise be stated and no person shall be entitled to vote the ticket of any political party at any primary election, by virtue of such registration, unless he has stated the name of the political party with which he intends to affiliate at the time of such registration. Nor shall he be permitted to vote on behalf of any party or for delegates to the convention of any party other than the party so designated in the registration.

Change of political affiliation

In case any elector shall have declined to designate or shall have changed his political affiliation prior to the close of registration for primary elections he is entitled to have such change recorded prior to the close of said registration upon application to the county clerk or registrar of voters as hereinafter provided. In case any elector shall have declined to designate or shall have changed his political affiliations prior to the close of registration, he may appear in person before the county clerk or registrar of voters, or any registration deputy of said county clerk or registrar of voters, and make affidavit substantially in the following form:

Form of affidavit.

State of California, }
County of _____ } ss.

-----, being duly sworn, deposes and says that he registered on the great register of the said county of ----- as a ----- (insert former party affiliation, or that he had declined to designate his party affiliation); that since the date of such registration he has changed his political views and in good faith declares his affiliation with ----- party.

Subscribed and sworn to before me, this ----- day of -----, 19-----.

The county clerk or registrar of voters shall take such affidavit without charge and shall file the same, and shall note such change of political affiliation on the elector's affidavit of registration.

Stats 1915, p 861, amended.

SEC. 5. Section 1125 of the Political Code is hereby amended to read as follows:

1125. In all counties, and city and counties (except in counties, and city and counties, which at the last general election prior to the time this act goes into effect had a registrar of at least two hundred thousand electors, or which has a registrar of voters provided for by freeholders charter or by general law, but no board of election commissioners, other than the board of supervisors acting as such *ex officio*), the county surveyor shall upon written request and under the direction of the county clerk, or in counties, and city and counties, having a registrar of voters, from the registrar of voters, divide the county into election precincts and prepare detail precinct maps and exterior descriptions and copies thereof, and file the same with the board of supervisors not later than the first Monday in November of each odd-numbered year; *provided, however,* that the county shall be so divided into election precincts that there shall be as many as shall be sufficient to make the number of votes polled at any election precinct not more than two hundred, as near as can be ascertained, and it is the duty of said board to adopt an order creating election precincts as prepared and described by said county surveyor and county clerk, not later than the second Monday in December of each said odd-numbered year; the county surveyor shall within fifteen days after receipt of said written request from the county clerk, or registrar of voters, change or alter any precinct boundaries, and prepare new detail maps and descriptions thereof, as directed by the county clerk, or registrar of voters, and file the same with the board of supervisors, who must at their next meeting adopt said precinct changes by order.

Surveyor to divide certain counties into election precincts

Whenever the boundaries of any precinct are changed or altered in accordance with this section, it shall be the duty of the county clerk or registrar of voters, to rearrange the affidavits of registration and place them in the proper precinct to which they belong as said precincts are reestablished, and make the necessary changes in the precinct names on said affidavits as required.

Rearrangement of affidavits of registration.

The county clerk, or registrar of voters, shall be, and he is hereby authorized to employ such help as is necessary to enable him to make such changes on affidavits of registration, at a salary of not to exceed five dollars per day, and if found necessary to canvass the territory in order to ascertain the precinct of each person registered, he shall be allowed to employ such help as is necessary to make such changes, at a salary of not to exceed five dollars per day and necessary traveling expenses for each clerk so employed on said work. The total amount to be expended for this work in any one county shall not exceed the sum of four cents per name for the total number of names appearing on the great register for said county at the last general election.

Employment of extra help.

In all counties, or city and counties of this state, which at the last general election prior to the time this act goes into effect had a registration of at least two hundred thousand elec-

Supervisors to divide certain counties.

tors, or which has a registrar of voters provided for by freeholders' charter or by general law, but no board of election commissioners, other than the board of supervisors acting as such ex officio, the board of supervisors, or other board having charge and control of elections in such county, or city and county, or, at its request, the county clerk or registrar of voters, shall, as soon before a general election as is convenient, proceed to divide such county, or city and county, into election precincts, of which there shall be as many as shall be sufficient to make the number of voters polled at any one election precinct to be not more than two hundred, as nearly as can be ascertained.

Any provisions found elsewhere in this code giving to the board of supervisors the power to establish, abolish and change election precincts shall be subject to, and controlled by, the provisions of this section.

Stats 1919,
p. 388,
amended
Board of
election.

SEC. 6. Section 1151 of the Political Code is hereby amended to read as follows:

1151. The city council or other board having charge and control of the elections of any municipality shall appoint a board of election for each election or consolidated election precinct, to consist of one inspector, two judges and three clerks for each municipal election provided for by said section 1044 of this code, held within that municipality, and the board of supervisors or other board having charge and control of elections shall appoint a board of election to consist of one inspector, one judge and two clerks for every other election provided for by said section, who shall apportion among themselves the work required in the conduct of such election within their respective election precincts; *provided*, that at any nomination or general municipal election held under the provision of a freeholders' charter, the board or governing body charged with the conduct of such elections, may by majority consent, appoint a board of elections for each election precinct, to consist of one inspector, one judge, and two clerks. The members of such boards shall be appointed, and when appointed shall act, as provided for by section 1142 of this code. But one tally list, and one copy of such tally list, as provided for in section 1261 of this code, need be kept, and but one book of original affidavits of registration need be furnished for use at each precinct, which shall be returned to the proper officers with the official returns, in the manner provided for the returns at a general election.

Stats 1919,
p. 388,
amended.
Pamphlets
re amend-
ments, etc.,
to be
mailed.

SEC. 7. Section 1195b of the Political Code is hereby amended to read as follows:

1195b. The secretary of state shall furnish each county clerk or registrar of voters in the state not less than thirty-five days before the election next ensuing at which such amendments, propositions, measures or questions are to be voted on, certify such pamphlet and the matters contained therein with not more than one and one-twentieth times as many copies of such pamphlets as there are registered voters in his county. The county clerk or registrar of voters of each

county, and city and county shall not more than thirty days, nor less than ten days prior to said election cause to be mailed to each voter a copy of such pamphlet and no other publication of such amendments, propositions, measures, questions or statements shall be necessary or authorized. Three copies of such pamphlets, to be supplied by the secretary of state, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the electors.

SEC. 8. Section 1204 of the Political Code is hereby amended to read as follows:

Stats 1913,
p. 1169
amended.

1204. Any person desiring to vote shall write his or her name and address (or if he or she be unable to write, shall have the same written for him or her) on a roster of voters provided for that purpose and announce the same to one of the election officers, who shall then in an audible tone of voice announce the same, and if another election officer finds the name on the register, he shall in a like manner repeat the name and address, whereupon a challenge may be interposed as provided in sections 1230 and 1600 of this code. In case the surname of any female person offering to vote has been changed by reason of marriage or divorce since registration such person shall sign her name as it was before such marriage or divorce and also her name as it is at the time she votes, indicating on the roster by brackets or other means, that the two names are the name of one person. In all cases except in those where the name and address of the voter is written on the roster of voters for him, as above provided, it shall be the duty of the election officer, in the presence and view of the bystanders to compare the signature of the voter on the roster of voters with the signature of that person on the register and no ticket shall be given such voter until such comparison of signatures shall have been made and until such a comparison has been made, as aforesaid, the right of a voter to vote may be challenged. If the challenge be overruled, the election officer shall give the voter a ticket and the voter shall be allowed to enter the place enclosed by the guard rail as above provided. The election officer shall give him but one general ticket and where any city, city and county or town officers are to be elected also one municipal ticket and only one ballot of each kind and in order to prevent voters from marking their ballots with a pencil, or otherwise contrary to law, it shall be the duty of the election officer whenever he shall deliver a ballot to any voter to then orally distinctly state to him, so that it may be heard by the bystanders, that he must mark the ballot with the stamp provided by law or it will not be counted.

Manner
of voting

Name
changed by
marriage,
etc

Comparison
of signa-
tures.

SEC. 9. Section 1205 of the Political Code is hereby amended to read as follows:

Stats 1911,
p. 410,
amended.

1205. On receiving his ballot the elector shall forthwith, and without leaving the enclosed space, retire alone to one of the places, booths or compartments provided, to prepare his ballot. In voting he shall stamp a cross (X) in the voting square after the name of every candidate for whom he intends

How voter
shall prepare
ballot.

to vote, and this shall be counted as a vote for each person after whose name the elector has stamped such cross, or he may vote for a candidate or person whose name is not printed on the ballot by writing a name for such office in the blank space left therefor, in which latter case the vote of such elector for that office shall be counted for the person whose name is so written. Where two or more candidates for the same office are to be elected, and the elector desires to vote for candidates for that office, he must stamp a cross (X) after the names of all the candidates for that office for whom the elector desires to vote, not exceeding, however, the number of candidates who are to be elected.

In case of a question, proposition or constitutional amendment, submitted to the vote of the electors, the elector shall mark his ballot by stamping in the appropriate voting square a cross (X) opposite the answer he desires to give as to such question, proposition or constitutional amendment. All crosses shall be made only with a stamp, which with necessary pads and ink, shall be provided by the officers who by law are required to furnish election supplies for each booth or compartment provided for the marking and preparation of ballots. Before leaving such booth or compartment the elector shall fold his ballot in such a manner that the number of the ballot shall appear on the outside thereof, without displaying the marks on the face thereof, and shall keep it folded until he has voted. Having folded his ballot, the elector shall deliver it folded to the inspector, who shall announce in an audible tone of voice the name of the elector.

The ballot clerk having in charge the copy of the index to the register or affidavits of registration shall, in like manner, repeat the name and shall write in the ruled space opposite the name the word "voted," for each elector who votes.

The inspector shall then separate the slip containing the number from the ballot, deposit the ballot in the box and immediately destroy such number slip.

SEC. 10. Section 1210 of the Political Code is hereby amended to read as follows:

1210. The county clerk or registrar of voters of each county, or city and county, or, in case of separate city or town elections, the clerk or secretary of the legislative body of such city or town, shall cause to be printed, on plain white paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there shall be registered electors in such precinct. Such copy shall be designated "sample ballot" upon the face thereof. Said county clerk or registrar of voters of each county or city and county, or the clerk or secretary shall commence to mail the same, postage prepaid, to registered electors not more than thirty, nor less than ten days before the day fixed by law for such election, and shall have all of the same mailed at least seven whole days before the day of election; *provided*, that not more than one sample ballot shall be furnished to any one elector; *and further provided*, that for any general election

Stats 1915,
p. 837,
amended

Printing and
distribution
of sample
ballots

the number of sample ballots printed shall not exceed the total registration by more than fifteen per cent of such registration. Such county clerk or registrar of voters of each county or city and county, or the clerk or secretary shall also enclose in the envelope with each of said ballots a card stating the location of the precinct polling place of each elector. Only official matter shall be sent in such envelope. Such county clerk or registrar of voters of each county or city and county, or the clerk or secretary shall cause to be printed in large, clear type, on cards, instructions for the guidance of electors in obtaining and marking their ballots, and he shall furnish twelve such cards to the board of election in each election precinct in his county, at the same time and in the same manner as the printed ballots. The board of election shall post at least one of such cards in each booth or compartment provided for the preparation of ballots, and not less than three of such cards at other places in and about the polling place, on the day of election. Sections 1214 and 1215 of this code, and section 61 of the Penal Code, shall also be printed on each of said cards.

SEC. 11. Section 1261 of the Political Code is hereby amended to read as follows:

Stats. 1923,
p. 774,
amended
Certain
papers to
be sealed.

1261. The board must, before it adjourns, enclose in packages which must be sealed and directed to the county clerk, or to the registrar of voters if there be one, in their county, or city and county, the hereinafter designated supplies and records of the election. In one package shall be enclosed one tally list, the roster of voters, the challenge list, the death and removal list, one list of assisted voters, one copy of the printed index to the precinct register or affidavits of registration showing names of electors voted as kept by the election clerk, and all affidavits of election officers assisting voters; in one package shall be enclosed one tally list, and one list of assisted voters; in one package shall be enclosed the spoiled canceled and unused ballots; and in one package shall be enclosed the voted ballots. The register shall be returned separately in a sealed envelope to the county clerk or registrar of voters; *provided*, however, that the county clerk or registrar of voters may open such envelope upon receipt thereof at the office of such county clerk or registrar of voters.

The board must also immediately transmit, unsealed to the county clerk or registrar of voters, a copy of the result of the votes cast at the polling place, which copy must be signed by the members of the board, and which shall be open to the inspection of the public.

Result
of vote.

The board must also, before it adjourns, post conspicuously, on the outside of the polling place, a copy of the result of the votes cast at such polling place, which copy shall be signed by the members of the board.

It shall be a misdemeanor for any person to remove or deface such posted copy of the result or to delay or change the copy to be delivered to the county clerk, or registrar of voters.

Offense and
penalty for
altering
copy.

Stats. 1913,
p. 226,
amended
Tally list,
etc. open
to inspection
of electors

SEC. 12. Section 1262 of the Political Code is hereby amended to read as follows:

1262. One tally list, and one list of assisted voters must be sent to the county clerk or registrar of voters, and be retained by him open to the inspection of all electors for at least six months.

Stats 1921,
p. 820,
amended
Delivery of
sealed
papers
to county
clerk.

SEC. 13. Section 1264 of the Political Code is hereby amended to read as follows:

1264. The member to whom such packages are delivered, must, without delay, deliver such packages without their having been opened, to the county clerk, registrar of voters, nearest postmaster, or sworn express agent, who shall endorse on such packages the name of the party delivering them, and date of such delivery. If delivered to a postmaster, or express agent, such postmaster or express agent shall forward the packages by the first mail or express to the county seat. In the city and county of San Francisco, such packages must be delivered to the registrar of voters within three hours from the time of adjournment of the board, which time of adjournment must be endorsed upon such package, and upon each tally list, in ink or indelible pencil, and signed by a majority of the members of such board. In the city and county of San Francisco the packages must be put up and sealed in the following manner, by an inspector, and at least three other members of the board, and be signed by their respective signatures across (flap) the same written.

One package to contain the voted ballots only; one package to contain one roster and tally list only; one package to contain the precinct registers only, one package to contain index to register, list of voters challenged, and list of assisted voters; and one package to contain the unused ballots.

Stats 1903,
p. 42,
amended.
Ballots to
be kept
sealed for
six months.

SEC. 14. Section 1265 of the Political Code is hereby amended to read as follows:

1265. On receipt of the packages the county clerk or registrar of voters must file the one containing ballots, and must keep it unopened and unaltered for six months, after which time, if there is not a contest commenced in some tribunal having jurisdiction about such election, he shall thereafter destroy the package without opening or examining its contents; *provided, however*, that after the time limited for a contest, and in the event any contests have been commenced, then after said ballots have been opened and counted by the superior court in said contest, a judge of the superior court of the county wherein said ballots were voted may order said packages to be opened for inspection in any case being tried in his court where he has jurisdiction of the same, whenever he shall deem it necessary to inspect the ballots contained in said packages in order to produce testimony to establish the proof of any material issue of fact arising in the course of the trial of said case. In no event shall the said packages, or any of them, or the ballots contained therein, be taken from the custody of the county clerk or registrar of voters.

Whenever said packages, or any of them, shall have been inspected and examined, and a record made of the testimony therein contained, the same shall be restored to the exclusive control and custody of the county clerk or registrar of voters, who shall reseal the packages with the ballots contained therein, and keep the same until he shall thereafter destroy them, in accordance with the direction of this section; *provided, further*, that if in any congressional district within this state there has been or shall be filed a contest of the election of any person declared to have been elected a member of congress, and the county clerk or registrar of voters in any county or city and county be notified by the contestant, that such congressional election contest is pending then and in that case such county clerk or registrar of voters shall not destroy the ballots in that county or city and county, or in the part or portion thereof within such congressional district in which such contest is pending, until the final determination of such contest before the house of representatives of the congress of the United States; and such county clerk or registrar of voters shall hold such ballots in his custody subject to the inspection of any committee of the house of representatives or subcommittee thereof, having in charge the investigation of such contest, and shall produce such ballots for examination before any such committee of the house of representatives or subcommittee or before any commissioner designated by such congressional committee or subcommittee or before any officer designated by act of congress and duly selected to take depositions and proof in any such contest of the election of any person to congress.

Return to
county clerk
after exami-
nation.

Contes. of
congressional
election

CHAPTER 750.

An act creating a commission to codify, consolidate, revise or compile the statutes of California and to report thereon to the Legislature at the forty-ninth session thereof.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

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

SECTION 1. A commission is hereby created to be known as the California code commission. Said commission shall consist of nine members, to be appointed by the governor within a reasonable time after the passage of this act.

California
code com-
mission
created.

The members of such commission shall serve without compensation, but shall be allowed actual expenses incurred in traveling, and in the discharge of their duties.

SEC. 2. Within ten days after the appointment of the commission it shall meet and organize by selecting one of its members chairman.

Organi-
zation.

Duties

It shall be the duty of the commission hereby created to immediately enter upon a revision of all the laws of this state including those enacted at the present session of the Legislature. The work of revision shall comprehend the preparation of a statutory record showing the status and disposition of all acts and parts of acts heretofore adopted; the codification, consolidation, compilation or revision of all statutes in force and the express repeal of all statutes heretofore repealed by implication, held unconstitutional by the supreme court of this state, or which will be rendered obsolete by the proposed revision if adopted; and whenever necessary the correction of errors in form or substance including such restatement as will best serve clearly and correctly to express the existing provisions of law. The commission shall prepare a report embodying therein among other things such legislative measures proposed by it as may be calculated to effect the adoption or enactment of such revision.

Cooperation
of state
officers, etc

SEC. 3. The material of the state library shall be made available to said commission, and all offices of the state, and all departments, commissions, and bureaus, and other official state organizations, and all persons connected therewith shall give said commission full information, and reasonable assistance in any matters of research requiring recourse to them, or to data within their knowledge or control. The commission may cooperate with any of the bar associations of the state, or the American Bar Association in any manner suitable for the fulfillment of their purposes. It is hereby made the duty of the board of governors of the state bar to assist said commission, in any manner the commission may request within the scope of the powers or duties of the said commission.

Distribution
of report.

SEC. 4. On the fifteenth day of December, preceding the next regular session of the Legislature the commission shall distribute its report, and its revision of the law in the form of an exhibit, or exhibits to the governor, the members of the Legislature, and the heads of all departments of the state. Said report shall be accompanied by exhibits of various changes, modifications, improvements, and suggest enactments prepared or proposed by it with a full and accurate index thereto.

Printing
of report

SEC. 5. The report, and exhibit shall be printed by the state printer under the supervision of the commission. The exhibits or proceedings shall be so printed as to show in the readiest manner the changes proposed by the commission, and in those cases wherein it shall recommend, and repeal of a law, and propose a substitute therefor, or propose a new law. Such laws, and proposals shall be set forth in a manner most convenient for comparison.

Secretary

SEC. 6. The chief of the legislative council bureau shall be the secretary of the commission, and out of the appropriation for the support of his office shall defray all necessary expenses authorized by the provision of this act.

CHAPTER 751.

An act to amend an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, by adding a new section numbered 24½ to said act, relating to the powers of city prosecutors in cities of the second and one-half class operating under a freeholders charter.

[Approved by the Governor June 10, 1929. In effect August 14, 1929]

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

SECTION 1. A new section numbered 24½ is hereby added to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, said section to read as follows:

Stats. 1925,
p. 657,
amended

Sec. 24½. Whenever the charter, of any city of the second and one-half class operating under a freeholders charter, creates the office of city prosecutor and charges said prosecutor with the duty, when authorized by law, of prosecuting misdemeanor offenses arising upon violations of the laws of the state, said city prosecutor is hereby authorized to exercise and shall have the following powers in connection therewith:

Powers of
city prose-
cutors.

(a) He shall prosecute all such misdemeanor offenses, committed within said city, which are within the jurisdiction of the municipal court of such city, and all appeals arising therefrom. He shall draw complaints for such misdemeanors, prosecute all recognizances or bail bond forfeitures in said misdemeanor cases and prosecute all actions for the recovery of fines, penalties, and forfeitures, arising or resulting from the commission of such offenses.

(b) Whenever any person applying for a writ of habeas corpus, is held in custody by any peace officer of such city, charged with having committed within said city any criminal offense in which the municipal court of the city has jurisdiction, a copy of the application for such writ must be served upon such city prosecutor at the time and in the manner provided by law for the service of writs of habeas corpus upon district attorneys; and such prosecutor shall, on behalf of the people, conduct all proceedings connected with or relating to such application. If the constitutionality of any law is questioned in any such habeas corpus proceeding the city prosecutor shall immediately notify the city attorney of such fact, whereupon the city attorney may, in his discretion, take charge of the proceeding on behalf of the people, or become associated with the city prosecutor therein.

CHAPTER 752.

An act to amend sections 2979b and 2979c of the Political Code, relating to the character, treatment, transportation and physical rehabilitation of physically defective and handicapped persons, under the age of eighteen years, by and under the direction of the state board of health and by and under the direction of the county board of supervisors, procedure thereof, waiving of fees, providing for collection and disposition of moneys collected, and continuing of revolving fund.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

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

Stats 1927,
p 1021,
amended.
Physically
defective
persons

2979b. The state board of health shall have the power and it shall be its duty to seek out needy physically defective or handicapped persons under the age of eighteen years by local surveys arranged through local lawful authorities, social welfare and other public and private agencies; *provided*, that no record shall be taken and/or kept except of such children as are specified in this section.

Local
clinics.

It shall likewise have the power and it shall be its duty to arrange through such local agencies for local public diagnostic clinics or conferences for such physically defective and handicapped persons, when and where it shall appear necessary and bring to such persons expert diagnoses near their own homes.

Expense.

Whenever the parents or guardian of any such physically defective or handicapped person shall be either wholly or partly unable to furnish for such child or ward, necessary surgical, medical, hospital, physiotherapy, occupational therapy and other service, special treatment, materials, appliances and their upkeep, maintenance, care and transportation, the parents or guardian may without the payment of any fees, file a petition in the superior court in the county wherein such parents are resident, or in the event a guardian of the person of such child has been appointed then in the county of the residence of such child, for a certificate setting forth such fact. Said petition may be heard *ex parte*, and if the judge is satisfied that the parents or child are or is resident as hereinabove set out of the county wherein such application has been filed, and that the parents or guardian are or is either wholly or partly unable to furnish such services, transportation, materials or appliances and their upkeep, or such maintenance, care and transportation, he shall issue a certificate to such effect, which certificate must contain the names and addresses of petitioner and of such physically defective and handicapped person and the following findings:

1. That the parents or physically defective or handicapped person reside in the county in which the petition is filed;

2. That the child needs necessary surgical, medical, hospital, physiotherapy, occupational therapy and other service, special treatment, materials, appliances and their upkeep, maintenance, care or transportation;

3. That parents or guardian are or is wholly or partly unable to furnish aid referred to in finding two;

4. What sum, if any, the parents or guardian can pay to the clerk of the superior court in the county in which said petition is filed, and the times when such payments are to be made. Such certificate, together with duplicate original written diagnoses, shall be presented to the state board of health, and upon receipt, it shall be its duty to furnish such services, transportation, materials or appliances and their upkeep, such maintenance, care and transportation as in its judgment are necessary and proper, the expense thereof to be advanced by the state board of health out of a revolving fund appropriated for that purpose. *Provided, however,* that the state board of health may pay the same out of any funds received by it through gift, devise, or bequest, without the possession of such certificate. All moneys expended under the authority of such certificate, as herein provided, shall constitute a legal county charge against the county fund of the county from which such certificate is issued. Upon presentation to the board of supervisors of the county in which such petition was filed, of an itemized claim, duly sworn to by the secretary of the state board of health, for the expense of the above set out services, transportation, materials, appliances and their upkeep, care and maintenance furnished under the authority of said certificate, said board of supervisors shall audit and approve said claim, and the county auditor of said county shall thereupon issue a warrant for the amount thereof payable to the state board of health, and the county treasurer shall pay the same. The state board of health shall credit the amount received to the revolving fund as provided in section 2979c of the Political Code.

The state board of health is hereby authorized to arrange or contract with persons, hospitals, institutions, agencies or other organizations that are, in its judgment, properly qualified to furnish such services, materials, transportation, care, maintenance and appliances as above set forth, for such services, materials, transportation, care, maintenance and appliances necessary or requisite for the purpose of this act; and to pay for same in each particular case out of any funds appropriated for the purpose or which it may receive by gift, devise or bequest, as provided in this section.

Contracts
with
hospitals,
etc.

It shall likewise, through its employees, persons and agencies cooperating in the services provided for in this section, maintain a strict supervision over such physically defective or handicapped persons as are under its care and jurisdiction; visiting them when advisable, causing a record to be kept showing their condition and improvement.

Supervision

Arrangements with parents, etc.

It may enter into agreements with parents, guardians and persons responsible for the care of such persons to pay such amounts as they may be able toward the cost of services, materials, transportation, care, maintenance, and appliances furnished under the provisions of this section. Nothing in this section shall authorize the care, treatment, supervision or any control over persons coming under the provisions of this act without the written consent of a parent or guardian.

Stats 1927, p 1022, amended.
Revolving fund continued in effect

SEC. 2. Section 2979c of the Political Code is hereby amended to read as follows:

2979c. The twenty-five thousand dollar revolving fund which was heretofore created under this original section as adopted May 17, 1927, is hereby continued in force and effect, it not being the intent of this section to create an additional or supplemental revolving fund. The revolving fund shall be used in the carrying out of the provisions of this act, and may be expended under the direction of the state board of health for the services and materials furnished under the authority of the certificate provided under section 2979b of the Political Code. The state board of health is hereby empowered to pay for such services, materials, transportation, care, maintenance and appliances and their upkeep out of such fund; and the amount of such expenditures shall be charged against the county in which such petition was filed as provided in section 2979b.

CHAPTER 753.

An act to amend section 4241 of the Political Code, relating to compensation of officers and employees in counties of the fifteenth class.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

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

Stats 1927, p 882, amended
Counties of 15th class (River-side) officers and employees.

SECTION 1. Section 4244 of the Political Code is hereby amended to read as follows:

4244. In counties of the fifteenth class, the county and township officers shall receive as full compensation for the services required of them by law, or by virtue of their offices, the following salaries and fees, to wit:

Clerk

1. The county clerk, three thousand three hundred dollars per annum; and in counties of this class there shall be and is hereby allowed to the county clerk one chief deputy who shall receive a salary of two thousand four hundred dollars per annum and three deputies who shall each be paid a salary of two thousand one hundred dollars per annum and two deputies at salaries of one thousand five hundred dollars per annum, each; said deputies shall be appointed by the county clerk. The salary of said county clerk and his said deputies

shall be paid in equal monthly installments out of the salary fund of the said county.

In counties of this class all fees and commissions received by the county clerk in his official capacity or by virtue of his position as county clerk, including fees or commissions allowed by the laws of the United States pertaining to the naturalization of citizens and to public lands which belong to the county of Riverside and shall be paid into the county treasury at the close of each month, with a statement of the sources from which said fees and commissions were received.

It is further provided that in such years as a new and complete registration of voters is required by law, the county clerk shall appoint such additional deputies as he shall deem necessary for the registration of voters, and each such deputy shall receive the sum of seven and one-half cents per name for each elector properly registered by him, said compensation to be paid out of the general fund of the county on claims therefor duly verified, presented and approved by the board of supervisors, in the same manner as other claims are presented, allowed and paid.

2. In counties of this class the sheriff, four thousand dollars ^{Sheriff} per annum; *provided*, that in counties of this class that if the sheriff resides in the county jail building he shall be charged such sum per month as rent, as may be fixed by the board of supervisors and deducted each month from the salary of the sheriff; and in counties of this class there shall be and there is hereby allowed to the sheriff one undersheriff whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; one chief deputy at a salary of two thousand one hundred dollars per annum; one deputy qualified to act as fingerprint expert and photographer in charge of the department of identification which department is hereby authorized, at a salary of two thousand four hundred dollars per annum, and one assistant to said fingerprint expert and photographer at a salary of one thousand five hundred dollars per annum; four deputies to act as jailers at a salary of one thousand eight hundred dollars per annum, each; one deputy qualified to act as typist at a salary of one thousand five hundred dollars per annum; one deputy qualified to act as office deputy, at a salary of one thousand eight hundred dollars per annum; two deputies qualified to act as court bailiffs in the several departments of the superior court, at salaries of one thousand five hundred dollars per annum, each; two deputies qualified to act as criminal deputies at salaries of two thousand one hundred dollars per annum, each; one matron at a salary of one thousand two hundred dollars per annum. Said deputies and matron shall be appointed by the sheriff and the salaries herein provided for shall be paid in equal monthly installments out of the salary fund of the county at the time and in the same manner as the salaries of county officers are paid.

All fees, commissions and mileage received by the sheriff in his official capacity or by virtue of his office excepting fees, commissions and mileage for the service of civil papers or process coming from courts other than courts in his own county, shall be the property of this county and shall be paid by him into the county treasury at the close of each month with a statement of the source from whence received.

Recorder.

3. The recorder, three thousand three hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder two deputies who shall be appointed by the recorder, and shall be paid the following salaries, to wit: One chief deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum. The salaries herein provided for shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid; *and provided, further*, that the recorder is hereby allowed as many copyists as may be required, who shall receive as compensation the sum of four cents per folio for recording any instrument or notice. The compensation of such copyists shall be paid monthly out of the same fund as the salaries of county officers are paid at the same time and in the same manner.

All fees and commissions now or hereafter received by the recorder by virtue of his office or in his official capacity, shall belong to the county of Riverside and shall be paid into the county treasury each month with a statement of the sources from which they were received.

Auditor

4. The auditor, three thousand six hundred dollars per annum. In counties of this class there shall be, and there is hereby allowed to the auditor the following deputies, whose offices are hereby created and who shall be appointed by the auditor and receive the following salaries: One chief deputy, two thousand four hundred dollars per annum; one deputy, one thousand eight hundred dollars per annum; one deputy, one thousand five hundred dollars per annum; one deputy, one thousand two hundred dollars per annum, and such other assistants as the auditor may require; *provided*, that the compensation of such other assistants shall not in the aggregate exceed the sum of two thousand five hundred dollars in any one year; *and provided, further*, that the auditor shall file with the county clerk a verified statement, showing the amounts in detail and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

Treasurer

5. The treasurer, three thousand three hundred dollars per annum. In counties of this class there shall be, and there is hereby allowed to the treasurer one deputy who shall

be appointed by the treasurer and shall receive from the county a salary of two thousand four hundred dollars per annum, to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All commissions and fees now or hereafter allowed by law to the treasurer, including state inheritance tax fee, shall belong to the county of Riverside and shall be paid into the treasury monthly, with a statement showing the sources from whence received.

6. The tax collector, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector the following deputies and assistants, whose offices are hereby created and who shall be appointed by the tax collector; one deputy at a salary of two thousand four hundred dollars per annum; and such assistants as the tax collector may require; *provided*, that the compensation of such assistants shall not, in the aggregate, exceed the sum of seven thousand two hundred dollars in any one year; *and provided*, that the tax collector shall file with the county auditor a verified statement showing in detail, the amounts and the persons to whom said compensation is paid; the salaries of the said deputy and other assistants shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid. Tax collector.

7. The assessor three thousand six hundred dollars per annum, and his actual traveling expenses while away from his office on official business; *provided*, that in counties of this class there shall be and there is hereby allowed to the assessor the following deputies and assistants, whose offices are hereby created and who shall be appointed by the assessor; one chief deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; one deputy who shall be employed as draftsman at a salary of two thousand two hundred dollars per annum; three deputies at salaries of one thousand five hundred dollars per annum, each; one stenographer at a salary of one thousand one hundred dollars per annum; one chief valuation deputy at a salary of two thousand one hundred dollars per annum and his actual traveling expenses while away from his office on official business; one field deputy at a salary of two thousand dollars per annum, and his actual traveling expenses while away from his office on official business; and such other deputies and assistants as the assessor may require, together with their necessary traveling expenses and whose compensation and expenses in the aggregate shall not exceed twelve thousand dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid. The salaries and traveling expenses of such Assessor.

deputies and assistants and stenographer shall be paid by the said county in monthly installments and at the same time and in same manner and out of the same fund as county officers are paid. All fees, commissions, including poll tax and fees for the collection of unsecured personal property tax collected by this office shall be turned over to the county and become the property of the county.

Coroner

8. The coroner, such fees as are now, or may hereafter be allowed by law.

Public administrator

9. The public administrator, such fees as are now, or may hereafter be allowed by law.

District attorney

10. The district attorney, five thousand dollars per annum, and actual traveling expenses while away from his office on county business; one chief deputy at a salary of four thousand two hundred dollars per annum; one deputy at a salary of three thousand six hundred dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum. One stenographer at a salary of one thousand five hundred dollars per annum; one stenographer at a salary of one thousand two hundred dollars per annum. Neither the district attorney nor any of his assistants or deputies receiving compensation amounting to three thousand six hundred dollars a year or more shall engage in the private practice of law, nor shall they be associated directly or indirectly with any lawyer or law firm as such in private practice, but each shall devote his entire time to the service of the county. Said deputies, stenographers shall be paid by said county in monthly installments and at the same time and in the same manner and out of the same fund as the county officers are paid.

Superintendent of schools

11. The superintendent of schools, three thousand six hundred dollars per annum; his office shall be kept open on all business days from nine a.m. to five p.m.; he shall be allowed his actual traveling expenses when visiting the schools of the county; *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools one deputy to be appointed by him who shall receive from the county a salary of two thousand four hundred dollars per annum; one deputy to be appointed by him at a salary of one thousand five hundred dollars per annum. The salaries of said deputies herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid.

Surveyor.

12. The surveyor, two thousand eight hundred dollars per annum and in addition thereto all necessary field assistants; *provided*, that in counties of this class there shall be and there is hereby allowed the surveyor three deputies who shall be appointed by the surveyor of the said county, and who shall be paid salaries as follows: One deputy at a salary of two thousand seven hundred dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum and one deputy at a salary of one thousand five hundred dollars per

annum. The salaries of the said deputies herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All necessary expenses for field assistants shall be paid by the county, and the actual cost of preparing assessor's maps, whenever a complete set of such maps is ordered prepared by the board of supervisors.

13. For the purpose of regulating the compensation of justices of the peace and constables in counties of the fifteenth class, the townships of said counties are hereby classified as follows: Townships having a population of twenty-five thousand or more and less than forty thousand shall be townships of the first class; townships having a population of ten thousand or more and less than twenty-five thousand shall be townships of the second class; townships having a population of five thousand or more and less than ten thousand shall be townships of the third class; townships having a population of three thousand or more and less than five thousand shall be townships of the fourth class; townships having a population of one thousand or more and less than three thousand shall be townships of the fifth class; townships having a population of less than one thousand shall be townships of the sixth class; townships having an area of one thousand square miles or more and a population of less than ten thousand shall be townships of the seventh class.

Classifica-
tion of
townships

14. The justices of the peace shall receive the following monthly salaries to be paid each month at the same time and in the same manner and from the same fund as the county officers are paid, in the respective townships, as follows: In townships of the first class, two hundred twenty-five dollars per month; in townships of the second class, one hundred twenty-five dollars per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, thirty-five dollars per month; in townships of the fifth class, twenty-five dollars per month; in townships of the sixth class, ten dollars per month; and in townships of the seventh class, fifty dollars per month.

Justices of
the peace.

The board of supervisors may provide a suitable courtroom and necessary stationery supplies and equipment for the various justices of the peace and in the event that the justice of the peace uses a room in a building owned or occupied by him for courtroom purposes, the board of supervisors may pay to the justice of the peace a reasonable rental for the use of such room.

For each justice's court in townships of the first class and second class there shall be one justice's clerk who shall be appointed by the respective justice of the peace. Said clerk shall take the oath of office prescribed for county officers and give a bond in the sum of one thousand dollars conditioned on the faithful performance of the duties of his office, which bond shall be approved and filed in the same manner as bonds of the county officers.

Said justice's clerk shall be authorized to administer all oaths, take and serve affidavits, and shall be authorized to issue and sign writs, summons and all other processes in any action or proceeding in the justice's court of the township for which he is appointed, or pending before any justice of the peace in said township, in the name of the justice before whom the same is pending, or out of whose court the same is issued, which shall be in substantially the following form:

“-----
Justice of the Peace.

Attest:-----
Clerk.”

All legal papers of every kind in actions or proceedings in such justice's court shall be issued by the said justice's clerk in the manner and form hereinbefore set out. The said justice's clerk shall issue, sign and certify to any and all papers, transcripts or records which are required to be issued, signed or certified by said justice of the peace. All complaints, answers and other pleadings and papers required to be filed in the said justice's court, shall be filed with such justice's clerk, who shall keep a permanent record of such actions and proceedings in the justice's docket, now provided by law to be kept by such justice. Said clerk shall keep a record of the proceedings of said court and shall have the custody of all records and papers of the same.

All fees for the issuance of process, or other fees, which are by law allowed for any official service of the justice of the peace, shall be exacted and paid in advance into the hands of the justice's clerk which, together with all fees, fines, forfeitures or penalties received in said justice's court, shall be paid into the county treasury.

Said justice's clerk shall render each month to the county auditor and county treasurer an exact account, under oath, of all fines, forfeitures and penalties and fees received by him or collected by said court. Said justice's clerk shall receive a salary of one thousand five hundred dollars per year, which shall be payable in like manner and out of the same funds and at such times as county officers are paid.

Each justice of the peace shall pay into the county treasury once each month all fines, fees and forfeitures collected by him with a statement showing the source from which received.

Constables

15. Constables shall receive the following monthly salaries to be paid each month at the same time and in the same manner and from the same fund as the county officers are paid; for their respective townships as follows: In townships of the first class, one hundred twenty-five dollars; in townships of the second class one hundred twenty-five dollars; in townships of the third class fifty dollars; in townships of the fourth class twenty-five dollars; in townships of the fifth class twenty dollars; in

townships of the sixth class ten dollars; in townships of the seventh class fifty dollars.

In townships of the first and second classes the salaries herein provided shall be compensation in full for all services rendered by the constable in both civil and criminal cases. The constable shall charge and collect such fees as are allowed by law and shall pay into the county treasury each month all fees, forfeitures, fines and commissions collected by him in the discharge of his duties as such constable. *Provided, however,* that in townships of the first and second classes the constable shall be paid from the county treasury his actual traveling expenses while engaged in official business outside of his respective township.

In townships of the third, fourth, fifth, sixth and seventh classes, the constable shall receive and retain for his own use the fees allowed by law in civil cases and shall be paid out of the county treasury his actual traveling expenses outside of his own township, but within his own county, for the service of a warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile actually traveled outside his county, both going and returning in the service of any warrant of arrest in any criminal case, five cents per mile; for transportation of prisoners to the county jail, the actual cost of transportation.

16. Population of townships. The population of several judicial townships for the purpose of fixing compensation of township officers shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, every odd numbered year. Population of townships

17. Supervisors. Each supervisor, one thousand five hundred dollars per annum, payable in monthly installments, and ten cents per mile both ways for traveling expenses from his residence to the place of meeting of the board at the county seat, and the necessary actual expenses incurred by him while engaged in county business outside of his district, not exceeding in the aggregate the sum of three hundred dollars per annum. Supervisors.

Each member of the board of supervisors of counties of the fifteenth class shall be required to obtain and keep in force a public liability bond in the amount of fifty thousand dollars indemnifying said supervisor against public liability for any unlawful act or omission as supervisor, said bond to inure to the benefit of any and all persons who may be injured or aggrieved by any unlawful act or omission of said supervisor in his official capacity; *provided,* that the premium or charge for such bond shall not exceed one-half of one per cent per annum on the amount of such bond; *and provided, further,* that premium or charge for such bonds shall be paid by the said county in the manner that the premiums or charges for the bonds of public officials are paid. Supervisors' bonds.

18. If any paragraph, sentence, clause or phrase of this act for any reason held to be unconstitutional, such decision shall Constitutionality.

not affect the validity of the remaining portions of this section. The Legislature hereby declares that it would have passed each section and each paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more paragraphs, sentences, clauses, or phrases, be declared unconstitutional.

Effect
of act

The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 754.

An act to amend section 4234 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifth class.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 4234 of the Political Code is hereby amended to read as follows:

4234. In counties of the fifth class the county and township officers shall receive the following salaries:

Counties of
5th class
(San
Diego)
officers and
employees
Clerk.

1. The county clerk, four thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one chief deputy who shall receive a salary of three thousand dollars per annum; one deputy county clerk who shall be a registrar of voters who shall receive a salary of two thousand seven hundred dollars per annum; one deputy who shall be assistant registrar of voters who shall receive one thousand eight hundred dollars per annum; one deputy who shall be assistant registrar of voters and who shall receive one hundred fifty dollars per month when actually employed; five court clerks who shall receive salaries of two thousand one hundred dollars each per annum; one deputy who shall be secretary to the superior court, who shall receive a salary of two thousand one hundred dollars per annum; one index clerk who shall receive a salary of one thousand nine hundred twenty dollars per annum; one judgment clerk who shall receive a salary of two thousand one hundred dollars per annum; one deputy clerk who shall receive a salary of two thousand four hundred dollars per annum; one assistant deputy clerk who shall receive a salary of one thousand six hundred twenty dollars per annum; one license clerk who shall receive a salary of one thousand six hundred twenty dollars per annum; one stenographer who shall

receive a salary of one thousand five hundred dollars per annum; three copyists who shall receive salaries of one thousand five hundred dollars each per annum; and a deputy or deputies, not to exceed eight, for the purpose of registering electors, to be paid not to exceed five dollars per diem each; *provided*, that such deputies shall not be employed except during a year when a general election is to be held throughout the state and not more than one deputy for each precinct for the purpose of registering electors during said year of the general election, who shall be paid ten cents per name for each person legally registered by them; *provided*, that if, in counties of this class, there shall be created an additional department of the superior court, then and in that event the county clerk shall be allowed an additional court clerk, who shall receive a salary of two thousand one hundred dollars per annum, which sum shall be paid out of the county treasury in equal monthly installments at the same time and in the same manner as the other county officials are paid; the salaries and compensation of each of said deputies and clerks to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as the other county officials are paid.

2. The sheriff, five thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the sheriff one undersheriff, whose salary is hereby fixed at the sum of three thousand dollars per annum, and the following deputies and employees: One deputy who shall be head jailer and who shall receive a salary of two thousand one hundred dollars per annum; one deputy assistant jailer who shall receive a salary of one thousand eight hundred dollars per annum; one deputy who shall receive a salary of two thousand six hundred forty dollars per annum; one deputy who shall receive a salary of one thousand eight hundred dollars per annum; four deputies who shall receive salaries of two thousand one hundred dollars per annum; five deputies who shall receive salaries of one thousand eight hundred dollars per annum; one detective who shall receive a salary of two thousand four hundred dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; one bookkeeper who shall receive a salary of one thousand nine hundred eighty dollars per annum; five deputies who shall be turnkeys at the county jail whose salaries shall be one thousand eight hundred dollars each per annum, but no more turnkeys are to be employed than are absolutely necessary to handle the requirements of the jail; such county deputies as may be necessary to properly administer the duties of said office at a compensation not to exceed six dollars and fifty cents per diem each, but not more than seven thousand five hundred dollars shall be paid to all such deputies in any one year.

In counties of this class there shall be a matron of the county jail and, at the discretion of the sheriff, an assistant matron,

each to be appointed by the sheriff, and who, under the direction of the sheriff, shall have charge of the female prisoners in the county jail, and who shall receive salaries of one thousand five hundred dollars per annum and one thousand two hundred dollars per annum, respectively, to be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as is the salary of the sheriff.

In counties of this class the sheriff shall pay into the county treasury all the fees, mileage, and compensations provided by law except the expenses and per diem compensation provided for by sections 4175 and 4176 of this code, and in addition he shall be allowed by the board of supervisors his actual, necessary expenses for pursuing criminals or for transacting business, which shall be paid as other county charges are paid.

Until the end of the term of the sheriff in office, in this class of counties, at the time this act takes effect, the salary of sheriff shall remain unchanged, except that he shall pay into the county treasury all fees in excess of one thousand five hundred dollars per annum; which is to say, he shall receive for his own use, as salary, the sum of four thousand twenty dollars, the fees provided by law not in excess of one thousand five hundred dollars per annum, payable at the rate of one hundred twenty-five dollars per month, together with mileage and compensation provided by statute, including the expenses and per diem compensation provided for by sections 4175 and 4176 of this code, as amended.

Recorder.

3. The recorder, four thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists who shall be appointed by the recorder of said county, and shall be paid as follows: One chief deputy, who shall receive a salary of three thousand dollars per annum; one deputy who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall receive a salary of one thousand nine hundred eighty dollars per annum; four deputies who shall receive salaries of one thousand nine hundred twenty dollars per annum; four deputies who shall receive salaries of one thousand eight hundred dollars per annum; and as many copyists as may be required, who shall receive as compensation the sum of seven cents per folio for recording all instruments or notices except maps and plats, and for copies of any records seven cents per folio.

Auditor.

4. The auditor, four thousand two hundred dollars per annum; *provided*, that there is hereby allowed to the auditor the following deputies: One chief deputy who shall receive a salary of three thousand dollars per annum; three deputies who shall receive salaries of two thousand three hundred ten dollars each per annum; two deputies who shall receive salaries of two thousand one hundred sixty dollars each per annum; one deputy who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall receive a salary

of one thousand nine hundred eighty dollars per annum; two deputies who shall receive salaries of one thousand eight hundred dollars each per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; and eight additional deputies at a salary of one hundred fifty dollars each month, for each month employed, for a period not to exceed six months in any one year; *provided, further*, that in counties of this class for bringing records down to date in any office, when the work of said office has not been brought down to date and was in such condition when the present incumbent was inducted into office, the board of supervisors may authorize said incumbent to perform the labors that should have been performed by his predecessors in office, and for that purpose may authorize said incumbent to employ special clerical help, at a compensation to be fixed by the board of supervisors, at so much per diem; *provided*, that the provisions herein shall apply only to work that should have been done by the incumbent's predecessor in office.

5. The treasurer, four thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer one chief deputy who shall receive a salary of three thousand dollars per annum; one deputy who shall receive a salary of two thousand three hundred ten dollars per annum; one deputy who shall receive a salary of one thousand nine hundred eighty dollars per annum; and one bookkeeper who shall receive a salary of one thousand eight hundred dollars per annum; one chief deputy, bond department, who shall receive a salary of two thousand four hundred dollars per annum; and one deputy who shall receive a salary of two thousand one hundred dollars per annum. Treasurer.

6. The tax collector, four thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector one chief deputy who shall receive a salary of three thousand dollars per annum; one chief cashier who shall receive a salary of two thousand two hundred eighty dollars per annum; one cashier who shall receive a salary of two thousand one hundred sixty dollars per annum; and two cashiers who shall receive salaries of two thousand forty dollars each per annum; three deputies who shall receive salaries of two thousand two hundred twenty dollars per annum; three deputies who shall receive salaries of one thousand nine hundred eighty dollars per annum; five deputies who shall receive salaries of one thousand eight hundred dollars each per annum; eight deputies who shall receive salaries of one thousand seven hundred forty dollars each per annum; one bookkeeper who shall receive a salary of one thousand eight hundred dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; twelve clerks at a salary of one hundred fifty dollars each per month, for a period not to exceed six months in Tax collector.

any one year; nine clerks at a salary of one hundred forty dollars each per month for a period not to exceed six months in any one year.

Assessor.

7. The assessor, four thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor one chief deputy who shall receive a salary of three thousand dollars per annum; one deputy who shall receive a salary of two thousand four hundred dollars per annum; three deputies who shall receive salaries of two thousand one hundred dollars each per annum; five deputies who shall receive salaries of one thousand eight hundred dollars each per annum; five deputies who shall receive salaries of one thousand seven hundred forty dollars each per annum; two deputies who shall receive salaries of one thousand six hundred twenty dollars each per annum; five deputies for a period not exceeding one hundred four days each in any one year, whose per diem shall be seven dollars and fifty cents each when actually employed; ten deputies for a period not exceeding one hundred four days each in any one year, whose per diem shall be six dollars each when actually employed; thirty-five deputies for a period not exceeding one hundred four days each in any one year, whose per diem shall be five dollars each day actually employed. *It is further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall the assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section 1901 of the Political Code. *It is further provided*, that in counties of this class the assessor shall be allowed his traveling expenses in performing duties outside his office, said expenses, however, not to exceed six hundred dollars in any one year.

Upon completion by the tax factors of a survey of any county of this class, the board of supervisors thereof shall be authorized to supply the assessor with the necessary expert, technical deputies to keep said survey up to date, and shall fix the compensation of said deputies at figures commensurate with work and technical knowledge required, or the supervisors may contract for the upkeep of this work, but they must see that said work is kept continually up to date.

District attorney.

8. The district attorney, six thousand dollars per annum; also, one assistant district attorney, who shall receive a salary of four thousand two hundred sixty dollars per annum; one deputy district attorney who shall receive a salary of three thousand eight hundred forty dollars per annum; three deputy district attorneys who shall receive salaries of three thousand five hundred forty dollars each per annum; two deputy district attorneys who shall receive salaries of three thousand two hundred forty dollars each per annum; one deputy district attorney who shall receive a salary of two thousand nine hundred forty dollars per annum; one deputy district attorney who shall receive a salary of two thousand six hundred forty

dollars per annum; one chief clerk who shall receive a salary of two thousand four hundred dollars per annum; two stenographers who shall receive salaries of one thousand eight hundred dollars each per annum; one switchboard operator and typist who shall receive a salary of one thousand five hundred dollars per annum; two detectives who shall receive salaries of two thousand five hundred twenty dollars each per annum; one deputy district attorney who shall receive a salary of two thousand four hundred dollars per annum.

Provided, further, in case another department of the superior court is created in San Diego county in the year 1929, there shall be allowed to the district attorney one additional deputy district attorney who shall receive a salary of three thousand two hundred forty dollars per annum.

The district attorney and all of his deputies shall devote their entire time, during office hours, to the work of the county and state, and are prohibited from engaging in private legal practice within such office hours.

9. The superintendent of schools, four thousand two hundred dollars per annum; *provided,* that in counties of this class there shall be and there is hereby allowed the superintendent of public schools one assistant superintendent who shall receive a salary of two thousand seven hundred dollars per annum; one field assistant who shall receive a salary of three thousand dollars per annum; three deputies who shall receive salaries of one thousand nine hundred eighty dollars each per annum, one deputy who shall receive a salary of one thousand six hundred twenty dollars per annum; one deputy who shall receive a salary of one thousand five hundred dollars per annum and one deputy who shall receive a salary of one hundred and fifty dollars per month for time actually employed.

Superintendent of schools.

It is further provided, that in counties of this class the county school superintendent, his field assistant and his deputies shall receive their actual and necessary traveling expenses for visiting and examining schools and school properties of the county and performing such other duties as are incident to the full discharge of the requirements of the office of the superintendent of schools, office of field assistant to the superintendent of schools, and the office of deputy of the superintendent of schools, the claims for such expenses to be subject to the approval of the board of supervisors.

10. The public administrator, four thousand two hundred dollars per annum, commencing January 1, 1931, after date. The public administrator shall collect the fees provided by law for his services, and shall pay the same into the county treasury. In counties of this class there shall be, and there is hereby, allowed the public administrator, at the time this act takes effect, one clerk, who shall receive a salary of one thousand eight hundred dollars per annum.

Public administrator

The public administrator shall also be allowed his traveling expenses, actually and necessarily incurred in the performance of his duties.

Until the end of the term of the public administrator in office in this class of counties, at the time this act takes effect, he shall pay into the county treasury all fees received by him in excess of four thousand two hundred dollars per annum, but shall retain the said four thousand two hundred dollars per annum for his own use *provided, however*, that for the portion of the calendar year 1929 remaining after this act takes effect, he shall retain only that portion of four thousand two hundred dollars which bears the same ratio to four thousand two hundred dollars as the remaining portion of the year 1929 bears to a full calendar year.

Coroner.

11. The coroner, three thousand six hundred dollars per annum, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses and fifteen cents for each mile traveled by him when he provides his own conveyance in the performance of his official duties; one deputy coroner at a salary of two thousand four hundred dollars per annum.

In counties of this class, there shall be and there is hereby allowed the coroner one autopsy surgeon who shall receive a salary of two thousand seven hundred dollars per annum, and fifteen cents for each mile traveled when he provides his own conveyance in the performance of his official duties; one deputy coroner who shall receive a salary of one thousand eight hundred dollars per annum, and in addition thereto the board of supervisors shall allow the deputy coroner his actual traveling expenses and fifteen cents for each mile traveled by him when he provides his own conveyance in the performance of his official duties. The sheriff shall act as summoning officer for the coroner and shall serve all processes requested by him.

Surveyor.

12. The surveyor, four thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the surveyor one chief deputy who shall receive a salary of three thousand dollars per annum; one chief field deputy who shall receive a salary of three thousand dollars per annum; one deputy and bridge engineer who shall receive a salary of three thousand dollars per annum; two deputies who shall receive salaries of two thousand seven hundred twenty dollars each per annum; two deputies who shall receive salaries of two thousand two hundred eighty dollars each per annum; one deputy who shall receive a salary of two thousand one hundred dollars per annum; one stenographer who shall receive a salary of one thousand six hundred twenty dollars per annum; and such chainmen and rodmen as may be necessary in the field, who shall receive a compensation of five dollars per diem each.

The county surveyor, his deputies and assistants shall be allowed their actual traveling expenses while in the performance of duties in the field.

The surveyor and his deputies are prohibited from engaging in private surveying or engineering work and shall devote their entire time and service to the work of the county.

13. For the purpose of regulating the compensation of the justices of the peace and constables, townships in counties of this class are hereby classified as follows: Townships having a population of thirty thousand or more shall belong to and be known as townships of the first class; townships having a population less than thirty thousand shall belong to and be known as townships of the second class. Classifica-
tion of
townships.

14. In counties of this class justices of the peace shall receive the following compensation, and all such salaries shall be paid monthly in the same manner as the salaries of county officers are paid, viz: Justices of
the peace.

In townships of the first class, three thousand six hundred dollars per annum each.

In townships of the second class, seven hundred twenty dollars per annum each.

Such salaries shall be as full compensation for all services rendered by them in both civil and criminal cases. All fees chargeable and collectible by justices of the peace in civil and criminal cases for service rendered by them shall be paid monthly into the county treasury.

In townships of the first and second classes the board of supervisors of the counties of this class may furnish the justices of the peace suitable court rooms and equipment.

In townships of the first class, in counties of this class, there shall be two justices of the peace and the said officers (offices) are hereby created. In all other townships in counties of this class there shall be one justice of the peace; *provided*, that in townships of the first class, in counties of this class, the justices of the peace shall be allowed one chief clerk to act as clerk for both of said justices of the peace, which said clerk shall receive a salary of two thousand four hundred dollars per annum; and each justice of the peace shall be allowed one clerk who shall receive a salary of one thousand nine hundred eighty dollars each per annum; and that in townships of the first class, in counties of this class, the justices of the peace shall be allowed one stenographer, who shall act as the stenographer for the chief clerk of said justices of the peace, and who shall receive a salary of one thousand eight hundred dollars per annum.

15. In counties of this class constables shall receive the following compensation, and all such salaries shall be paid monthly in the same manner as the salaries of county officers are paid, viz: Constables.

In townships of the first class in all criminal cases, in lieu of fees now allowed by law, one thousand eight hundred dollars per annum;

In townships of the second class in all criminal cases, in lieu of fees now allowed by law, seven hundred twenty dollars per annum;

In all townships in counties of this class the constable shall be allowed, in addition to the compensation above set forth, all fees in civil cases as are now or hereafter may be allowed by law, and actual traveling expenses only, in lieu of mileage for taking prisoners to the county jail.

In townships of the first class, in counties of this class, the board of supervisors shall furnish the constables' offices with necessary and proper furniture for each of said constables.

Supervisors. 16. Each member of the board of supervisors, three thousand nine hundred dollars per annum. This shall cover all his services as supervisor and road commissioner; *provided*, that in counties of this class each member of the board of supervisors shall be allowed his actual expenses in the performance of his official duties, the said expenses, however, for each member of the board not to exceed the sum of five hundred dollars in any one year; *and provided further*, that this act shall not affect the present incumbent members of the board of supervisors.

Librarian 17. The board of supervisors shall, within thirty days after the taking effect of this act, appoint a county librarian, whose salary shall be two thousand seven hundred dollars per annum, payable at the same time and in the same manner and out of the same fund as the salaries of the other county officers; *provided*, that the board of supervisors may appoint all necessary employees for the county library as provided by law. The county librarian shall also be allowed actual and necessary traveling expenses.

Apiary inspector 18. The apiary inspector shall receive a salary of one thousand two hundred dollars per annum, and shall be paid at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid, and such salary shall be full compensation for the services of said apiary inspector. Said apiary inspector shall, however, be allowed actual and necessary traveling expenses.

Appointment and payment of deputies, etc. 19. The deputies, clerks, copyists and employees mentioned in this section are hereby allowed to the respective county officers named who shall appoint the same, and said deputies, clerks, copyists and employees shall be paid by the counties of this class in monthly installments, at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid.

Sealer of weights and measures. 20. The sealer of weights and measures, three thousand dollars per annum, and said sealer of weights and measures is allowed the further sum of seventy-five dollars per month for automobile allowance; *provided*, that in counties of this class the sealer of weights and measures shall be and there is hereby allowed to said sealer of weights and measures one assistant sealer of weights and measures who shall receive a salary of one thousand nine hundred twenty dollars per annum; and said assistant sealer of weights and measures is allowed the further sum of seventy-five dollars per month for automobile allowance; they to furnish their own cars, upkeep, oil and

gasoline; *provided, further*, that in counties of this class there shall be and there is hereby allowed to the said sealer of weights and measures a clerk who shall receive a salary of one thousand two hundred dollars per annum. The scaler and assistant sealer of weights and measures shall be allowed their traveling expenses actually and necessarily incurred in the performance of their duties.

21. The fees of the grand jurors and trial jurors in the superior courts of said counties of the fifth class, in civil and criminal cases shall be the amount provided by law, in lawful money of the United States, for each day's attendance, and the mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriation for the payment of the fees herein provided for.

Jurors.

22. The deputies, clerks, copyists and employees mentioned in this section are hereby allowed to the respective county officers named, who shall appoint the same, and said deputies, clerks, copyists and employees shall be paid by the counties of this class in monthly installments, at the same time in the same manner and out of the same fund as the salaries of the county officers are paid.

Appointment and payment of deputies, etc.

23. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

Constitutionality.

SEC. 2. Effect of act. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

Effect of act.

CHAPTER 755.

An act to amend section 4041 of the Political Code and to add twenty-five new sections to said code, to be numbered 4041.1 to 4041.25, both inclusive, relating to jurisdiction and powers of boards of supervisors.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

- Stats 1927, p. 638, amended.** **SECTION 1.** Section 4041 of the Political Code is hereby amended to read as follows:
- General powers of supervisors.** 4041. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers specified in sections numbers 4041.1 to 4041.25, both inclusive, of this code.
- New section** **SEC. 2.** A new section is hereby added to the Political Code, to be numbered 4041.1 and to read as follows:
- Establish rules of government for board.** 4041.1. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary and the supervisors may attend annual state meetings of the state supervisors association and shall be allowed their actual expenses in going to, attendance upon and returning from any such state association meetings and their actual and necessary traveling expenses when traveling outside their counties on official business.
- Adopt seal** (2) To adopt a seal for the board, a description and impression of which must be filed in the office of the county clerk and of the secretary of state.
- New section.** **SEC. 3.** A new section is hereby added to the Political Code, to be numbered 4041.2 and to read as follows:
- Supervise conduct of county and other officers.** 4041.2. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county and particularly those charged with the assessing, collecting, safekeeping, management, or disbursement of the public revenues; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and when necessary, require them to renew their official bond, make reports and present their books and accounts for inspection.

(2) To examine and audit, at least every twelve months the accounts of all officers having the care, management, collection or disbursements of moneys belonging to the county or moneys received or disbursed by them under authority of law. Audit of accounts

(3) To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and such demands as are authorized by law to be allowed by some other person or tribunal, and order warrants to be drawn on the county treasurer therefor. Claims.

(4) To establish a salary fund, and such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require. Establish funds

SEC. 4. A new section is hereby added to the Political Code, to be numbered 4041.3 and to read as follows: New section

4041.3. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to fill, by appointment, all vacancies that may occur in any office filled by the appointment of the board of supervisors and elective county or township officers, except in those of judge of the superior court and supervisor, the appointee to hold office for the unexpired term, or until the next general election. Vacancies

(2) To employ the copyists necessary to reproduce any of the county records and indices thereto that may have been lost or destroyed by conflagration, public calamity or otherwise, or that may be in danger of destruction by age, obliteration, or constant use in any of the county offices. Copyists.

SEC. 5. A new section is hereby added to the Political Code, to be numbered 4041.4 and to read as follows: New section.

4041.4. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to equalize assessments. Equalize assessments.

(2) To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district and received a majority of all the legal votes cast upon such proposition. Levy taxes

SEC. 6. A new section is hereby added to the Political Code, to be numbered 4041.5 and to read as follows: New section

4041.5. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to levy a special tax not to exceed four cents Special tax to exploit resources of county

on the one hundred dollars of the assessed valuation of all property within the county to be used for advertising, exploiting and making known the resources of the county for the purpose of inducing immigration to, and increasing the trade and commerce of, said county, or for exhibiting or advertising, for said purposes, the agricultural, horticultural, viticultural, mineral, industrial, commercial, climatic, educational, recreational, artistic, musical, cultural and other resources or advantages of the county; *and provided, however*, that if said rate of four cents will not raise ten thousand dollars in any one year the boards of supervisors may appropriate from the general fund of the county an amount sufficient to make up the deficiency existing between the amount raised as the result of the four cent levy and ten thousand dollars; *and provided, further*, that such tax shall be in addition to any tax which may now or hereafter be authorized to be levied for the purpose of creating a fund to be used as authorized under the provisions of section 4056b of this code; *and provided, further*, that nothing herein contained shall prevent any county from creating a bonded indebtedness under the provisions of section 4088 of the Political Code of California for the purpose of obtaining funds with which to build, construct or furnish an exposition building or buildings for exhibiting and advertising its resources.

Special tax for erection of comfort stations.

(2) To levy a special tax not to exceed five cents on the one hundred dollars of the assessed valuation of all property within the county, to be used for the erection of public comfort stations.

Special tax for compiling war history.

(3) To levy a special tax which shall produce not to exceed two thousand five hundred dollars to be used for the purpose of compiling a war history of the county.

New section.

SEC. 7. A new section is hereby added to the Political Code, to be numbered 4041.6 and to read as follows:

Appropriate funds for

4041.6. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to appropriate and expend money from the general fund of the county for the following purposes:

Flood control.

(a) The construction of works, improvements, levees or check dams to prevent the overflow and flooding of streams and rivers in the county;

Reforestation;

(b) The protection and reforestation of the water sheds of such streams and rivers;

Conservation of flood waters;
Surveys;

(c) The conservation of the flood waters of such streams and rivers;

(d) The making of all surveys, maps and plats necessary to carry out any work, construction or improvement authorized by this subdivision;

Work outside county.

(e) The carrying out of any work, construction or improvement authorized by this subdivision outside the county where such rivers or streams flow in or through more than one county.

(2) To appropriate and expend money from the general fund of the county for the construction of works, improvements, levees or check dams to prevent the overflow and flooding of streams and rivers in the county, and to construct such works, improvements, levees or check dams outside the county for said purposes upon streams or rivers which flow in or through more than one county. Flood control outside county.

(3) To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from injury by overflow or the washing thereof, and to provide for the improvement of said rivers and streams, and prevent the obstruction thereof, and to provide for the assessment, levy and collection within such districts of a tax therefor. To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sum which may be chargeable to the county for the repayment of money expended by the state for protection against fire in such county, for the purpose of protecting forest, brush and grass lands therein, against fire or other injury, and of aiding the state and federal authorities in forestry work. Forestry work

SEC. 8. A new section is hereby added to the Political Code, New section
to be numbered 4041.7 and to read as follows:

4041.7. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to acquire and take by purchase, condemnation or otherwise land for the uses and purposes of public roads, highways, boulevards, turnpikes and other public ways, and to lay out, maintain, control, construct, repair, and manage public roads, boulevards, highways, turnpikes and other public ways, and to incur a bonded indebtedness for any such purposes; *provided*, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at the next general election or at a special election called for that purpose, and two-thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds; said election to be called and held and said bonds, if authorized, to be issued, sold and made payable in the manner and form prescribed by section 4088 of this code. Said board shall also have power to make and enforce rules and regulations for the protection, management, control and use of such public boulevards, roads, highways, turnpikes and other public ways. Such boards shall also have power to expend from the general fund of the county such moneys as may be necessary to pay the whole or any part of the cost of the improvement of any street, highway, lane, alley, court, or other public place within any incorporated city of the county, wherever any real property of the county used for public Public roads

purposes is included within the assessment district formed to pay for any such improvement not exceeding the amount, however, which, but for such public ownership and use, would be properly chargeable to and assessed against such real property under the provisions of the law governing such work or improvement; *provided*, no liability shall be created against the county in connection with any such work or improvement unless the board shall, by resolution, determine and declare the amount to be so expended and direct that such sum be set apart and reserved out of any moneys in the general fund available for such purpose, to be used exclusively for paying the cost of such work or improvement.

Bridges and
ferries

(2) To construct, operate, manage or maintain summer bridges or ferries under such rules and regulations and at such times and places as they may deem necessary; such bridges or ferries to be paid for out of the county general fund.

Road
fund tax

(3) To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads or county highways in the several road districts, in proportion to the amount collected from such districts; *provided*, that in addition to the tax mentioned in this subdivision the board of supervisors shall have the power and it shall be their duty, upon the petition of a majority of the property owners of any road district, to levy a special road fund tax not to exceed two mills on the one dollar of assessed valuation on all the property in such road district, to be expended in the maintenance of the public roads of such district.

Road
repair

(4) To enact ordinances and regulations for the construction, alteration, repair and control of all public roads and highways in the county, unless otherwise provided by law.

Wagons and
vehicles

(5) To enforce, by ordinance, within the limits of their counties all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as are not in conflict with general laws.

New section

SEC. 9. A new section is hereby added to the Political Code, to be numbered 4041.8 and to read as follows:

Tree
planting

4041.8. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to plant shade and ornamental trees on the public roads and highways, and on or about the public grounds and buildings of the county and providing for the care of the same. The cost of the planting and caring for such trees to be paid for out of the county general fund.

(2) To encourage, under such regulations as they may adopt, the planting and preservation of shade and ornamental trees

on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding one dollar.

SEC. 10. A new section is hereby added to the Political Code, to be numbered 4041.9 and to read as follows: New section

4041.9. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to grant licenses and franchises for the construction, keeping and taking of tolls on roads, bridges, ferries, wharves, chutes, booms and piers, and to grant franchises along and over the public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to prevent the least possible obstruction and inconvenience to the traveling public. Tolls on
public roads

(2) To grant, on such terms, conditions and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expense necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them. It shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted; *provided*, that the provisions of any general law applicable to the granting of franchises by municipal corporations and counties throughout the state shall be complied with in the granting of any franchise by the board of supervisors.

(3) To lay out, maintain, control, construct, repair and manage public ferries, wharves, chutes, and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon.

SEC. 11. A new section is hereby added to the Political Code, to be numbered 4041.10 and to read as follows: New section

4041.10. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to divide the counties into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires. Division of
counties into
districts

(2) To establish, abolish, and change election precincts, and to appoint inspectors, clerks and judges of election, canvass all election returns, declare the result and order the county clerk to issue certificates thereof; *provided*, that no election precinct shall be established or abolished, or the boundaries of any election precinct changed within ninety days prior to any election. Election
precincts,
etc.

New section. SEC. 12. A new section is hereby added to the Political Code, to be numbered 4041.11 and to read as follows:

Pounds, etc. 4041.11. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to maintain, regulate and govern public pounds, fix the limits within which animals shall not run at large, and appoint pound-keepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

Protection of sheep. (2) To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.

Pests. (3) To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

Protection of fish and game. (4) To provide, by ordinances, not in conflict with the general laws of the state, for the protection of fish and game, and may shorten the season for taking or killing of fish and game, within the dates fixed by the general state laws, but shall not lengthen the same.

New section. SEC. 13. A new section is hereby added to the Political Code, to be numbered 4041.12 and to read as follows:

Working of prisoners. 4041.12. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanors, under the direction of some responsible person, to be appointed by the sheriff whose compensation shall not exceed one hundred twenty-five dollars per month, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county.

New section. SEC. 14. A new section is hereby added to the Political Code, to be numbered 4041.13 and to read as follows:

Purchasing agent and assistants. 4041.13. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to employ a purchasing agent, whose duty shall be to purchase for the county and the offices thereof all materials, supplies, furnishings, equipment, live stock and all other personal property; to rent, for the county and the offices thereof, furnishings, equipment and live stock; to engage independent contractors to perform sundry services for the county and the offices thereof, with or without furnishing material where the aggregate cost does not exceed five hundred dollars. Said purchasing agent shall make all such purchases, rentals and contracts only upon proper written requisition therefor. Whenever a board of supervisors shall employ a purchasing agent as

herein provided for it shall not be necessary for them to advertise for bids for furnishing county supplies as required in section 4048 of this code, with the exception of advertising.

Whenever a board of supervisors shall employ a purchasing agent as herein provided for it shall not be necessary for them to advertise for bids for furnishing county supplies as provided in section 4048 of the Political Code, with the exception of advertising.

(2) To employ for such purchasing agent such assistants as may be necessary for him properly to fulfill his duties.

SEC. 15. A new section is hereby added to the Political Code, to be numbered 4041.14 and to read as follows: New section.

4041.14. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to license, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions, and lawful games carried on therein, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that every soldier, sailor or marine of the United States who has received an honorable discharge or a release from active duty under honorable conditions from such service shall have the right to hawk, peddle and vend any goods, wares or merchandise, except spirituous, malt, vinous or other intoxicating liquor, without payment of any license, tax or fee whatsoever, whether municipal, county or state, and the board of supervisors or legislative body shall issue to such soldier, sailor or marine without cost, a license therefor; *provided, however*, no license can be collected, or any penalty for the nonpayment thereof enforced against any commercial traveler whose business is limited to the goods, wares and merchandise sold or dealt in in this state at wholesale. Licensing of
businesses

SEC. 16. A new section is hereby added to the Political Code, to be numbered 4041.15 and to read as follows: New section

4041.15. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to levy a special sanitary tax, not to exceed one-half ($\frac{1}{2}$) mill on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious or communicable diseases and to eradicate them if introduced, and for the purpose of general sanitation. Sanitary tax

Sanitary regulations

(2) To make and enforce within the limits of their county, all such local police, sanitary and other regulations as are not in conflict with general laws.

Explosives and combustibles

(3) To adopt such rules and regulations within their respective counties, with regard to keeping and storing of every description of gunpowder, hercules powder, giant powder or other explosives or combustible material, as the safety and protection of the lives and property of individuals may require.

New section

SEC. 17. A new section is hereby added to the Political Code, to be numbered 4041.13 and to read as follows:

Indigent sick and dependent poor.

4041.16. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to provide for the care and maintenance of the indigent sick or dependent poor of the county, and for that purpose to levy the necessary property or poll taxes, or both; *provided*, that a suitable graduate or graduates in medicine shall be appointed to attend to such indigent sick or dependent poor in the county hospitals and almshouses; *provided, further*, that the board shall not let the care, maintenance, or attendance of such indigent sick or dependent poor by contract to any person; except that the board shall be authorized and empowered to secure by agreement for the needy sick and dependent and partially dependent citizens in cases of emergency, hospital care including medical, surgical, X-ray, laboratory, nursing and general hospital service at cost from persons, firms and corporations then and there maintaining and operating hospitals in the county or city and county. Such hospitals shall be only those whose organization and management show that they are qualified to render and are actually rendering services to the sick, economically and efficiently and the books for the operation and conduct of which reflect accurately in monthly statements the per diem cost of medical, surgical, X-ray, laboratory, nursing and general hospital service to patients.

County farm.

(2) To provide a farm in connection with the county hospital or almshouse and make regulations for working the same.

Indigent dead.

(3) To provide for the burying or cremation of the indigent dead.

Transportation of indigents.

(4) To provide for transporting indigents to other counties or states when such indigents shall thereby cease to become public charges, or when friends or relatives of such indigents agree to assume the cost and expense of the care and maintenance of such indigents, or when such indigents are legally public charges in the places to which they are so transported.

New section.

SEC. 18. A new section is hereby added to the Political Code, to be numbered 4041.17 and to read as follows:

Acquisition of water rights, real and personal property.

4041.17. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to pur-

chase, receive by donation, lease or otherwise acquire water rights or real or personal property necessary for the use of the county, for a courthouse, jail, hospital, historical museum, aquarium, art gallery, art institute, stadium and almshouse, and an exposition building or buildings, public pleasure ground, public parks, botanical gardens, and other public purposes, and also property upon which to sink wells to obtain water for sprinkling roads and other county purposes, and to improve, preserve, take care of, manage and control the same; *provided*, that no purchase of real property shall be made unless a notice of the intention of the board of supervisors to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, has been published for at least three weeks in some newspaper of general circulation published in the county; or if none be published in the county, then that has been posted at least three weeks prior to the time when the board meets to consummate such purchase, in at least three public places in each supervisorial district.

Sec. 19. A new section is hereby added to the Political Code, to be numbered 4041.18 and to read as follows: New section

4041.18. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to construct or lease, build or rebuild furnish or refurnish or repair hospital and almshouse, courthouse, jail, historical museum, aquarium, county free library building, branch library building, art gallery, art institute, exposition building or buildings for exhibiting and advertising farming, mining, manufacturing, live stock raising, and other resources of the county, stadium and such other public buildings as may be necessary to carry out the work of the county government, and to provide all necessary officers, employees, attendants, and supplies for the proper maintenance of the same; *provided*, with respect to county free libraries that are now or may be hereafter maintained either under the provisions of this section or under the provisions of an act of the Legislature of the State of California entitled "An act to provide for the establishment and the maintenance of county free libraries," approved February 16, 1911, the provisions of said act shall control except as to section 12 thereof and said libraries shall be maintained under either the provisions of this section or said section 12 at the option of the board of supervisors. Whenever the cost of construction of any bridge, wharf, chute, or other shipping facilities, or of any hospital, almshouse, courthouse, jail, historical museum, aquarium, county free library building, branch library building, art gallery, art institute, exposition building or buildings, stadium or other public buildings, or the cost of any repairs thereto or furnishing thereof shall exceed the sum of five hundred dollars, such work shall be done by contract, Repair and maintenance of county property, etc.

Repair and
maintenance
of county
property,
etc

and any contract therefor shall be void unless the same shall be let as hereinafter provided. The board of supervisors shall adopt plans and specifications, strain sheets and working details therefor; and must advertise for bids for the performance of the said work in a newspaper of general circulation published in the county for at least two weeks. In case there is no newspaper published in said county, then such notice shall be given by posting in three public places for at least two weeks. All bidders shall be afforded opportunity to examine such plans and specifications, strain sheets and working details, and said board shall award the contract to the lowest responsible bidder, and the person, firm or corporation to whom the contract shall be awarded must perform the work in accordance with the said plans and specifications, strain sheets and working details, unless the same be modified by a four-fifths vote of the members of the board of supervisors; and in every such case if the cost of the work be reduced by reason of the modification, compensation must be made to the county therefor, and the person, firm, or corporation, to whom the contract shall be awarded must execute a bond to be approved by the said board for the faithful performance of such contract; *provided*, that for the construction of any bridge, wharf, chute, or other shipping facilities, or any repairs thereto if the board of supervisors shall be advised by the county surveyor or engineer that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and direction of the said surveyor or engineer; *provided*, that the road commissioners or road overseers in their respective districts shall employ all labor required, and direct the conduct of work of any kind upon any and all public roads; *provided, further*, that in case of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without adopting the plans and specifications, strain sheets, or working details or giving notice for bids to let contract; the work to be done by day labor under the direction of the board, or by contract, or by a combination of the two; if wholly or in part by contract, the contractor to be paid the actual cost of material and labor expended by him in doing the work, plus not more than fifteen per cent to cover all profits, supervision, use of machinery, and tools, and other expenses; *provided*, that no more than the lowest current market prices shall be paid for material, *provided, however*, that in counties employing a purchasing agents, furnishings, materials and supplies used in the work mentioned in this subdivision costing not more than two thousand dollars, may be purchased by said purchasing agent in accordance with the provisions of section 4041.13 of this code without the formality of obtaining bids, letting contracts, preparing specifications and doing the other things required by this section for purchases costing more than five hundred dollars.

(2) To purchase, acquire, construct, equip and maintain all necessary tanks, reservoirs, pumps, apparatus, motor vehicles and other machinery necessary or proper to facilitate the performance of the work in the county.

SEC. 20. A new section is hereby added to the Political Code, to be numbered 4041.19 and to read as follows: New section.

4041.19. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to purchase, lease, construct or otherwise acquire, own, operate, manage and control, in any county in the state, cement manufacturing plant; and to sell the products of the same in such manner and upon such terms and conditions as to them shall be deemed proper; *provided*, that the State of California and municipal or public corporations of the state shall have a preferred right at the same price as the products are offered to private persons to purchase the same; and to purchase, lease, or otherwise acquire real or personal property to be used in connection with such plant; *provided, however*, that no such plant shall be purchased, leased, or otherwise acquired, neither shall said works be constructed on real or personal property purchased or acquired until notice of the intention to make such purchase or construct such works shall have been given for a period of thirty days by publication in a newspaper of general circulation published within the county or, if there be none, then by posting a notice for said period in a conspicuous place in three public places in the county; such notice shall contain a description of the property to be purchased or works to be constructed, a statement of the amount of money to be invested, the terms upon which it is to be invested and the time when the proposition will come before the board of supervisors to be acted upon. Cement plants

SEC. 21. A new section is hereby added to the Political Code, to be numbered 4041.20 and to read as follows: New section

4041.20. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to insure the county buildings and other property in the name and for the benefit of the county. Insurance on county property

SEC. 22. A new section is hereby added to the Political Code, to be numbered 4041.21 and to read as follows: New section

4041.21. (1) Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to provide for the sale, at not less than cost, of copies of such maps as may be prepared by the surveyor or engineer for the use of the assessor under the provisions of section 4218 of the Political Code of California, as may be deemed desirable by the board of supervisors. Maps.

Sale of
property at
public
auction

(2) To sell at public auction, at the courthouse door or at such other place within the county as the board may, by four-fifths vote, order, after five days' notice, given either by publication in a newspaper published in the county or by posting in three public places in the county, and convey to the highest bidder for cash any property belonging to the county not required for public use, paying the proceeds into the county treasury for the use of the county; *provided*, if in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars or if it be the product of the county farm, the same may be sold at private sale without advertising, by any member of the board empowered for that purpose by a majority vote of the board, such sale to be reported to and confirmed by such board of supervisors; *provided, further*, that this subdivision shall not apply to the furnishing of goods to special districts, mentioned in section 4004 of this code

Store at
county
jail.

(3) To establish, maintain, and operate a store in connection with the county jail and for this purpose to purchase food, confectionery, tobacco and tobacco users' supplies, postage and writing materials, and toilet articles and supplies and to sell such goods, articles and supplies for cash to prisoners in such jail at cost, plus a reasonable handling charge. All proceeds of such sales shall be deposited in the county treasury and the sheriff shall be liable therefor on his official bond.

Sale of
personal
property,
etc., to
special
districts.

(4) To perform services for and to sell personal property to any road improvement, lighting, irrigation, waterworks, flood control or any other special district within the county, whose affairs and funds are under the supervision and control of the board of supervisors or for which the board of supervisors is ex officio the governing body.

New section

SEC. 23. A new section is hereby added to the Political Code, to be numbered 4041.22 and to read as follows:

Suits in
which
county is
a party.

4041.22. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to direct and control the prosecution and defense of all suits to which the county is a party and by a two-thirds vote of all the members, may employ counsel to assist the district attorney in conducting the same and, in counties not having a charter which creates the office of county counsel, they may employ and contract with counsel to assist the district attorney in representing and advising the board of supervisors and all township and district officers in all matters and questions of law pertaining to their duties and to civil legal questions affecting said county, townships or districts.

New section

SEC. 24. A new section is hereby added to the Political Code, to be numbered 4041.23 and to read as follows:

Discharge of
municipal
functions.

4041.23. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers

otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to assume and discharge such municipal functions of the cities and towns within the county as may be authorized by any county charter framed under the provisions of section 7 $\frac{1}{2}$ of article eleven of the constitution of the State of California.

SEC. 25. A new section is hereby added to the Political Code, to be numbered 4041.24 and to read as follows: New section

4041.24. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to place in the custody and control of the county historical society or the trustees or other directors thereof any records, landmarks or other property, real or personal of the county, having only historical value. Such trustees and directors shall at all times be appointed by such historical society with the consent and approval of the board of supervisors and shall receive no compensation from such county and such board of supervisors may prescribe whatever suitable or reasonable conditions that they see fit as a condition to the delivering of such property. Historical records, etc

SEC. 26. A new section is hereby added to the Political Code, to be numbered 4041.25 and to read as follows: New section

4041.25. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to do and to perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government. Performance of other acts.

SEC. 27. This act, in so far as it does not add to, take from, or alter any of the provisions of section 4041 of this code, as it existed prior to the passage of this act, shall be construed as a continuation of such provisions. Effect of act.

CHAPTER 756.

An act to amend section 4279 of the Political Code, relating to officers in counties of the fiftieth class and the salaries, fees and expenses thereof.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 4279 of the Political Code is hereby amended to read as follows: Stats. 1927, p 925, amended.

Counties of
50th class
(Plumas)
officers and
employees.

4279. In counties of the fifth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

Clerk

1. The county clerk, two thousand dollars per annum, except in the years when a general election is held, and in such years he shall receive two thousand three hundred dollars per annum, and said clerk may appoint one deputy clerk, which office is hereby created, who shall receive a salary of nine hundred dollars per annum. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same fund as the clerk is paid.

Sheriff.

2. The sheriff, four thousand dollars per annum. He shall have one deputy at one thousand eight hundred dollars per annum, which office is hereby created.

Recorder

3. The recorder, one thousand eight hundred dollars per annum. He shall have one deputy, which office is hereby created, at a salary of nine hundred dollars per annum.

Auditor

4. The auditor, four hundred dollars per annum.

Treasurer

5. The treasurer, two thousand dollars per annum.

Tax

6. The tax collector, seven hundred fifty dollars per annum.

collector

7. The assessor, two thousand six hundred dollars per annum. He may appoint one deputy, which office is hereby created, at a salary of one hundred twenty-five dollars per month for a period of four months in each year, beginning March 1 and ending June 30; *provided, however*, that such compensation shall be in full for all services of every kind and description rendered by the assessor; *and it is further provided*, that in counties of this class from and after the date upon which this act takes effect, the assessor shall pay into the county treasury for the use of the county all commissions and fees which would otherwise be allowed to him by the provisions of section 4290 of the Political Code, as compensation for the services therein mentioned.

Assessor

8. The district attorney, two thousand dollars per annum.

District

9. The coroner, such fees as are now or may hereafter be allowed by law.

attorney

Coroner.

Public ad-
ministrator

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superin-
tendent of
schools.

11. The superintendent of schools, two thousand dollars per annum and actual traveling expenses when visiting the schools of the county. Said superintendent of schools may appoint one stenographer, which office is hereby created, who shall render assistance to the county superintendent of schools and, when available, to the district attorney or other county officer or officers, and who shall receive a salary of one thousand five hundred dollars per annum. The stenographer herein provided for shall be paid at the same time and in the same manner and out of the same fund as the superintendent of schools is paid.

Surveyor

12. During the period beginning with the date upon which this act takes effect and ending upon the thirty-first day of December, 1927, the county surveyor shall receive twenty dol-

lars per diem when engaged in county work; *provided, however*, that on and after the first day of January, 1928, he shall receive ten dollars per diem when engaged in county work; *provided, however*, that he shall be given all work for the county in which the county employs one surveyor or civil engineer; *provided, however*, the board of supervisors may, and they are hereby authorized, in their discretion, to employ a highway engineer, other than the county surveyor, for the purpose of laying out, maintaining and constructing highways and other structures incidental thereto in said county, the period of service and compensation of such highway engineer to be fixed by said board of supervisors and payment for such services to be out of such fund or funds as may be designated by said board. The county surveyor shall also receive all actual expenses when at work in the field.

13. Justices of the peace. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of formation of any new township or townships. The board may determine such population by multiplying by three the number of registered voters at the last general election next preceding the date of such determination.

Justices of
the peace

Townships having a population of one thousand two hundred or more shall belong to and be known as townships of the first class; townships having a population of six hundred and less than one thousand two hundred shall belong to and be known as townships of the second class; townships having a population of three hundred and less than six hundred shall belong to and be known as townships of the third class; townships having a population of less than three hundred shall belong to and be known as townships of the fourth class.

There shall be but one justice of the peace for each township of this class of counties. Justices of the peace shall receive the following salaries: In townships of the first class the sum of nine hundred dollars per annum; in townships of the second class the sum of one hundred eighty dollars per annum; in townships of the third class the sum of one hundred twenty dollars per annum; in townships of the fourth class the sum of sixty dollars per annum.

Such salaries shall be paid in the same manner and out of the same funds as the salaries of county officers are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

14. Constables, such fees as are now or may hereafter be allowed by law.

Constables

15. Each supervisor, one thousand dollars per annum and mileage from residence to the county seat at each sitting of the board of twenty cents per mile; said compensation to be

Supervisors

in full for services either as supervisor or for mileage as road commissioner.

Librarian

15a. There is created for counties of the fiftieth class the office of county librarian; the librarian shall be appointed by the board of supervisors for a term of four years and shall receive a salary of two thousand one hundred dollars per annum, to be paid in equal monthly installments at the same time and in the same manner as other county officers are paid.

Reporter

16. Reporter, in counties of this class, the official reporter of the superior court shall receive a salary of seventy-five dollars per month to cover all work done in criminal cases, both in the superior court and justices' courts of the county, and shall receive as compensation for taking notes in civil cases tried in the superior court a per diem of ten dollars. He shall also receive as compensation for transcribing notes whether in civil or criminal cases, the amount now or to be hereafter provided by law, such compensation for transcribing to be paid in such manner as now or may hereafter be provided by law. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

License collector.

17. The license collector, the sum of one thousand fifty dollars per annum; *provided, however,* that such compensation shall be in full for all services of every kind and description rendered as such license collector; *and it is further provided,* that in counties of this class from and after the date upon which this act takes effect, the said license collector shall pay into the county treasury for the use of the county all commissions and fees which would otherwise be allowed to him as now provided by law as compensation for the services therein mentioned. The provisions of this subdivision are not intended to increase the compensation of the incumbent of such office but are intended to change the compensation of the license collector from the fee system to a fixed salary basis and shall take effect ninety days after the final adjournment of the forty-sixth session of the Legislature.

Jurors.

18. Grand and trial jurors, three dollars per day, and such mileage fees as may be allowed by law.

Witnesses.

19. Witnesses in attendance upon either the superior or justices' courts shall receive two dollars per day and such mileage fees as may be allowed by law.

CHAPTER 757.

An act to amend sections 2176, 2180 and 2192 of the Political Code and to add a new section to said code to be numbered 2176a, all relating to the department of institutions.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats. 1921,
p. 1385,
amended

SECTION 1. Section 2176 of the Political Code is hereby amended to read as follows:

2176. The husband, wife, father, mother, or children of an insane person or inebriate, and the guardian of his estate, must cause him to be properly and suitably cared for and maintained, and must pay the costs and charges of his transportation to a state hospital for the insane or inebriates. The husband, wife, father, mother, or children of an insane person or inebriate, or the estate of such insane person or inebriate, shall be liable for the care, support and maintenance of any insane person or inebriate in a state hospital to which he has been or may hereafter be committed or transferred, and it is hereby made the duty of the department of institutions to make collections of all of the aforesaid costs and charges, and charges for the care, support and maintenance of any insane person or inebriate in a state hospital, or to see that they are collected.

Support of
insane
persons

The department shall, following the admission of a patient into a state hospital for the insane or into a state home for the feeble-minded, cause an investigation to be made to determine what moneys, property, or interest in property, if any, the patient may have, and whether he has a duly appointed and acting guardian to protect his property and his property interests. The department shall also make an investigation to determine whether the patient has any relative or relatives as mentioned in this section, and who are herein made responsible for the payment of the costs of transportation, and shall ascertain the financial condition of such relative or relatives to determine whether in each case such relative or relatives are in fact financially able to pay such charges. All reports in connection with such investigations, together with the findings of the department, shall be records of the department, and may be inspected by interested relatives, their agents, or representatives at any time upon application.

Investigation
of financial
condition,
etc., by
department

SEC. 2. There is hereby added to said code a new section to be numbered 2176a and to read as follows:

New section.

2176a. All moneys collected by the department of institutions under the provisions of section 2176 of this code for the cost and charges of transportation of an insane person or inebriate to a state hospital or state home for the feeble-minded, shall be by said department remitted to the state treasury for credit to, and the same shall become a part of, the current appropriation from the general fund of the state for the transportation of insane, correctional school or other state hospital inmates and said sum so remitted shall be available for expenditure for such purposes.

Disposition
and use of
moneys
collected

SEC. 3. Section 2180 of the Political Code is hereby amended to read as follows:

Stats. 1921,
p 1336,
amended.

2180. The monthly rate for the care, support, and maintenance of all insane persons at the hospitals for the insane and where there is liability to pay for such care, support and maintenance, shall be the actual cost thereof as may be determined by the director of institutions, with the approval of the department of finance, but not to exceed forty dollars per month payable in advance; *provided, however,* the medical

Monthly rate
for support
of insane
at hospitals.

superintendent of a state hospital for the insane shall, on the order of the commission, reduce or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the care, support, and maintenance of any insane person committed thereto and confined therein, on satisfactory proof that said estate or said relatives, as the case may be, are unable to pay the actual cost of such care, support, and maintenance. If any insane person die at any time, while his estate is liable for his care, support, and maintenance and other expenses at a state hospital, the claim for such amount as may be due, may be presented to the executor or administrator of his estate and paid in the same manner as are other debts and claims against the estate of a deceased person.

Stats 1927,
p. 663,
amended
Commit-
ment of
incompetents
other than
insane
persons

SEC. 4. Section 2192 of the Political Code is hereby amended to read as follows:

2192. Whenever any parent, guardian, or other person charged with the support of an imbecile or feeble-minded person, or any idiot, or epileptic who is not insane, desires him to be admitted into the home for feeble-minded, he may petition the superior court of the county in which he resides, for an order admitting such person to such hospital; *provided*, that any probation officer or district attorney may petition said court for an order admitting such a person to such hospital. Whenever such petition is filed by a probation officer or district attorney, the court shall require such notice of the hearing of said petition to be given to any parent, guardian, or other person charged with the support of said imbecile, or feeble-minded person, or idiot, or epileptic mentioned in said petition, as the court may deem proper; *providing, however*, that in all cases the court shall require due notice of the hearing to be given to the alleged incompetent.

The judge must inquire into the condition or status of such person, and if he finds him to be an imbecile, feeble-minded person, idiot or epileptic, and that he has been a resident of the state for one year next preceding the presentation of the petition, such judge must make an order that he be received, maintained, and educated in such hospital, and on the presentation of such order the superintendent must receive him therein, if the hospital is not already full, or the fund available for its support exhausted; but the imbecile, feeble-minded person, idiot, or epileptic, need not be received if, in the judgment of the management of the hospital or the department of institutions, he is not a suitable subject for admission thereto. The judge must inquire into the financial condition of the parent, guardian, or other person charged with the support of any such person, and if he finds him able, in whole or in part, to pay his expenses at such hospital, he must make a further order requiring such parent, guardian, or other person charged with the support of such person to pay to the county at stated periods such sums as, in the opinion of the judge, are proper during such time as the person may remain in such hospital. This order may be enforced by such further orders as the

Financial
condition of
parent or
guardian

judge deems necessary, and may be varied, altered, or revoked in his discretion.

The judge shall designate some county officer, whose business it shall be to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the person or persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such person or persons to make such payments.

The superintendent may, with the approval of the department of institutions, cause the peremptory discharge of any person who has been an inmate or patient for the period of one month. For each child or other person committed to such home there shall be paid by the county from which he is committed to the state treasury the monthly cost of the care of such child or other person for and during each month, or part of month, such person so committed remains an inmate of the hospital.

The cost of such care shall be determined and fixed monthly by the department of institutions, with the approval of the department of finance, but in no case shall it exceed the rate of forty dollars per month.

CHAPTER 758.

An act to amend an act entitled "An act providing for the organization of water districts by the board of supervisors of the different counties of the state upon petition therefor by the land owners; providing for the joint government and control thereof by the land owners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the extension of contracts providing for such transfer in exchange for the right to receive and use water; providing for the approval of the state superintendent of banks of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by an appointive board of three hydraulic engineers; providing for the approval of said bonds and such transfers or contracts providing therefor by the state superintendent of banks in case said investiga-

tion is favorably reported and that thereafter said bonds may be lawfully purchased, or received in pledge as security for any money or deposits, or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; and providing for the dissolution of said districts for nonuser of corporate power," approved June 13, 1913, as amended, by amending the title thereof and sections 7 and 18 thereof and adding new sections thereto to be numbered 37 to 59 inclusive, relating to the powers and duties of water districts and the boards of directors thereof and providing for the drainage and reclamation of lands within such districts and for the annexation of lands to and the exclusion of lands from such district.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1927,
D. 8,
amended

SECTION 1. The title of an act entitled "An act providing for the organization of water districts by the board of supervisors of the different counties of the state upon petition therefor by the landowners; providing for the joint government and control thereof by the landowners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the extension of contracts providing for such transfer in exchange for the right to receive and use water; providing for the approval of the state superintendent of banks of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by an appointive board of three hydraulic engineers; providing for the approval of said bonds and such transfers or contracts providing therefor by the state superintendent of banks in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased; or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; and providing for the

dissolution of said districts for nonuser of corporate power," approved June 13, 1913, as amended, is hereby amended to read as follows:

An act providing for the organization of water districts by the board of supervisors of the different counties of the state upon petition therefor by the land owners; providing for the joint government and control thereof by the land owners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the extension of contracts providing for such transfer in exchange for the right to receive and use water; providing for the approval of the California bond certification commission of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by the California bond certification commission; providing for the approval of said bonds and such transfers, or contracts providing therefor by the California bond certification commission in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased, or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; providing for the dissolution of said districts for nonuser of corporate power; and providing for the annexation of lands to and the exclusion of lands from such districts.

SEC. 2. Section 7 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 7. The board of directors shall have the power and it shall be its duty to manage and conduct the business and affairs of the district; to make and execute all necessary contracts; to employ and appoint such agents, officers and employees as may be required, and prescribe their duties. The board of directors shall also have the right and power to acquire, plan, construct, maintain, improve, operate and keep in repair the necessary irrigation works, dams, reservoirs, canals and works for the storage and distribution of water, to supply the lands contained within the district with sufficient water for irrigation purposes, and any drainage or reclamation works connected therewith or incidental thereto; to acquire by purchase, condemnation or other legal means all

Title
amended

Stats 1927.
p. 10,
amended.

Duties and
powers of
board of
directors

Duties and powers of board of directors.

water, water rights, lands, properties or rights in properties necessary or proper therefor, within or without the district in this state. Said board shall also have power for a valuable consideration to lease or sell or contract for the sale of any property of any kind or rights therein including irrigation works, easements, rights of way, water, water rights, canals, distributing systems, or any other property belonging to the district whenever the same may be necessary or advisable or for the best interests of the district, and to enter into any and all contracts, agreements and obligations with any irrigation or drainage district organized under the laws of the State of California as the board of directors shall deem proper or advisable in the interests of the district, or to carry out or execute any of the purposes authorized or permitted by the provisions of this act and particularly to enter into any contract or agreement with the United States, or the State of California, or any department or agency of either, or with any political subdivision of said state including irrigation and reclamation districts for the storage, regulation, control, development and distribution of water for the irrigation of lands within said district or for the use, control and distribution of any and all drainage waters within said district, or for the construction, extension, operation, control, maintenance and management of any works or other property constructed or acquired by the district, or over which it may have control, or which may be used or useful for the irrigation or drainage of lands within the district, or for providing or furnishing hydro-electric power, or for any one or more of said purposes, and to provide in any such contract or agreement that the lands included in any such water district shall be entitled upon the execution of said contract to become a part of any irrigation or drainage project or reclamation project operated directly or indirectly by or under the authority of the United States or the State of California, and to become entitled to receive water, electric power, drainage service or other works or property of such project, including revenues derived from any such work; the board of directors may provide in any such contract for the sale and conveyance to the United States, the State of California, or to any reclamation or irrigation project organized or operated by or under the authority of either thereof or to any irrigation or water district organized under the laws of the State of California on the condition that such district or project shall furnish water to said water district and upon such other terms and conditions as may be agreed upon; *provided, however*, that all such contracts and transfers shall be first approved by the California bond certification commission. Said board may also enter into any agreement and do any acts necessary or proper for the performance of such agreement for the transfer or delivery to such district of any irrigation system, canals, rights of way, or other property owned or acquired by said water district in exchange for the right to receive and

use water or water supply to be delivered or furnished to said water district by the other party to said agreement; to take conveyances, contracts, leases or other assurances for property acquired by the district under the provisions of this act; to execute by its president and secretary all contracts, leases, conveyances and other documents necessary to carry out the duties and powers specified herein; to institute, maintain and defend in person, or by attorneys, all actions, proceedings or suits at law or in equity necessary or proper to carry out the provisions of this act, or to enforce, maintain, protect or preserve the rights, privileges and immunities created by or acquired in pursuance thereof; to establish, print and distribute among the land owners of the district equitable rules and regulations for the distribution of water; to enter, for the above purposes, either in person or by its agents or employees, in and upon any lands contained in the district; to employ or fix the salary of such persons as may be necessary or proper to fully carry out the uses and purposes of the district; and to do any other lawful thing necessary or proper to carry out the provisions of this act for the uses and purposes for which the district is formed; *provided, however,* that the board of directors shall not let, or enter into, a contract for the construction of irrigation works, nor shall said board of directors construct the same by employees of the district, if the cost thereof is paid out of the proceeds of bonds of the district, until an election has been called and held to determine whether or not bonds of the district shall be issued as provided in section 13 of this act.

SEC. 3. Section 18 of the act cited in the title hereof is hereby amended to read as follows:

Stats. 1913,
p 827,
amended

Sec. 18. Bonds of any water district organized under the provisions of this act may be investigated and certified in the same manner, by the same officers and with the same force and effect as prescribed for the investigation and certification of bonds of irrigation districts, by the provisions of the act entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, as amended, and all of the provisions of said act are hereby incorporated herein and made applicable to water districts organized under this act and to the bonds of such districts with the same force and effect as if fully set forth herein at length, the term "irrigation district" as used in said act meaning and including, for the purposes of this reference, any "water district" organized under the provisions of this act.

Water
district
bonds
lawful
investment
of trust
funds, etc.

See
Stats 1913,
p 778.

Stats 1917,
p. 1409,
amended

Change of
district's
boundaries,
effect

SEC. 4. A new section is hereby added to said act to be numbered 37 and to read as follows:

SEC. 37. The boundaries of any water district now organized or hereafter organized under the provision of this act, may be changed, and tracts of land which were included within the boundaries of such district at or after its organization under the provisions of said act, may be excluded therefrom, in the manner herein prescribed; but neither such change of the boundaries of the district nor such exclusion of lands from the district shall impair or affect its organization, or its right in or to property, or any of its rights or privileges of whatever kind or nature nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which said district was and may become liable or chargeable, had such change of its boundaries not been made, or had not such land been excluded from the district.

Stats 1917,
p. 1409,
amended

Petition for
exclusion of
lands from
district

SEC. 5. A new section is hereby added to said act to be numbered 38 and to read as follows:

SEC. 38. The owner or owners in fee of one or more tracts of land which constitute a portion of a water district may jointly or severally file with the board of directors of the district a petition, praying that such tract or tracts may be excluded and taken from said district. The petition shall state the grounds and reasons upon which it is claimed that such lands should be excluded, and shall describe such lands; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor. Such petition must be acknowledged in the same manner and form as is required in the case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance.

Stats. 1917,
p. 1409,
amended

Notice of
filing of
petition

SEC. 6. A new section is hereby added to said act to be numbered 39 and to read as follows:

SEC. 39. The secretary of the board of directors shall cause a notice of the filing of such petition to be published once a week for four consecutive weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause, in writing, if any they have, why the

change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they will be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

SEC. 7. A new section is hereby added to said act to be numbered 40 and to read as follows :

Stats. 1917,
p. 1409,
amended.

Hearing

Sec. 40. The board of directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. Such evidence shall be taken down in shorthand, and a record made thereof and filed with the board. The failure of any person interested in said district, other than the holders of bonds thereof outstanding at the time of the filing of said petition with said board, to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent by each and all such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. The expenses of giving said notice and of the aforesaid proceeding shall be paid by the person or persons filing such petition.

SEC. 8. A new section is hereby added to said act to be numbered 41 and to read as follows :

Stats. 1917,
p. 1409,
amended.

Decision
of board

Sec. 41. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interest of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing why the said lands or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district; *provided*, that it shall be the duty of said board to so order, upon petition therefor as aforesaid, that all lands so petitioned to be excluded from said district shall be excluded therefrom, which can not

be irrigated from, or which are not susceptible to, irrigation from a common source or by the same system of works with the other lands of said district, or from the source selected, chosen, or provided, or the system adopted for the irrigation of the lands in said district, or which are already irrigated, or entitled to be irrigated, from another source or by another system of irrigation works; *provided*, that no land irrigated by means of water, pumped from an underground source or sources shall be entitled to exclusion from any water district on account of being so irrigated, if it shall be shown that such land is or will be substantially benefited by subirrigation from the works of said district or by drainage works provided or required by law to be provided by said district, but no owner of land in any water district shall be required to pay any assessment, except for the payment of interest and principal due on bonds of the district, on any land in such district which, when the district was organized, was irrigated by means of water pumped from an underground source or sources and has continued each year to be irrigated exclusively by such means.

Stats 1917,
p. 1409,
amended.

Consent of
bondholders.

SEC. 9. A new section is hereby added to said act to be numbered 42 and to read as follows:

SEC. 42. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the lands mentioned in the petition, or such portion thereof as may be excluded from said district by order of said board, or the decree of the superior court as hereinafter provided, may be excluded from the district; and if said lands, or any portion thereof, be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the board, and must be recorded in the minutes of the board; and said minutes, or a copy thereof, certified by the secretary of said board, shall be admissible in evidence, with the same effect as the said assent, and such certified copy thereof may be recorded in the office of the county recorder of the county wherein said lands are situated.

Stats 1917,
p. 1409,
amended

Duty of
board upon
exclusion
of lands

SEC. 10. A new section is hereby added to said act to be numbered 43 and to read as follows:

SEC. 43. In the event the said board of directors shall exclude any lands from said district upon petition therefor, it shall be the duty of the board of directors to make an entry in the minutes of the board, describing the boundaries of the district, should the exclusion of said lands from said district change the boundaries of said district, and for that purpose the board may cause a survey to be made of such portions

of the district as the board may deem necessary; and a certified copy of the entry in the minutes of the board excluding any land, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district; but said district, notwithstanding such exclusion shall be and remain a water district as fully, to every intent and purpose, as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

SEC. 11. A new section is hereby added to said act to be numbered 44 and to read as follows:

Stats 1917, p. 1409, amended
Reestablishment of boundaries of divisions, etc.

SEC. 44. In case land is excluded from any district, the board of directors thereof, if they deem it desirable, but not less than thirty days before any election in such district, may reestablish the boundaries of the divisions and election precincts within such district.

SEC. 12. A new section is hereby added to said act to be numbered 45 and to read as follows:

Stats 1917, p. 1409, amended
Guardians, etc., may sign petition

SEC. 45. A guardian and executor, or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereto properly authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act provided, why the boundaries of the district should not be changed.

SEC. 13. A new section is hereby added to said act to be numbered 46 and to read as follows:

Stats 1917, p. 1409, amended
Obligations, liens, etc., of lands excluded

SEC. 46. Nothing in this act provided shall, in any manner, operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon, of any valid outstanding bonds or other indebtedness of said district at the time of the filing of said petition for the exclusion of said lands, but upon the contrary, said lands shall be held subject to said lien, and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of filing of the petition for the exclusion of said land, as fully as though said petition for such exclusion were never filed and said order or decree of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of said water district the same as though said petition for its exclusion had never been filed or said order or decree of exclusion never made; and all provisions which may have been resorted to to compel the payment by said lands of its quota or portion of said outstanding obligations, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said lands of its quota and portion of said outstanding obligations of said irrigation dis-

trict for which it is liable, as herein provided. But said land so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever, incurred after the filing with the board of directors of said district of the petition for the exclusion of said lands from the said district; *provided*, that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from said district, as hereinbefore provided.

Stats 1917,
p 1409,
amended

Rights of
district not
impaired by
change of
boundaries

SEC. 14. A new section is hereby added to said act to be numbered 47 and to read as follows:

Sec. 47. The boundaries of any water district organized or existing under the provisions of this act may be changed to include within such district additional land, whether contiguous thereto or not, as hereinafter in this act provided; but no change in the boundaries of any district shall impair or affect its organization or its right in or to property, or any of its rights or privileges of whatsoever kind or nature, nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made.

Stats 1917,
p 1409,
amended

Petition for
inclusion of
lands within
district

SEC. 15. A new section is hereby added to said act to be numbered 48 and to read as follows:

Sec. 48. The holder or holders of title, or evidence of title, of any tract or tracts of land may file in the office of the board of directors of any water district a petition praying that said tract or tracts of land be included within said district. If any petitioner is the owner of an undivided interest in said land, or any of it, he shall be deemed to be the owner of such proportion of the area of the land in which he has an interest as his interest bears to the whole of such land. Each signature to such petition shall be acknowledged or proved as provided by law for signatures to an instrument to entitle it to be recorded.

Stats 1917,
p 1409,
amended.

Notice of
filing of
petition

SEC. 16. A new section is hereby added to said act, to be numbered 49 and to read as follows:

Sec. 49. The secretary of the board of directors shall cause a notice of the filing of said petition to be given and published once a week for four consecutive weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory to be included lie within other county or counties, then such notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be included. The notice shall state the purpose of the petition and describe the boundaries of the tract or tracts of land proposed to be included and give the names of the petitioners, and it shall notify all persons interested in or that may be affected by the proposed inclusion of said land within the district to appear at the

office of said board at a time named in said notice for the hearing of said petition and objections thereto and show cause in writing, if any they have, why said land or any of it should not be included as proposed in said petition. The time to be specified in the notice for the hearing of said petition and any objections thereto shall be the regular meeting of the board next after the expiration of the time for the publication of said notice. The petitioners shall advance to the secretary sufficient money to pay for the publication of said notice.

SEC. 17. A new section is hereby added to said act to be numbered 50 and to read as follows:

Stats 1917,
p. 1409,
amended
Hearing of
petition

Sec. 50. The board of directors, at the time and place mentioned in the said notice, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all the objections thereto presented in writing by any person showing cause as aforesaid why said proposed change of the boundaries of the district should not be made. The failure by any person interested in said district, or in the matter of the proposed change of its boundaries, to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereof as will include a part of said lands. And the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change of said boundaries that they may include the whole or any portion of the lands described in said petition.

Effect of
filing
petition.

SEC. 18. A new section is hereby added to said act to be numbered section 51 and to read as follows:

Stats 1917,
p. 1409,
amended

Sec. 51. The board of directors to whom such petition is presented, may require, as a condition precedent to the granting of the same, that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated (the several amounts to be determined by the board), as said petitioners or their grantors would have been required to pay to such district as assessments, had such lands been included in such district at the time the same was originally formed.

Petitioners
may be
required
to pay
assessments

SEC. 19. A new section is hereby added to said act, to be numbered 52 and to read as follows:

Stats 1917,
p. 1409,
amended
Decision
of board

Sec. 52. If the board of directors, after the hearing herein provided for, shall determine that said petition complies with the requirements hereof and that the inclusion within the district of the tract or tracts of land described in said petition, or some portion or portions thereof, will be for the best interests of the district and if no protest against the inclusion of such land is made, or if such protest be made and enough signatures be withdrawn therefrom so that said protest is no longer sufficient, the board shall order the boundaries of the district to be changed so that said tract or tracts of land, or

Decision
of board

such portion or portions thereof as the board shall deem it for the best interests of the district to include, shall be included within the district, but no land shall be so included unless the board, after the hearing aforesaid shall determine that it can be irrigated by means of some of the works of the district or by means of practicable works connecting therewith and will be benefited by such irrigation; and if the board determines that only a portion or certain portions of the tract or tracts of land described in said petition should be included, said petition shall be dismissed unless the petitioners include a majority of the holders of title or evidence of title of said portion or of each of said portions, of said tract, representing also at least one-half the area of said portion or of each of said portions, or unless, within sixty days from the time such determination is made, there shall be filed with the board the consent in writing, of a majority of the holders of title or evidence of title of said portion, or of each of said portions of said tract or tracts of land, representing also at least one-half of the area of said portion or of each of said portions. The order shall describe the boundaries of the land so included within the district, and if said land adjoins any portion of the district the order shall also describe that portion of the boundary of the district which coincides with the boundary of the land so included, and for the purposes of said order the board may cause a survey to be made of such portions of said boundaries as may be deemed necessary. If more than one petition for the inclusion of lands has been presented, the board may in one order include within the district any number of separate tracts of land; but the owner or owners of separate tracts of land may join in a single petition the application for inclusion of separate tracts of land. Any public land of the United States of America may be included within any water district by such order of the board of directors without any petition therefor except as may be required by the laws of the United States, if such land can be irrigated by means of any of the works of the district or by any practicable works connecting therewith and will be benefited by such irrigation. When land is included within a water district and the board of directors finds that such inclusion without condition would work an injury to the land already within the district either by an impairment of water rights or by requiring a greater expense for furnishing water to the lands proposed to be included, the board may prescribe conditions upon such inclusion of land, either by providing for priority of right to water for the land already in the district or for the payment of an additional annual charge upon the land included or such other conditions as may to the board seem just. If any such conditions are prescribed by the board all the owners of the land subject to such conditions must, before any order for its inclusion is made, sign an agreement with the district describing the land so to be included and specifying such conditions. The signatures to said agreement must be acknowledged or proved as provided by law for

the signatures of instruments to be recorded, and said agreement must be recorded in the office of the county recorder of the county in which such lands are situated, and thereupon and upon the recording of a copy of the order including such lands as hereinafter provided, such lands shall become a part of the district subject to the conditions of said agreement.

SEC. 20. A new section is hereby added to said act to be numbered 53 and to read as follows:

Stats 1917,
p. 1409,
amended.

Sec. 53. If a protest against the inclusion of such lands, signed by not less than three per cent of the holders of title or evidence of title to lands within the district and holding the title or evidence of title to not less than three per cent in value of the lands within the district according to the last equalized assessment roll of said district, shall have been presented to the board of directors and upon the hearing of said matter said protest shall not be withdrawn, or after the withdrawal therefrom of any signatures it shall still be signed by not less than three per cent of the holders of title or evidence of title to lands within the district and holding the title or evidence of title to not less than three per cent in value of the lands within the district according to the last equalized assessment roll of said district, or if the board of directors deem it not for the best interests of the district to include therein the lands described in said petition for inclusion, or any of them, the board shall adopt a resolution stating the facts and describing the boundary of the tract of land proposed to be included in the district; but before calling the election provided for in the next section, the board may require an undertaking, with sufficient sureties, from the petitioners for the inclusion of said land conditioned that the petitioners or the sureties will pay all the cost of holding such election in case such inclusion shall be denied.

Protest.

Resolution

SEC. 21. A new section is hereby added to said act to be numbered 54 and to read as follows:

Stats 1917,
p. 1409,
amended

Sec. 54. Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district, to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which such election shall be held, and cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by said act in case of a special election to determine whether bonds of a water district shall be issued. The ballots cast at said election shall contain the words "For change of boundary," or "Against change of boundary," or words equivalent thereto. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

Election for
determina-
tion of
question.

Notice of
election.

Ballots.

Stats 1917,
p. 1409,
amended.

SEC. 22. A new section is hereby added to said act to be numbered 55 and to read as follows:

Result of
election

Sec. 55. If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in that matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of such portions thereof to be made as the board may deem necessary.

Stats. 1917,
p. 1409,
amended

SEC. 23. A new section is hereby added to said act to be numbered section 56 and to read as follows:

Order of
board to
be filed

Sec. 56. Upon a change of the boundaries of a district being made, a copy of the order of the board of directors ordering such change, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain a water district, as fully, and to every intent and purpose, as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

Effect

Stats 1917,
p. 1409,
amended.

SEC. 24. A new section is hereby added to said act to be numbered 57 and to read as follows:

Minutes
of board

Sec. 57. Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the board the petition aforesaid; and the said minutes, or a certified copy thereof, shall be admissible in evidence, with the same effect as the petition.

Stats 1917,
p. 1409,
amended

SEC. 25. A new section is hereby added to said act to be numbered 58 and to read as follows:

Guardian,
etc., may
sign
petition

Sec. 58. A guardian, an executor or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward, or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in this act mentioned, and may show cause, as in this act mentioned, why the boundaries of the district should not be changed

Stats 1917,
p. 1409,
amended

SEC. 26. A new section is hereby added to said act to be numbered 59 and to read as follows:

Directors
may
reestablish
boundaries

Sec. 59. In case land is included within any district, as aforesaid, the board of directors thereof may reestablish the boundaries of the divisions and election precincts within such district, so as to include such land therein and so as to make such divisions as nearly equal in size as may be practicable.

CHAPTER 759.

An act to provide for the creation of a commission for the study of the problem of public education in California and making an appropriation therefor.

[Approved by the Governor June 10, 1929 In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. The governor of the State of California is hereby authorized to appoint a commission to study the problems of public education in this state. Said commission shall be composed of nine members who are not engaged in or connected with educational work in this state. The governor shall designate one of the members of such commission as chairman. The chairman shall be authorized to sign claims upon the state treasury for the payment of the expenses of said commission as hereinafter provided, which claims shall be paid as other claims against the state are paid.

Appoint ment
and organi-
zation of
commission

SEC. 2. It shall be the duty of the commission authorized by the provisions of this act to investigate the educational, geographical, financial and organizational problems of public education in this state; *provided*, that schools and institutions governed by the board of regents of the University of California shall not be subject to investigation by the commission. Said commission shall report to the governor on or before December 1, 1930, for submission to the forty-ninth session of the Legislature such recommendations of legislation as may be necessary for a comprehensive and economical provision of such educational facilities.

Duties

SEC. 3. The sum of fifty thousand dollars is hereby appropriated out of any funds in the state treasury not otherwise appropriated, for the expenses of the commission authorized by the provisions of this act to be expended in accordance with law.

Appropriation.

SEC. 4. The members of the commission shall receive no compensation but shall receive their actual and necessary expenses incurred in the work of the commission; *provided*, that the commission shall have power to employ such temporary expert and clerical assistance as may be necessary, and to fix the compensation for the persons so employed with the approval of the director of finance.

Expenses.

SEC. 5. The commission is hereby authorized and empowered to receive and provide for the proper custody of such gifts and donations either from public or private sources as may be offered unconditionally, or as may be offered under conditions that are, in the judgment of the commission, proper and consistent with the purposes and conditions of this act, and may use such gifts and donations for the purposes of carrying out the provisions of this act.

Gifts.

CHAPTER 760.

An act to amend "An act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes," approved May 29, 1913, by adding thereto a new section to be numbered 3.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1913,
p 331,
amended

SECTION 1. An act entitled "An act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes," approved May 29, 1913, is hereby amended by adding thereto a new section to be numbered 3 and to read as follows:

Regulations
for
agreements

Sec. 3. The agreement authorized in section 2 of this act shall be entered into by ordinances to be enacted by the respective contracting bodies and shall comply with the provisions of an act entitled, "An act providing for the joint exercise of powers by counties, by municipalities or by municipalities and counties" approved May 20, 1921; and said agreement shall provide for the joint payment of attorneys, architects and other persons employed in the matter of entering into such agreement and carrying out the provisions thereof; *provided*, that the limitations and restrictions contained in an act entitled "An act conferring power upon the common council, board of supervisors, or other governing body of cities, or cities and counties of over one hundred thousand inhabitants, to acquire or condemn land for a suitable building or buildings for municipal purposes," approved March 27, 1895, and in amendments thereto, shall not control or restrict the terms of such agreements, or the cost or expense of any building or buildings erected pursuant to such an agreement.

CHAPTER 761.

An act to amend sections 2179, 2189, 2190 of the Political Code, relating to the department of institutions.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats. 1909,
p 72,
amended
Estates of
insane
guardians of.

SECTION 1. Section 2179 of the Political Code is hereby amended to read as follows:

2179. In case any person, who has no guardian and who has been or shall hereafter be committed to any state hospital for the insane, is the owner of any property, the secretary of the

state department of institutions, in case such insane person has no guardian, may apply to a court of competent jurisdiction for the appointment of a guardian of the estate of such insane person. Where an insane person under commitment to a state hospital shall die leaving any estate, and having no relatives at the time residing within this state, the secretary of the state department of institutions shall be entitled to administer said estate and to have letters of administration on such estate issued to him in preference to any other person. Said secretary of the state department of institutions shall serve as such administrator but shall not be entitled to receive any compensation for his services as such administrator but the court may allow such reasonable fees for such administration as it deems proper, said fees to be paid into the state treasury to become a part of and to be added to the appropriation or special fund in the state treasury, made available by law, for the support or management of said department.

SEC. 2. Section 2189 of the Political Code is hereby amended to read as follows:

Stats 1927,
p 658,
amended

2189. The superintendent of a state hospital on filing his written certificate with the director of institutions may discharge any patient, except one held upon an order of a court or judge having criminal jurisdiction in an action or proceeding arising out of a criminal action or proceeding arising out of a criminal offense, at any time, as follows:

Discharge
of patients

1. A patient who, in his judgment, has recovered.

Sanity
recovered.

2. Any patient who is not recovered, but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient. The medical superintendent may, when he deems it advisable, refuse to discharge any patient as improved, unless the guardian, friends or relatives of such patient shall satisfy such medical superintendent that they are financially able and willing to properly care for such patient after his discharge. When the superintendent is unwilling to certify to the discharge of an unrecovered patient, upon request, and so certifies in writing, giving his reasons therefor, any superior judge of the county in which the hospital is situated may, upon such certificate, and an opportunity of a hearing thereon being accorded the superintendent, and upon other proofs as may be produced before him, direct, by order, the discharge of such patient, upon such security to the people of the state as he may require for the good behavior and maintenance of the patient. The certificate and the proof, and the order granted thereon, must be filed in the clerk's office of the county in which the hospital is situated, and a certified copy of the order in the hospital from which the patient is discharged.

When dis-
charge not
detrimental
to public
welfare.

3. The superintendent may grant a parole to a patient under general conditions prescribed by the department of institutions.

Parole

Patients
charged
with crime

4. A patient committed to a hospital under the provisions of chapter 6, title X, part II, of the Penal Code, must, upon the certificate of the superintendent that such person has recovered, approved by the superior judge of the county from which the patient was committed, be redelivered to the sheriff of such county, and dealt with as provided for by said chapter 6 of the Penal Code.

Patients
not insane

5. The medical superintendent of a state hospital may on his own motion and must on the order of the department of institutions discharge any patient who is not insane, or because he is not a proper case for treatment therein, or because such patient is a case of idiocy, imbecility, chronic harmless mental unsoundness or acute mania auctu. Such person, when discharged, shall be returned to the county from which he was committed at the expense of said county. When such person is a poor and indigent person he shall be delivered to the sheriff of the county who must take the necessary steps for the care of such person. When such person is a poor and indigent person he shall be cared for by such county as are other indigent poor. When any person is discharged from any state hospital as is last herein provided he shall not be again committed to any state hospital for the insane unless permission for such recommitment be first obtained from the medical superintendent thereof. Such medical superintendent shall refuse to receive such person on such recommitment unless such permission is obtained as herein provided.

Poor
persons

Certificate
of discharge.

6. When any person is discharged as recovered from a state hospital, a copy of the certificate of discharge, duly certified by any officer of the department of institutions may be filed with the clerk of the superior court of the county from which said person was committed. The clerk shall record the same in a book kept for that purpose and shall keep an index thereof. No fee shall be charged by the clerk for performing such duties. Such certified copy of such certificate and the record of the same shall have the same legal effect as the original, and if no guardian has been appointed for such persons as provided by sections 1763 and 1764 of the Code of Civil Procedure, or if the secretary of the state department of institutions has been appointed as guardian of such person, or the estate of such person, said certificate and duly certified copies thereof and such record thereof shall have the same legal force and effect as a judgment of restoration to capacity made under the provisions of section 1766 of the Code of Civil Procedure; *provided, however*, that if no guardian has been appointed for the said person, the secretary of the state department of institutions or his successor in office or if the secretary of the state department of institutions has been appointed as guardian of such person, or the estate of such person, said secretary may file such certificate of discharge in any county of the state from which said person was committed or from any county in the state in which said officer was appointed guardian of such person. The term

“patient” as used in this section shall be regarded as referring to and including inmates of the home for the feeble-minded.

7. Whenever any person duly adjudged to be insane has been duly committed to a state hospital for the insane under the provisions of any law of this state, and for whom no guardian has been appointed, and who is absent from the hospital to which he was committed or transferred under the order of commitment, on parole or leave of absence granted by the medical superintendent thereof, or who has been discharged therefrom as improved by said superintendent as provided by this section, is desirous of being declared sane and restored to legal capacity, said insane person or a relative or friend on his behalf may make application in writing to said medical superintendent to be declared sane. On receiving such application, said medical superintendent may make such examination of such person and require such proof as he may reasonably deem necessary to determine whether or not such person is sane. For the purpose of making such examination said superintendent may also require said person to present himself at the hospital for examination. If on making such examination and receiving such proofs as he deems reasonably necessary said medical superintendent shall be satisfied that said person is sane and has recovered his reason, said medical superintendent shall issue to said person his certificate that such person is sane, and recovered and restored to reason. Two copies thereof, duly certified, shall be immediately forwarded to the department of institutions, who shall file one copy in their office and a duly certified copy with the county clerk of the county from whence said person was committed and such certified copy and the record thereof shall have the same legal effect as provided in subdivision 6 of this section. A copy thereof shall also be filed at said hospital and a proper record made thereof.

Application
to be
declared
sane.

8. If said medical superintendent is unwilling or refuses, however, to issue a certificate of recovery upon application as in this section provided, he shall so certify in writing, giving his reasons therefor, and said insane person or a relative or friend in his behalf may make application by petition duly verified to a judge of the superior court of the county where such insane person resides to be declared sane. Notice of the hearing of said application shall be given in the manner directed by a judge of said court, to said medical superintendent, and to such relative or relatives of such insane person residing in the county as the judge may direct, who may have opportunity to appear and be heard on the hearing of said application. Such hearing shall be conducted as are civil cases, and on demand of the petitioner the question of the insanity of such person may be tried by a jury, as in civil cases. If on the hearing of said application the court is satisfied from the proofs produced or if a jury trial is had, and the jury shall render a verdict that such person is sane, the court shall by order adjudge such person to be sane. Said

Superintendent
unwilling
to issue
certificate

order shall be filed and recorded in the office of the county clerk and certified copies thereof shall be sent by said clerk and filed with the state commission in lunacy and also with the superintendent of the hospital from which said insane person was paroled, granted leave of absence or discharged as improved. If said matter is tried by a jury the cause against said insane person shall be represented by the district attorney of the county. From a decision of the court or verdict of the jury finding the said person insane an appeal may be taken as in civil cases. If three-fourths of the jury fail to declare said person sane, or the court or the jury shall find such person to be insane, said proceeding shall be dismissed and no new application to declare such person sane shall be made for six months thereafter.

Application to and hearing by superior court.

9. Whenever any person who has been adjudged to be insane, who has not been committed to a state hospital for the insane, and who has no guardian, is desirous of being declared sane and restored to legal capacity, said insane person or a relative or friend on his behalf may, by petition duly verified, make application to a judge of the superior court where he resides to be declared sane; said judge shall fix a time for the hearing of said application, and he may, by order, direct that notice of said hearing be given in the manner and to such relative or relatives of said person residing in the county where such application is made, as the judge may direct, who shall have opportunity to appear and be heard at said hearing. Such hearing shall be conducted as are civil cases, and on demand by the petitioner may be tried before a jury as are civil cases. If on said hearing the decision of the court or the verdict of the jury is that such person is insane, an appeal may be taken to the supreme court as in civil cases. If the court shall decide or the jury shall render a verdict declaring said person to be sane, the court shall make an order declaring said person to be sane. If three-fourths of the jury fail to unite in a verdict, or the court or jury shall decide that such person is insane, such proceeding shall be dismissed, and no new application to have such person declared sane shall be made for six months thereafter.

Bond covering costs.

10. Before any order is made or any proceedings are taken for a trial by jury, the person demanding the same shall make a deposit, or give a bond, to be approved by a judge of the superior court where proceedings are had for the payment of all costs of such trial, unless, in the opinion of said judge, the insane person in whose behalf said trial is demanded is a poor or indigent person.

Certificate of recovery

The certificate of recovery by the medical superintendent, the order of the judge or the verdict of a jury and the order of the judge as in this section provided, shall have the same legal effect as a discharge as recovered, and shall be prima facie evidence of the sanity of such person.

Stats 1927, p. 682, amended.

SEC. 3. Section 2190 of the Political Code is hereby amended to read as follows:

2190. No patient or inmate must be discharged or paroled from a state hospital without suitable clothing adapted to the season in which he is discharged; and, if it can not otherwise be obtained, the superintendent with the approval of the director of institutions shall furnish the same and money, not exceeding twenty-five dollars, to defray his necessary expenses until he can reach his relatives or friends, or find employment to earn a subsistence.

Clothing
etc., for
discharged
patient

CHAPTER 762.

An act authorizing California toll bridge authority and the department of public works of the State of California to lay out, acquire and construct a highway crossing from the city of San Francisco across the bay of San Francisco to the county of Alameda and providing for the payment of the cost thereof.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. The California toll bridge authority and the department of public works of the State of California are hereby authorized to lay out, acquire and construct a highway crossing, including such bridges, tubes, tunnels and approaches in connection therewith as may be deemed to be necessary, from the city of San Francisco across the bay of San Francisco to the county of Alameda; *provided, however*, that the cost of said highway crossing shall be entirely borne by the issuance of revenue bonds retired by tolls received for passage over said highway crossing, in accordance with any law of this state, now in force or which may hereafter be enacted, authorizing the issuance of such bonds, or by aid thereto extended by any city, county or city and county.

Highway
crossing
San
Francisco
to Alameda
county.

Cost.

CHAPTER 763.

An act declaring the policy of the State of California relative to toll bridges and creating a board to be known as California toll bridge authority and providing for membership thereof and specifying its duties and powers; also authorizing California toll bridge authority to authorize and direct the department of public works of the State of California to build, purchase, condemn or otherwise acquire for and in the name of the State of California toll bridges and other toll highway crossings and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, both navigable and unnavigable or across any

Title.

stream that is a boundary line between California and any other state, and to acquire franchises, rights, privileges, easements or other property either real or personal, used or to be used in conjunction with any such bridges; also authorizing the department of public works to make recommendations to the California toll bridge authority relative to the acquisition or construction of any toll bridge or toll highway crossing and to submit preliminary estimates of the cost of such acquisition or construction and the amount of revenue bonds required to be issued for such purpose; also authorizing California toll bridge authority to issue and sell revenue bonds to provide funds for the acquisition or construction of toll bridges or other toll highway crossings secured as to the redemption thereof and the interest thereon only by the tolls or other revenues received from such bridge or bridges or other highway crossings and to prescribe the terms and conditions of such bonds; also authorizing the issuance and sale of such revenue bonds for the payment of interest during the period of actual construction of such bridge or other highway crossing and for a period of six months thereafter; also providing for the manner in which such bonds shall be issued and signed and the manner of sale and redemption thereof and the payment of interest thereon; also authorizing said California toll bridge authority to charge and fix the rates of toll on such bridges or other highway crossings and regulating the amount thereof; also authorizing the department of public works of the State of California to operate and maintain all such toll bridges or other toll highway crossings and to collect tolls thereon; also authorizing the department of public works to acquire by eminent domain any toll bridge or bridges or other toll highway crossing or approaches thereto, real estate, personal property, franchises, rights, privileges or easements appurtenant thereto or appropriated to a public use by any person, firm or private corporation or otherwise and defining the procedure therefor; also providing that bonds issued and sold by California toll bridge authority shall not constitute or be a debt or general obligation of the state and shall be secured only by the tolls or other revenues collected from the operation of such bridges or other highway crossings and shall be paid from such tolls or revenues made available by this act; also authorizing any city, county, city and county, incorporated city or town, or joint highway district to advance or contribute money, rights of way, labor, materials or other property in aid of the acquisition, construction, operation or maintenance of any such bridge or highway crossing and to issue and sell general obligation bonds for such purpose; also authorizing the California toll bridge authority to enter into agreements with any such political subdivisions for the repayment of contributions or advances; and providing the time and manner of making such repay-

ments; also providing for the eliminations of toll charges on bridges or other highway crossings acquired and constructed under this act; also defining the limits within which other competitive bridges or other highway crossings or free ferries may be constructed or operated; and also authorizing the recital of the terms of such limitations in bonds issued hereunder; also creating and establishing certain funds and regulating the manner in which moneys may be withdrawn therefrom; also prescribing the manner in which any city, county, city and county, incorporated bridge and highway district or joint highway district may acquire or construct toll bridges or other toll highway crossings; also authorizing California toll bridge authority to make agreements with steam and electric or other railroad or transportation companies for the use of portions of toll bridges or other highway crossings acquired or constructed under this act; also providing for the manner in which contracts shall be let for the building of bridges or other highway crossings; also empowering the department of public works to designate certain county roads as state highways; also authorizing the acquisition or construction of tubes or tunnels in connection with such bridges or other highway crossings; also authorizing casualty insurance, indemnity bonds or accident insurance on bridges and other highway crossings constructed under this act; also giving, dedicating and setting apart rights of way through, over, on and across state property for the construction of such toll bridges or other toll highway crossings; also appropriating fifty thousand dollars for the purpose of establishing a revolving fund and providing for the use thereof and the manner of reimbursements thereto.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. It is hereby declared to be the policy of the State of California to acquire and own all toll bridges situated upon or along any part of the highways of the state, with the end in view of ultimately eliminating all toll charges thereon.

Toll bridges state to acquire same

SEC. 2. The term "department of public works" when used in this act shall be construed to mean the department of public works of the State of California.

"Department of public works."

The term "bond" when used in this act, either in the singular or plural, shall be construed to mean any bond or other written evidence of indebtedness which the California toll bridge authority may issue under this act in order to secure funds with which to carry out the purposes of this act.

"Bond."

SEC. 3. There is hereby created a board to be known as California toll bridge authority, composed of the governor lieutenant governor, the director of the department of public

Board of California toll bridge authority.

works of the State of California, director of the department of finance of the State of California, the chairman of the California highway commission, or in the event the office of director of the department of public works of the State of California, director of the department of finance of the State of California, the office of chairman of the California highway commission or any of them hereafter be discontinued or abolished by law, then the governor shall appoint any person or officer of the State of California to fill any vacancy resulting from the abolition or discontinuance of such office. All of said members shall serve thereon without compensation, and a majority of them shall be empowered to act for said authority. The members shall receive their necessary actual traveling expenses incurred in the discharge of their duties. The authority shall maintain an office in the city of Sacramento. The California toll bridge authority may employ a secretary and such other persons as may be necessary to enable it to properly perform the duties imposed upon it by this act. California toll bridge authority may sue and be sued in the name of the California toll bridge authority.

Board to authorize department to acquire, etc. toll bridges.

SEC. 4. The California toll bridge authority shall authorize and direct the department of public works to build toll bridges and other toll highway crossings and to acquire for and in the name of the State of California toll bridges or other toll highway crossings and approaches thereto across waters, bays, arms of bays, straits, rivers and streams in California, both navigable and unnavigable, or across any stream that is a boundary line between California and any other state, whenever in its opinion and in the opinion of the department of public works it is necessary or desirable so to do, and to pay for the same out of any fund or funds provided or made available by this act. The department of public works is hereby empowered to acquire by gift, by purchase or by eminent domain proceedings any bridge, franchise, rights, privileges, easements or other property either real or personal, when the acquisition or construction of any such toll bridge or bridges or other toll highway crossing is authorized by the California toll bridge authority.

Recommendation by department

SEC. 5. Whenever the department of public works determines that it is advisable or necessary to acquire either through eminent domain proceedings or otherwise any existing privately owned toll bridge or bridges and the approaches or other property, franchises or rights appurtenant thereto, or when the department of public works determines that it is for the best interest of the public highways in the state that a new toll bridge or bridges or other toll highway crossing be constructed and operated by the state, the said department shall submit its recommendation to that effect to the California toll bridge authority, together with preliminary estimates of the cost of such acquisition or construction and an estimate of the amount of revenue bonds which will be required to be issued for such purpose, and a statement of the probable amount of money,

property, materials or labor to be contributed from other sources in aid of such acquisition or construction. If a majority of the members of the California toll bridge authority concur in the recommendation of the department of public works the said California toll bridge authority shall adopt a resolution declaring that public interest and necessity require the acquisition of any such toll bridge or toll bridges or the construction of such toll bridge or toll bridges or other toll highway crossing and authorizing the issuance of revenue bonds in an amount to be therein specified to provide for such acquisition or construction. The issuance of bonds for the construction of more than one toll bridge or other toll highway crossing may be included in a single authorization. All such bonds so authorized shall be issued in the name of the California toll bridge authority and shall be identified as toll bridge bonds, and shall contain a recital on the face thereof that the payment or redemption of said bonds and the payment of the interest thereon is secured only by the tolls or other revenues received from the operation of the particular bridge or bridges or other toll highway crossing for the acquisition or construction of which the bonds were issued, and that neither the payment of the principal or any part thereof or any interest thereon constitutes a debt or general obligation of the State of California; and all of said revenue bonds shall contain the further recital written or printed thereon that the California toll bridge authority reserves the right to retire and pay from any funds that may be available therefor all or any part of any issue of said bonds which may be outstanding after the expiration of five years from the date of the issuance thereof. Such bonds to be so retired at not less than par or at such other amount in excess of par as said California toll bridge authority may determine and recite on the face of said bonds when issued.

Resolution
authorizing
issuance
of bonds.

Bonds.

SEC. 6. All revenue bonds authorized under the terms of this act shall be issued and sold from time to time by the California toll bridge authority as and when money is needed by the department of public works for the acquisition or construction of any such toll bridges or other toll highway crossings, and to pay interest on outstanding bonds of any particular issue during the period of actual construction of any such bridge or bridges or other toll highway crossing and for a period of six months thereafter, and the proceeds thereof are hereby made available for such purposes. The California toll bridge authority shall determine the form, conditions and denominations of all such bonds, and from time to time as the sale of any portion of the bonds authorized for the construction of any particular toll bridge or bridges or other toll structures are to be issued and sold, said authority shall determine the dates which the bonds so to be sold shall bear, and the interest rate thereon, which rate shall be fixed by said authority according to the then prevailing market conditions, but shall at no time exceed six per cent per annum, and the determination of said authority as to the rate of inter-

Form
of bond

est shall be conclusive as to the then prevailing market conditions; and the said authority shall also fix the time of maturity of all bonds issued and the time and place of payment of principal and interest thereon. All interest payments shall be made semiannually. All such bonds shall be signed by the director of public works and countersigned by the governor. The signatures of the governor may be by facsimile. All interest coupons shall bear the facsimile signature of the director of the department of public works. Said bonds shall bear the signatures of the persons holding the particular offices referred to at the time the bonds are issued. No bonds authorized under this act shall be sold for less than the par value thereof plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. Successive issues of bonds within the limits of the original authorization for the issuance of bonds for the acquisition or construction of any particular bridge or bridges or other toll highway crossing shall have equal preference with respect to the redemption thereof and the payment of interest thereon; *provided, however*, the California toll bridge authority may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. All bonds issued under the terms of this act shall be negotiable instruments under the law merchant. All bonds issued and sold under or by authority of this act shall be sold to the highest and best bidder after such advertising for bids as the California toll bridge authority may deem proper. The said authority may reject any and all bids made for such bonds.

Toll rates **SEC. 7.** The California toll bridge authority is hereby empowered to fix the rates of toll for all toll bridges or other toll highway crossings acquired or built under the terms of this act. Toll charges so fixed may be changed from time to time as conditions may warrant. The said authority in establishing toll charges shall give due consideration to the cost of operating and maintaining such bridge or bridges or other toll highway crossing and to the amount required annually to meet the redemption of bonds and interest payments thereon, and also to appropriations and contributions from other sources to aid in meeting any such payments. The tolls so fixed shall never be less than sufficient to meet the estimated operating and maintenance expenses and all redemption payments and interest charges of the bonds issued for any particular bridge or bridges or other toll highway crossing as the same fall due and the bond redemption and interest payments shall constitute a first lien on all such toll revenues.

Department in charge of acquisition, etc **SEC. 8.** The department of public works shall have full charge of the acquisition and construction of all such toll bridges and other toll highway crossing as may be authorized by the California toll bridge authority, the operation and maintenance thereof and the collection of tolls thereon.

Right of eminent domain **SEC. 9.** When the department of public works can not acquire any toll bridge or any toll highway crossing, or the

Signing of bonds

Sale of bonds.

real or personal property, franchises, rights, privileges or easements needed for bridge or highway crossing purposes or approaches thereto, by agreement with the owner or owners, it shall be lawful for the department of public works, and said department is hereby authorized, to condemn and take any such bridge or highway crossing, real estate, personal property, franchises, rights, privileges or easements deemed necessary for such bridge or highway crossing or approach thereto, under the provisions of the laws of this state relating to eminent domain proceedings. Said department shall not have power to commence any such proceedings in eminent domain unless and until the California toll bridge authority shall first have passed a resolution declaring that public interest and necessity require the acquisition, construction or completion by the state acting through the said department of public works of any such bridge or highway crossing, or the acquisition of any particular real estate, personal property, franchises, rights, privileges or easements, and that such bridge or highway crossing, real estate, personal property, franchises, rights, privileges or easements are necessary therefor. Such resolution shall be conclusive evidence (a) of the public necessity of such acquisition, construction or completion; (b) that such property and said franchises, rights, privileges or easements are necessary therefore; and, (c) that such proposed acquisition, construction or completion is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. When it becomes necessary for the department of public works to condemn any toll bridge or toll highway crossing, real estate, personal property, franchises, rights, privileges or easements used or to be used in connection with any such bridge or highway crossing, the attorney general of the state shall represent the department of public works, and shall upon his request, be assisted by the district attorney of the county or the city attorney of the city or city and county wherein lies the bridge, highway crossing, real estate, personal property, franchises, rights, privileges or easements sought to be acquired, and by the attorneys for the department of public works. In eminent domain proceedings to acquire property for any of the purposes of this act, any toll bridges or other toll highway crossing, real property, franchises, rights or other property appurtenant to any such bridges or highway crossing already appropriated to a public use by any person, firm or private corporation may be condemned and taken, and the acquisition and use thereof as herein provided for the same public use to which such property has been so appropriated, or for any other public purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use than the public use to which such property has already been appropriated. When the state or any department or governmental agency thereof acquires any toll bridge or the real or personal property used for any toll bridge, said property and toll bridge

Resolution
of public
convenience
and
necessity.

Attorney
general to
represent
department

Additional
legal
assistance

Property
subject to
taxation

shall continue to be subject to taxation by the county, city and county, political subdivision and municipal corporation wherein the same is located, and the state shall pay to the county or city and county granting the franchise for said bridge such amounts as may become due to such county or city and county for the franchise for the construction of such toll bridge.

Bonds
secured
by revenue

SEC. 10. Bonds issued under the provisions of this act shall not constitute or be a debt or general obligation of the state, and the payment of both principal and interest of all such bonds shall be secured only by the tolls or other revenues collected from the particular bridge or bridges or other toll highway crossings for which such bonds were issued, and shall be paid from such tolls or revenues or from such other contributions or appropriations as may be made available under the terms of this act.

Cities,
counties,
etc. may
contribute
financial aid

SEC. 11. Any city, county, city and county, incorporated city or town, or joint highway district may, upon the request of the department of public works or of the California toll bridge authority advance or contribute money, rights of way, labor, materials and other property toward the expense of building, acquiring and maintaining the bridges or other highway crossings referred to in this act, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Appropriations for such purposes may be made from any funds available, including highway funds received from the state. Any of the political subdivisions or public corporations mentioned in this section may also issue general obligation bonds for any of such purposes, and all proceedings for the authorization, issue and sale of such bonds shall be had under the law governing the issue and sale of bonds for public improvements by the particular political subdivision or public corporation. Money or property so advanced or contributed may be immediately transferred or delivered to the department of public works or to the California toll bridge authority to be used for the purpose for which such advance or contribution was made. The California toll bridge authority may enter into a binding agreement with any city, county, city and county, incorporated city or town, or joint highway district to repay any money or the value of any rights of way, labor, materials or other property advanced or contributed toward the expense of acquiring or constructing any bridge or other toll highway crossing acquired or constructed as provided for in this act; *provided*, no repayment therefor shall be made until all obligations issued by the California toll bridge authority for the acquisition or construction of any such bridge or other toll highway crossing have been fully redeemed and paid, and then only out of the toll revenues received from the operation of any such bridge or highway crossing. After all bonds issued hereunder for the acquisition or construction of any bridge or other toll highway crossing have been fully redeemed and paid no further tolls shall be collected thereon unless, because of some extraor-

Board may
repay cities,
counties,
etc.

Discontin-
uance of
tolls

dinary casualty or calamity, or unusually heavy maintenance requirements the California toll bridge authority shall determine it necessary to continue for a longer period the collection of tolls on such bridge or other toll highway crossing; and also unless said California toll bridge authority shall determine to continue the collection of tolls for the purpose of repayment to any city, county, city and county, incorporated city and town, or joint highway district of any amount the California toll bridge authority shall have heretofore agreed to repay for money, rights of way, labor, materials or other property advanced or contributed for the acquisition or construction of any such bridge or toll highway crossing. The collection of tolls shall be continued on any such bridge or other highway crossing until all bonds issued hereunder for the acquisition or construction or such particular bridge or highway crossing are fully redeemed and paid.

SEC. 12. When any privately owned toll bridge is acquired or the location of any toll bridge or other toll highway crossing to be constructed under this act is determined upon, and revenue bonds of the character herein provided for have been authorized for such acquisition or construction, no city, county, city and county, joint highway district, bridge and highway district, or other public corporation or district of the state shall build or authorize the building of any bridge, subway or other highway crossing or establish or authorize the establishment and maintenance of any free ferry across the same body of water within five miles on either side of any such bridge so acquired or the location of any such bridge to be constructed under this act, nor shall the department of public works build any additional bridge, subway or other highway crossing or establish any free ferry within said distance of five miles until all of said revenue bonds issued for such acquisition and construction, together with interest thereon, shall have been paid; *and provided, further*, that no city, county, city and county, joint highway district, bridge and highway district or other public corporation or district shall build or authorize the building of any bridge, subway or other highway crossing or authorize the establishment of any free ferry across the same body of water within a distance greater than five miles and less than fifteen miles on either side of any bridge acquired or constructed or for which bonds may have been issued under this act without the approval and consent of the California toll bridge authority, which approval and consent may be withheld in the discretion of said California toll bridge authority when the said authority reasonably determines that the establishment of such additional bridge, subway or other highway crossing or ferry would be competitive with any toll bridge acquired or constructed or to be acquired or constructed under this act; *provided, further*, that the limitations as to distance contained in this section shall not apply to the construction of any bridge for which any bridge or highway district has been organized or incorporated, or proceedings

Unlawful
to construct
competitive
bridge or
crossing

instituted to organize or incorporate under the provisions of an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto" approved May 25, 1923, and all amendments thereto, or any bridge which may hereafter be built across said Golden Gate between the city and county of San Francisco and the county of Marin. If the California toll bridge authority shall authorize the acquisition or construction of any toll bridge designed for and limited to the carrying of a particular class or particular classes of traffic, or issue bonds therefor, the construction of other bridges designed for and limited to the carrying of different and distinct classes of traffic shall not be deemed competitive, and the limitations as to distance contained in this section shall not then apply. The provisions of this section relating to restrictions against the construction of competitive bridges, ferries, subways and other highway crossings may be recited in said revenue bonds as and as evidence of a contract to that effect between the California toll bridge authority and the holders of said revenue bonds. The California toll bridge authority may except any existing or proposed bridge, ferry, subway or other highway crossing from the limitations as to distance within which another bridge, subway or other highway crossing may be constructed by the proceedings authorizing the issuance of said revenue bonds provided recital of such exception is made on the face of said bonds.

Disposition
of proceeds
from sale
of bonds.

SEC. 13. The proceeds from the sale of all bonds authorized under the provisions of this act shall be deposited forthwith by the California toll bridge authority in the state treasury to the credit of a fund to be designated as the acquisition and construction fund of the particular bridge, or bridges or other highway crossing for which such bonds were issued and sold.

Disposition
of tolls
and revenue

All tolls or other revenues received from the operation of any bridge or bridges or other highway crossing acquired or constructed from the proceeds of bonds issued and sold hereunder shall be deposited by the department of public works at least monthly in the state treasury to the credit of a fund to be designated as the toll revenue fund of the particular bridge or bridges or other highway crossing producing such tolls or revenue.

Transfer of
moneys to
bond interest
and
redemption
fund

From the money so deposited in each separate acquisition and construction fund as hereinabove provided, the state treasurer shall, upon the demand of the California toll bridge authority, transfer to a special fund to be designated as a bond interest and redemption fund, such sums designated by the California toll bridge authority as may be required to pay the

interest as it becomes due on all bonds sold and outstanding for the construction of any particular bridge or bridges or other toll highway crossing during the period of actual construction and during a period of six months immediately thereafter. The treasurer shall thereafter transfer from each such separate toll revenue fund into said bond interest and redemption fund, such sums designated by the California toll bridge authority as may be required to pay the interest on said bonds and redeem the principal thereof as such interest payments and bond redemptions fall due for all bonds issued and sold for the construction or acquisition of the particular bridge or bridges or other highway crossing producing the tolls or revenues so deposited in said toll bridge revenue fund.

The moneys remaining in each separate toll revenue fund after providing the amount required for interest and redemption of bonds as hereinabove provided shall be devoted to the payment of the costs of operation and maintenance of such bridge or bridges or other highway crossing to the extent necessary therefor. Any balance remaining in said fund after paying such operation and maintenance expenses may be allocated and used for such other purposes incidental to the acquisition, construction, operation and maintenance of such bridge or bridges or other highway crossing as the California toll bridge authority may determine.

Maintenance
and
operation
costs

The principal of and interest on all said bonds which may be sold shall be paid by the state treasurer at the time the same become due from said bond interest and redemption fund upon presentation of the bonds or bond interest coupons by the holders thereof. Warrants for such payment shall be duly drawn by the state controller upon request of the state treasurer.

Payment of
principal
and interest

Moneys required to meet the costs of acquisition or construction and all expenses and costs incidental to the acquisition or construction of any particular bridge or bridges or other highway crossing, or to meet the costs of operating, maintaining and repairing the same shall be paid from the proper fund therefor as herein provided upon demand of the department of public works and after audit thereof in the manner provided by law and upon warrants drawn by the controller.

All interest received or earned on money deposited in each and every fund herein provided for shall be credited to and become a part of the particular fund from which said interest is derived.

SEC. 14. Nothing in this act shall be construed to prevent the state from making appropriations from time to time in aid of the acquisition or construction of any such toll bridge or bridges or other toll highway crossing, or property, franchises or rights appurtenant thereto, or for the purpose of making preliminary surveys, plans and estimates of the cost thereof, and meeting other preliminary expenses as the Legislature may deem proper.

Construction
of act.

Petition by city, county, etc., requesting acquisition or construction of toll bridge

SEC. 15. Any city, county, city and county, incorporated bridge and highway district, or joint highway district may by proper resolution of its governing body petition the California toll bridge authority requesting said authority to authorize the acquisition or construction of any toll bridge or other toll highway crossing across any waters, bays, arms of bays, rivers or streams wholly within, or bordering upon, or wholly without the limits of any such political subdivision or public corporation herein mentioned. If the California toll bridge authority refuses to authorize the acquisition or construction of any such proposed toll bridge or other toll highway crossing, or in the event said authority does not within three years from the receipt of said petition authorize the acquisition or construction of such toll bridge or other toll highway crossing, then any such city, county, city and county, incorporated bridge and highway district or joint highway district, either singly or in conjunction with other cities, counties, cities and counties, incorporated bridge and highway districts or joint highway districts, may acquire or construct such toll bridge or other toll highway crossing, subject, however, to the limitations of section 12 of this act relative to the building of bridges in competition with bridges acquired or constructed.

Failure of board to act on petition.

Board may contract with railroad or transportation companies.

SEC. 16. The California toll bridge authority is authorized to enter into agreements with steam and electric or other railroad or transportation companies for the use of portions of such bridges or other toll highway crossings at such charges or tolls as may be mutually agreed upon should the California toll bridge authority consider such agreements advisable or necessary for the financing of such bridges or highway crossings, and for the best interests of the state.

Construction of bridges.

SEC. 17. The department of public works, through its own engineers or through such other engineers or experts it may employ, shall design all bridges to be built under the authority of this act, and may build the same or any portions thereof either by its own employees or by contract with any person, firm or corporation. The cost of any or of all such bridges shall be paid from the proceeds of bonds issued and sold under the provisions of this act, or from contributions or appropriations from other sources as herein provided. Any such bridge or bridges or portions thereof shall be built by the department of public works under and in accordance with the provisions of an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erection and buildings approved March 28, 1876,' " approved March 22, 1909, and amendments thereto, in so far as the provisions of said act may be applicable; *provided, however*, that the amount of the cash or certified checks required to accompany any bid submitted,

when bids relating to the construction of any bridge or highway crossing are called for, shall be fixed and determined by the department of public works.

SEC. 18. The California toll bridge authority may authorize the department of public works to acquire or construct hereunder tubes and tunnels in connection with said bridges if it deem the same advisable, and all of the provisions of this act shall be fully applicable thereto and they shall be understood to be included within the word "bridge."

Tubes and
tunnels

SEC. 19. When any such bridge or other highway crossing authorized hereunder is being built by the department of public works, the said department and/or the California toll bridge authority may carry such an amount of casualty insurance, or indemnity bond or bonds as protection against loss or damage as the California toll bridge authority may deem proper. The California toll bridge authority is hereby further empowered to carry such an amount of insurance to cover any accident or destruction in part or in whole to any bridge until all bonds sold for the acquisition or construction of such bridge and interest accrued thereon have been fully redeemed and paid. All money collected on any indemnity bond or insurance policy as the result of any damage or injury to any such bridge or highway crossing shall be used for the purpose of repairing or rebuilding of any such bridge or crossing as long as there are revenue bonds against any such structure outstanding and unredeemed.

Casualty
insurance

SEC. 20. The right of way is hereby given, dedicated and set apart upon which to locate, construct and maintain bridges or approaches thereto or other highway crossing through, over or across any of the lands which are now or may be the property of this state, including highways. If any property belonging to any city, city and county, or incorporated city or town is required to be taken for the construction of any such bridge or other toll highway crossing or approach thereto, or should any such property be injured or damaged by such construction, such compensation therefor as shall be agreed upon may be paid by the California toll bridge authority to the particular city, city and county, or incorporated city or town owning such property.

Right of
way over
state lands
granted

SEC. 21. The department of public works may in its discretion, designate and adopt as a state highway any county road or portion thereof connecting a state highway with a publicly owned bridge or publicly owned toll bridge.

Roads
connecting
state high-
ways with
bridges.

SEC. 22. The sum of fifty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to provide a permanent revolving fund for use and support of the California toll bridge authority in carrying out the provisions of this act. As specific toll bridge acquisition and construction or toll revenue funds become available, expenditures, theretofore made by the California toll bridge authority from the permanent revolving fund

Appropriation.

herein provided shall be returned to the revolving fund by controller's warrant duly drawn for that purpose.

Constitutionality.

SEC. 23. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Repealed

SEC. 24. All other acts and parts of acts in conflict with any provision of this act are hereby repealed.

CHAPTER 764.

An act to regulate the construction, operation and maintenance of toll bridges and toll roads situated wholly or in part within the State of California; vesting the exclusive jurisdiction over said toll bridges and toll roads in the department of public works of the State of California; authorizing and empowering said department to grant upon certain terms, limitations, conditions and restrictions and under such supervision as in its judgment may be necessary, franchises, privileges or licenses for the construction or operation of toll bridges and toll roads and for the taking and keeping of tolls thereon, and to fix, determine, modify or change the rate of tolls to be taken thereon; to terminate the right of boards of supervisors to grant franchises, privileges or licenses for the construction, operation and the taking and keeping of tolls on toll bridges and toll roads; also providing that the state may purchase or retake any such toll bridges or toll roads, constructed hereunder and repealing all other acts and parts of acts in conflict therewith.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Jurisdiction over toll bridges and roads.

SECTION 1. The department of public works of the State of California shall have exclusive jurisdiction and is hereby empowered, except as hereinafter provided, to grant upon such terms, limitations, conditions, restrictions and under such supervision as in its judgment may be necessary or proper, franchises, privileges or licenses for the construction or operation of toll bridges and toll roads, and for the taking and keeping of tolls from said bridges and roads situated wholly or in part within the state.

Tolls

SEC. 2. The department of public works shall have jurisdiction and is hereby empowered to fix the rate of tolls and from time to time regulate, modify and change any such tolls

which may be collected on any toll bridges and toll roads which are built and constructed under the provisions of this act. The rate of toll so fixed, regulated, modified or changed shall be determined by the department of public works after hearing has been had thereon and a written finding rendered. Findings rendered by the department shall be conclusive as to the facts recited therein.

SEC. 3. The department of public works is hereby authorized and empowered to provide as a condition or limitation in any franchise granted hereunder for the purchase or retaking of any toll bridge or toll road constructed by virtue of a franchise issued under the provisions of this act upon such terms and conditions as may at the time of the execution of any such franchise be determined by said department. The conditions and limitations upon which any franchise is granted hereunder must be set forth in full in the instrument executed evidencing the granting of any such franchise.

Franchises

SEC. 4. The jurisdiction and power of boards of supervisors in their respective counties to grant franchises and licenses for the construction, taking and keeping of tolls on roads and bridges now provided by law is hereby terminated.

Jurisdiction of supervisors terminated

SEC. 5. Every person, firm, association or corporation operating any toll road or toll bridge within the State of California under any franchise granted under the provisions of this act shall keep an accurate account of the cost of construction thereof and of the amount expended in keeping such toll road or toll bridge in repair, of the cost for operation and maintenance thereof, and a record of the true financial condition of said person, firm, association or corporation, and shall, on or before March fifteenth of each year, file such statement for the preceding calendar year, verified by such person or by some member of such firm or by some officer of such corporation having knowledge of the facts, with the department of public works of the State of California. The department of public works of the State of California shall prescribe a uniform system of accounts for all such toll roads and a like system of accounts for all such bridges, and the manner in which the account of costs of construction, repair, operation and maintenance thereof and the annual statement of expenditures and revenues shall be kept, and shall prescribe the forms of such statements required under this act. The department of public works of the State of California is hereby empowered and authorized to make orders and to prescribe rules and regulations with respect to toll roads and toll bridges in conformity with this act.

Records and accounts

Rules and regulations

SEC. 6. Nothing in this act shall be construed as preventing the state, or any city, county, city and county, incorporated bridge and highway district or joint highway district from acquiring or constructing toll roads and toll bridges under the restrictions imposed by any law of this state now in force or which may hereafter be adopted authorizing the construction, acquisition or condemnation of toll roads or toll bridges through the use of revenue bonds.

Construction of act.

- Constitutionality** SEC. 7. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.
- Construction of act.** SEC. 8. Neither this act nor any provisions thereof shall apply or be construed to apply to any persons or corporations now holding a franchise for or operating a toll bridge or a toll road thereunder or in any existing franchise.
- Repealed.** SEC. 9. All other acts or parts of acts in conflict with any provisions of this act are hereby repealed, but this act shall not be construed to conflict in any manner with any provision of any law of this state now in force or which may hereafter be adopted authorizing the construction, acquisition or condemnation of toll roads or toll bridges through the use of revenue bonds.
- Effect.**

CHAPTER 765.

An act to repeal an act entitled "An act to provide for bridges across navigable streams, and across estuaries, ponds, swamps, or arms of bays that may be outside of the line of navigable waters," approved March 14, 1881, and all amendments thereto; also providing that all rights, privileges, duties and obligations now existing under any valid franchise or license heretofore granted under and by virtue of said act shall not be affected by the foregoing repeal but shall continue in full force and effect.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

- Stats. 1881, p. 76, repealed.** SECTION 1. An act entitled "An act to provide for bridges across navigable streams, and across estuaries, ponds, swamps, or arms of bays that may be outside of the line of navigable waters," approved March 14, 1881, and all amendments thereto, are hereby repealed.
- Effect** SEC. 2. All rights, privileges, duties and obligations now existing under any valid franchise or license heretofore granted under and by virtue of said act shall not be affected by the foregoing repeal but shall continue in full force and effect.

CHAPTER 766.

An act providing for the supervision of dams by the department of public works through the state engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor.

[Approved by the Governor June 10, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. The duties, powers and jurisdiction conferred by this act are invested in the department of public works and shall be administered and exercised through the state engineer. The word "department" when used in this act shall mean the department of public works acting through the agency of the state engineer. The state engineer shall be responsible to the director of public works for the proper administration of this act.

Department of public works

SEC. 2. The word "dam" whenever used in this act shall mean any dam and appurtenant works heretofore or hereafter constructed for the impounding or diversion of water which is or will be either fifteen feet or more in height from ground level to crest of spillway or which has or will have an impounding capacity of ten acre-feet or more; *provided*, that no obstruction used to raise or lower water in a canal or divert water therefrom shall be considered a dam within the meaning of this act. The word "owner" whenever used in this act means the state and all its departments, institutions and agencies and its political subdivisions, every municipal or quasi municipal corporation, every public utility, district, corporation, company, association or person and their duly authorized agents, lessees, trustees, and receivers or trustees appointed by any court whatsoever, owning, controlling, operating, maintaining or managing or proposing to construct any dam as defined in this act, but does not mean the United States. The words "alterations" and "repairs" or either of them, whenever used in this act, shall mean only such alterations or repairs as may affect the safety of the dam.

Words defined

"Dam "

"Owner "

"Alterations" and "repairs "

SEC. 3. The department is hereby invested with authority under the police power of the state and directed to supervise the construction, enlargement, alteration, repair, maintenance, operation, and removal of dams for the protection of life and property as hereinafter provided. All dams in the State of California whether heretofore or hereafter built or now under construction shall be under the jurisdiction of the department and it shall be unlawful to construct, enlarge, repair, alter, remove, maintain or operate any dam except upon approval of the department as hereinafter provided. No city, county, or city and county shall have authority by ordinance enacted by

Department to supervise construction, etc., of dams.

Federal
supervision
and
regulation

Employment
of assistants
by depart-
ment

Consulting
board

Records are
public
documents

Application
for approval
of dams
constructed
prior to
August
14, 1929

Examination
of completed
dams.

the legislative body thereof or adopted by the people under the initiative power or otherwise, to regulate or supervise or to provide for the regulation or supervision of any dams or reservoirs in this state, or the construction, maintenance or operation thereof, nor to limit the size of any dam or reservoir or the amount of water which may be stored therein, it being the intent of the Legislature by this act to provide for the regulation and supervision of dams and reservoirs exclusively by the state. Whenever supervision of safety of design or construction of a proposed or existing dam is exercised by the United States or any of its agencies pursuant to a jurisdiction superior to that of the state, and the requirements made under authority of such jurisdiction are so contradictory with requirements made by the department under this act that a compliance can not be made which will meet both federal and state requirements, then the state requirements shall be modified by the department sufficiently to make possible compliance with both federal and state requirements. The department shall employ such clerical, engineering and other assistants and at such compensation in accordance with civil service regulations as may be necessary for carrying on the work of dam supervision in accordance with this act. The department may employ such consultants none of whom need be civil service employees, as may be necessary, and when the safety and technical considerations pertaining to a dam or plans and specifications pertaining thereto are such as to require it, or when requested in writing to do so by the owner, the department shall appoint a consulting board of two or more such consultants, which board shall report to the department on the safety features involved. The cost and expense of such a board if appointed on the request of an owner shall be paid by the owner. The records pertaining to the supervision of dams shall be public documents. The department shall adopt and revise from time to time such rules and regulations and issue such general orders not inconsistent herewith as may be necessary for carrying out the provisions of this act.

SEC. 4. Every owner of a dam completed prior to the effective date of this act shall, within six months after the effective date of this act, file an application for the approval of such dam. A separate application shall be made for each dam and shall be filed with the department and upon forms to be supplied by it and shall supply such available and appropriate information concerning said dam as may be required by the department. Upon the expiration of said six months period, the department shall give notice to file to owners who have failed to do so as herein required, and a failure to file within thirty days after such notice shall be punishable as hereinafter provided. The notice herein provided for may be given by registered mail and a return receipt signed by such owner shall constitute prima facie evidence of service. Within three years after the effective date of this act, the department shall cause an examination to be made of all such

completed dams in the state and shall, within said time, issue either certificates of approval of such dams or orders directing such work as may be necessary and fixing the time for completion of such work. Upon the completion, to the satisfaction of the department, of all work that may be ordered and upon a finding that the dam is safe to the full extent for which use is or will be made, a certificate of approval shall be issued forthwith. Costs of examinations conducted under this section shall be borne by the state and paid for out of funds appropriated for use by the department, but work ordered hereunder shall be done at the expense of the owner.

SEC. 5. After the effective date of this act construction of any new dam or the enlargement of any dam shall not be commenced until the owner has applied for and obtained from the department written approval of plans and specifications. A separate application for each dam shall be filed with the department upon forms to be provided by it and shall give the name and address of the owner, the location, type, size and height of the proposed dam and appurtenant works, the storage capacity of the reservoir and such other pertinent information as the department shall require. It shall also give as accurately as may be readily obtained, the area of the drainage basin, rainfall and stream flow records and flood flow records and estimates. The department may also require data concerning subsoil and foundation conditions and may require that the site be drilled or otherwise prospected and may require such other appropriate information as may be necessary in a given instance but in instances wherein the physical conditions involved and the size of the dam are such as to render the above requirements as to drainage areas, rainfall, stream flow and flood flow and drilling or prospecting of site unnecessary, said requirements may be waived.

Application
for approval
of plans for
new dam

Contents of
application

The application shall set forth the purpose for which the impounded or diverted water is to be used and shall be accompanied by maps and plans and specifications of such character and size, and setting forth such pertinent details and dimensions as the department may require. Such maps and plans and specifications shall be a part of the application. Also the application shall set forth the estimated cost, as hereinafter defined, of the dam or enlargement and shall be accompanied by a filing fee based upon said estimated cost and according to the following schedule, to wit: for the first one hundred thousand dollars a fee of one per cent of the estimated cost; for the next nine hundred thousand dollars a fee of one-half of one per cent; for the next four million dollars a fee of one-tenth of one per cent; and for all costs in excess of five million dollars a fee of one-twentieth of one per cent. In no case, however, shall the minimum fee be less than twenty dollars. For the purposes of this act, the estimated cost of the dam, or enlargement involved shall include the cost of all labor and materials entering into the construction of the dam and appurtenant works, the cost of preliminary investigations and sur-

Filing fee

Estimated
cost.

Fee when
actual cost
exceeds
estimated
cost

Dams less
than 90
per cent
complete
August 14,
1929

Dams 90
per cent or
more com-
plete August
14, 1929

Application
for approval
for repair
or altera-
tion

veys, and the cost of the construction plant properly chargeable to the cost of the dam; and dry and all other items entering directly into the cost of the dam; *provided*, that the costs of right of way, detached power houses, electrical generating machinery and roads and railroads affording access to the dam shall not be included among the items used in the determination of cost. An application shall not be considered by the department until the filing fee is received. In the event that the actual cost exceeds the estimated cost by more than ten per cent, a further fee shall be required by the department before final approval and shall be one hundred and ten per cent of the amount by which the original fee is less than it would have been had the cost it was based upon been the same as the actual cost. Any dam which the department finds was not ninety per cent constructed at the date this act goes into effect, shall be subject to the same provisions as a dam commenced after the effective date of this act; *provided, however*, that construction work on such a dam may proceed, if an application for approval thereof is filed within sixty days after the effective date of this act, until an order from the department is received approving said dam or specifying how its construction must be made or altered to render it safe. After receipt of an order directing the construction of such a dam work thereafter must be in accordance with said order. Either an application for the approval of a dam under construction must be filed within sixty days after the effective date of this act or a statement must be filed showing that such dam was ninety per cent or more constructed at the effective date of this act. Dams found to be ninety per cent or more constructed at the effective date of this act shall be subject to the same supervision as dams which were completed prior to the effective date of this act. Applications for dams found by the department to have been less than ninety per cent constructed at the effective date of this act shall be accompanied by fees as much less than provided for dams commenced after the effective date of this act as the percentage of construction found by the department to have been completed at the effective date of this act. All filing fees collected under the provisions of this act shall be paid once each month into the state treasury. The fees herein provided for shall be required of all enumerated in the definition of owner as made in section 2 of this act.

SEC. 6. Before commencing the repair, alteration or removal of a dam, whether it was completed before or after the effective date of this act, the owner must secure the written approval of the department, except as hereinafter provided. Application for such approval shall give the name and address of applicant, and shall adequately detail, with appropriate references to the existing dam, the changes which it is proposed to effect and shall be accompanied by maps and plans and specifications which shall be a part of said application and which shall be of such character and size and set

forth such pertinent details and dimensions as the department may require; *provided*, that the department may waive any of the above requirements if found by it unnecessary. Such application shall also give such other pertinent information or data concerning the dam and reservoir as may be required by the department and such information as to other matters appropriate to a thorough consideration of the safety of such a change as may be required by the department and shall also state the proposed time of commencement and of completion of construction. In case of an emergency where repairs are necessary to safeguard life and property repairs may be started immediately, but in the event of such emergency repairs the department shall be notified at once of proposed repairs and of work under way and said proposed repairs and work shall be made to conform to such orders as the department shall issue.

SEC. 7. Upon receipt of any application other than an application provided for in section 4 hereof, the department shall give its consideration thereto and shall approve or disapprove the same within the time hereinafter provided. A defective application made in a bona fide attempt to conform to the law and rules and regulations of the department shall not be rejected but notice of defect shall be sent to the applicant by ordinary and registered mail and if within thirty days of the date of mailing said notice applicant shall not file an amended and perfected application, said application shall be rejected and canceled unless for good cause shown the department shall allow applicant further time. No application shall be approved in less than ten days from the receipt of said application, and all applications shall be approved or disapproved as soon as practicable after the receipt of all data and information found necessary by the department. Approvals may be granted under terms, conditions and limitations necessary to safeguard life and property. Actual construction shall be started within one year after date of approval, otherwise the approval shall become void; *provided, however*, that the department may upon written application and for good cause shown, extend the time for beginning of construction. Notice shall be given the department at least ten days before construction is to be started and such other notices shall be given to the department as may be required by it.

SEC. 8. During the construction, enlargement, repair, alteration or removal of any dam the department shall make or cause to be made such continuous or periodical inspections, investigations or examinations as may be necessary to secure conformity with the approved plans and specifications. If, after any such inspections, investigations or examinations, or at any time as the work progresses or at any time prior to issuance of a certificate of approval it shall be found by the department that amendments, modifications or changes are necessary to insure safety, the department shall have authority to order the owner to revise the plans and

Approval of
application

Time within
which
construction
must begin.

Supervision
during
construction

specification as may be necessary or, if conditions are revealed which will not permit of the construction of a safe dam the approval may be revoked. In the event that conditions imposed may be waived or made less burdensome without sacrificing a proper margin of safety, the department shall have authority to authorize an owner to revise the plans and specifications accordingly. If at any time during construction, enlargement, repair or alteration of any dam the department shall find that the work is not being done in accordance with the provisions of the approval and the approved plans and specifications or in accordance with the approval or plans and specifications as same may have been revised, it shall give a written notice and order by registered mail or by personal service to the owner. Said notice and order shall state the particulars in which the approval and approved plans and specifications or the approval and approved plans and specifications as revised are not being or have not been complied with and shall order the immediate compliance with the approval and approved plans and specifications or with the approval and approved plans and specifications as revised as may be the case. Also, the department may order that no further work be done until such compliance has been effected and approved by the department. A failure to comply with the approval and approved plans and specifications as originally approved or revised as may be the case, shall render such approval subject to revocation by the department, if compliance is not made in accordance therewith after notice and order from the department as above provided.

New and
enlarged
dams

SEC. 9. Immediately upon completion of a new dam or enlargement of a dam the owner shall give a notice of completion to the department and as soon thereafter as possible there shall be filed with the department supplementary drawings or descriptive matter showing or describing the dam as actually constructed, including a record of all grout holes and grouting; a record of permanent location points and bench marks; a record of tests of concrete or other material used in the construction of the dam; and any other items which may be of permanent value and have a bearing on the safety and permanency of the dam; *provided*, that in connection with the enlargement of a dam, the supplementary drawings and descriptive matter need apply only to the new work. No certificate of approval shall be issued by the department until the above data and such other pertinent data as may be required by it are filed. As soon as practicable the completed dam shall be inspected by the department and upon a finding that the work has been done in accordance with the approved plans and specifications or in accordance with the approved plans and specifications as same may have been revised and that the dam is safe for use to the full extent contemplated in the approved plans and specifications or in the approved plans and specifications as same may have been revised, a certificate of approval shall be issued forthwith. Pending issuance of a

Inspection
and
approval

certificate of approval by the department the dam shall not be used except upon written consent from the department and subject to such conditions as may be imposed by it for the protection of life and property.

SEC. 10. Immediately upon completion of the repair or alteration of any dam, the owner shall give notice of completion to the department and as soon thereafter as possible there shall be filed with it supplementary drawings or descriptive matter showing or describing the dam as actually repaired or altered together with such maps, data, records and information pertaining to such dam as repaired or altered as the department may require. No certificate of approval for a dam as repaired or altered shall be issued by the department until the above data and such other pertinent data as may be required by the department are filed. As soon as practicable the dam as repaired or altered shall be inspected by the department and upon a finding that the work has been done in accordance with the approved plans and specifications or in accordance with the approved plans and specifications as same may have been revised and that the dam is safe for use to the full extent contemplated in the approved plans and specifications or in the approved plans and specifications as same may have been revised, a certificate of approval shall be issued forthwith. Such certificate of approval shall either supersede any previous certificate of approval issued for the dam so repaired or altered or be supplemental thereto as may be declared by the department. No such repaired or altered dam shall be used prior to the issuance of a new certificate of approval or a supplemental certificate of approval except upon written consent from the department and subject to such conditions as may be imposed by it for the protection of life and property.

Repaired or altered dams.

Inspection and approval.

Upon completion of the removal of a dam, such evidence as to the manner in which the work was performed and as to the conditions obtaining after such removal as may be required by the department shall be filed with said department. This evidence shall show that a sufficient portion of the dam has been removed to permit the safe passage of floods down the water course across which the dam was located. Before final approval of the removal of a dam shall be issued, the department shall inspect the work and determine that all danger to life and property has been eliminated.

Removed dams.

Inspection and approval

SEC. 11. The findings and orders of the department and the certificate of approval of any dam issued by the department shall be final and conclusive and binding upon all state agencies, regulatory or otherwise, as to the safety of design, construction, maintenance and operation of any dam; *provided, however,* that nothing in this act shall be construed to deprive any owner of such recourse to the courts as he may be entitled to under the laws of this state. In carrying out the provisions of this act the department is authorized to cooperate with the United States or any of its agencies.

Findings and orders of department

Protection
of life and
property.

Powers of
department
in case of
emergency.

SEC. 12. Supervision over the maintenance and operation of dams in so far as necessary to safeguard life and property from injury by reason of the failure thereof shall be vested in the department. The department shall cause inspections to be made, require reports from the owner and issue rules and regulations and orders necessary to secure maintenance and operation which will safeguard life and property. If the condition of any dam is so dangerous to the safety of life or property as not to permit of time for the issuance and enforcement of an order relative to maintenance or operation or if passing or imminent floods threaten the safety of any dam, the department shall have authority immediately to employ any remedial means necessary to protect life and property. In applying the remedial means provided for in this section, the department may in emergency lower the water level by releasing water from the reservoir, or may completely empty the reservoir and may take such other steps as may be essential to safeguard life and property and shall continue in full charge and control of such dam and reservoir and its appurtenances until the same have been rendered safe or the emergency occasioning the action shall have ceased. The cost and expenses of such remedial means as herein provided, including costs of any work done to render such a dam or its appurtenances safe shall be recoverable by the state from the owner by action brought by the department in the superior court of the county wherein the dam or any part thereof is situate.

Complaints
as to unsafe
condition
of dam.

Cost of
inspection

SEC. 13. Upon receipt of a written complaint alleging that the person or property of the complainant is endangered by the construction maintenance or operation of any dam the department shall cause an inspection to be made unless the data, records and inspection reports on file with it are found adequate to enable a determination whether or not the complaint is meritorious, but if complainant insists upon an inspection and deposits with the department a sum estimated by the department to be sufficient to cover costs of an inspection the same shall be made or caused to be made by the department despite its finding as to the sufficiency of its records to determine the alleged danger. If it be found that an unsafe condition exists, the department shall take such action as shall be necessary to render or cause said condition to be rendered safe and any money deposited to secure an inspection shall be returned but if after an inspection made on account of a complaint, the complaint is found by the department to have been without merit, any money deposited therefor shall be payable into the state treasury.

Statistics
to be
gathered
by board.

SEC. 14. For the purpose of enabling decisions to be made which will be as compatible with economy and public safety as possible the department shall make or cause to be made such investigations and shall gather or cause to be gathered such data as may be needed for a proper review and study of the various features of the design and construction of dams,

reservoirs, and appurtenances and shall also make or cause to be made such watershed investigations and studies as may facilitate such decisions. In the making of any of its investigations or inspections as required or authorized by this act the department or its representatives shall have the right to enter upon private property as may be necessary.

SEC. 15. No action shall be brought against the state or the department or its agents or employees for the recovery of damages caused by the partial or total failure of any dam or through the operation of any dam upon the ground that such defendant is liable by virtue of the approval of such a dam or by virtue of the issuance or enforcement of orders relative to maintenance or operation, or by virtue of control and regulation of such a dam or by virtue of measures taken to protect against failure during an emergency.

State not liable for failure of dam.

SEC. 16. Nothing in this act shall be construed to relieve an owner or operator of a dam of the legal duties, or obligations, or liabilities incident to such ownership or operation.

Owner's or operator's liability

SEC. 17. Every violation of the provisions of this act or of any approval, order, rule, regulation or requirement of the department shall constitute a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000) or by imprisonment in the county jail not exceeding six months, or both, and in the event of a continuing violation each day that such a violation continues shall constitute a separate and distinct offense.

Offenses and penalties

Any person wilfully obstructing, hindering or preventing the department or its agents or employees from performing the duties imposed by this act or who wilfully resists the exercise of the control and supervision conferred by this act upon the department or its agents or employees shall be guilty of a misdemeanor and punishable as herein provided.

Any owner, or any person acting as a director, officer, agent or employee of such owner, or any contractor or agent or employee of such contractor who shall engage in the construction, enlargement, repair, alteration, maintenance, or removal of any dam, who shall knowingly do work or permit work to be executed thereon without an approval or in violation of or contrary to any approval as provided for in this act or any inspector or agent or employee of the department who shall have knowledge of such work being done and who shall fail to immediately notify the department thereof shall be guilty of a misdemeanor and punishable as herein provided.

SEC. 18. Whenever any owner or any person acting as a director, officer, agent or employee of any owner or any contractor or agent or employee of such contractor is failing or omitting or about to fail or omit to do anything required of him by this act or by any approval, order, rule, regulation, or requirement of the department under the authority of this act or is doing or permitting anything or about to do or permit anything to be done in violation of or contrary to this act or any approval, order, rule, regulation, or requirement of the

Action by department to restrain violation of act.

department under this act the department may commence an action or proceeding in the superior court in and for the county, or city and county, in which the cause or some part thereof arose, or in which the owner or person complained of has its principal place of business, or in which the person complained of resides, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The department shall bring such action or proceeding by petition in such superior court, alleging the violation or threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall then be the duty of such court to specify a time, not exceeding twenty days after the service of the copy of the petition within which the owner or person complained of must answer the petition, and in the meantime said owner or person may be restrained. In case of default in answer or after answer the court shall immediately inquire into the facts and circumstances of the case. Such parties shall be joined as the court may deem necessary or proper in order to make its judgment, order or writ effective. The final judgment in such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition, or in such modified or other form as will afford appropriate relief. The department is hereby authorized and empowered to employ necessary counsel to institute any and all proceedings to carry out the provisions of this section.

Procedure

Employment
of legal
counsel

Appropriation.

Sec. 19. For the purpose of carrying out the provisions of this act the sum of two hundred thousand dollars (\$200,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated, and the state controller is hereby directed to draw warrants upon such sum from time to time upon the demand of the department for the purposes of this act and the state treasurer is hereby directed to pay such warrants.

Constitutionality

Sec. 20. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Repealed.

Sec. 21. All acts or parts of acts in conflict herewith are hereby repealed and the jurisdiction hereby conferred is exclusively vested in the department.

CHAPTER 767.

An act to amend section 10 of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state," approved March 11, 1897, as amended.

[Approved by the Governor June 11, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 10 of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state," approved March 11, 1897, as amended, is hereby amended to read as follows:

Stats 1927,
p 211,
amended.

Sec. 10. All moneys received by the directors, or by any officer of the home (except such as may be paid to them by the state for disbursement), including pension and other moneys belonging to the members in the home, and other trust moneys, shall be immediately paid over to the treasurer of the home. On or before the tenth day of each and every month the treasurer of the home shall forward to the state treasurer all moneys in his possession, except pension and other moneys belonging to members, and other trust funds, the post fund, and the moneys hereinafter referred to as subject to their direct disbursement, and designated the "emergency fund," together with a statement of the source from which the same has been received. Said moneys shall be immediately deposited by the state treasurer to the credit of the general fund of the state. Any balance of pension moneys of any pensioner held by the board, or by its authority, shall, upon the death of the pensioner, where undisposed of by his will, be held as a trust fund, to be paid by the board, or upon its order, directly and without probate, but upon proper proof, to the heirs at law entitled thereto, and in the portions to which they may be entitled; should none of the heirs at law be discovered within a period of five years from and after the death of such member, or should the heirs at law discovered within such time, be not entitled to the whole thereof, the balance of moneys not so paid to the heirs at law, and undisposed of by will, shall be paid to the post fund of the home to be used for the common benefit of the members of the home, under the direction of the board. The members of the home may, subject to the provisions hereinafter contained on the disposition thereof, vol-

Disposition
of moneys
received

Deposits.

Withdrawal
of funds

untarily deposit any of their moneys with the board, or with the officer authorized to receive the same, and the board, or such officer, shall be obligated to receive such moneys, and shall keep the same without charge as a trust fund for the member depositing the same, to be withdrawn by him in whole, or in part, during his life, and at his pleasure, and the balance, if any, undisposed of by will, shall be paid to the post fund of the home to be used for the common benefit of members of the home under the direction of the board, if not paid to the heirs at law within the time and in the manner above provided, with respect to balance of pension moneys. The moneys now in the hands of the board, or the treasurer of the home, belonging to the members thereof, and heretofore voluntarily deposited by members with the board, or with any of its officers, may be withdrawn, in whole or in part, at the will of the member during his life, and in case of any balance remaining upon his death, undisposed of by will, the same shall be paid to the said post fund for the purposes aforesaid if not paid to the heirs at law within the time and in the manner hereinbefore provided. All moneys held or deposited by or with the board for or by members as hereinbefore provided shall be paid to the member, upon his demand, upon his discharge from the home or his voluntary leaving of the home, and if such moneys be not so demanded at the time of such discharge or leaving or within a period of five years from and after such discharge or leaving by the member on his own behalf, or, in the manner hereinbefore provided, by the heirs at law, or the devisees or legatees under a will of such member in case of his decease during said period after his discharge or voluntary leaving of the home, the same shall be paid to the post fund of the home to be used for the common benefit of the members of the home under the direction of the board. Any such moneys so held or deposited by or with the board, or with any of its officers, for or by members now deceased, shall be paid to the post fund of the home for the purposes hereinbefore set forth five years after this act becomes effective if not claimed during said period in the manner hereinbefore provided by the heirs at law or devisees or legatees under a will of said member, unless the same were received under specific trust agreements express or implied with the member or as provided by law, in which case such funds shall be paid to the post fund for the purposes hereinbefore set forth five years after such trust shall terminate if not claimed during said period in the manner hereinbefore provided by the heirs at law or devisees or legatees under a will of said member. The personal effects of deceased members and of members discharged or voluntarily leaving the home shall be held, in case of the death of such member, for the duly proven, as hereinbefore provided, heirs at law, or the devisees or legatees under a will of such deceased member for the period of one year from the date of the death of such member, or, in case of the discharge or voluntary leaving of a member, for the member

Personal
effects of
deceased
members.

or his duly proven, as hereinbefore provided, heirs at law, or the devisees or legatees under a will of such member for the period of one year from the date of the discharge or voluntary leaving of the member. The commandant or officer in charge may make a monthly charge for the safe-keeping of the personal effects of members of the home left and unclaimed. If said charge is not paid a lien to secure the payment of said charge shall accrue to the state. Said lien may be foreclosed at the time and in the manner as follows:

Charge for safe-keeping a lien to secure payment

If the amount due is not paid within three years then such lien may be foreclosed and the commandant or officer in charge may proceed to sell any property or so much thereof as may be necessary to satisfy said lien and costs of sale by public or private sale. Notice of said sale shall be posted at least ten days previous to the date thereof by posting notice of sale in a public place at the home where said sale is to take place. The proceeds of any sale held under the provisions of this section must be immediately credited to the post fund. All interest which has accrued upon the date this act takes effect, or which shall accrue thereafter on moneys turned over to the treasurer and retained by him under this act, shall be accounted for by him and deposited to the credit of the post fund to be used for the common benefit of the members. The board of directors shall make proper rules and regulations to carry into effect the provisions of this section.

Manner of foreclosure

Interest

CHAPTER 768.

An act to amend sections 1 and 2 of an act entitled "An act to regulate the moving of certain boxes, baskets and other receptacles used in mills, workshops, packing, canning and other mercantile establishments where women are employed; and providing penalties for its violation," approved June 3, 1921, relating to the occupations to which the act applies, the weight of receptacles and the carrying of boxes, trays or other receptacles up or down stairs.

[Approved by the Governor June 11, 1929. In effect August 14, 1929]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of an act entitled "An act to regulate the moving of certain boxes, baskets and other receptacles used in mills, workshops, packing, canning and other mercantile establishments where women are employed; and providing penalties for its violation," approved June 3, 1921, is hereby amended to read as follows:

Stats 1921, p. 1699, amended.

Section 1. Boxes, baskets and other receptacles which with their contents weigh fifty pounds or over and which are to be moved by female employees in any mill, restaurant, workshop, packing, canning or mercantile establishment, or any

Moving boxes, etc., where women are employed.

other establishment employing women, shall be equipped with pulleys, casters or other contrivances connected with or upon which such boxes or other receptacles are placed so that they can be moved easily from place to place in such establishments. No female employee shall be requested or permitted to lift any box, basket, bundle, or other receptacle or container which with its contents weighs fifty pounds or over. Nor shall any female employee be requested or permitted to carry any box, tray or other receptacle which with its contents weighs ten pounds or over up or down any stairway, or series of stairways that rise for more than five feet, from the base thereof.

Stats. 1921,
p. 1699,
amended.
Offense and
penalty.

Sec. 2. Section 2 of the said act is hereby amended to read as follows:

Sec. 2. Every employer, or manager, superintendent, agent or officer thereof, employing any female, who violates or omits to comply with any of the provisions of this act, or who employs or suffers or permits any female to work in violation thereof, or to violate any provision thereof, is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not exceeding five hundred dollars, or imprisonment for not exceeding sixty days, or both such fine and imprisonment. This act shall be enforced by the department of industrial relations and all fines imposed and collected by virtue of its provisions shall be paid into the state treasury and credited to the general fund.

Enforcement
of act.

CHAPTER 769.

An act to amend section 4239 of the Political Code, relating to salaries of officers of counties of the tenth class.

[Approved by the Governor June 11, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats. 1927,
p. 325,
amended.
Counties of
10th class
(Orange)
officers and
employees.

SECTION 1. Section 4239 of the Political Code is hereby amended to read as follows:

4239. Counties of tenth class. Salaries and fees of officers. Orange. In counties of the tenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Clerk.

1. Clerk. The county clerk, four thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy for each department of the superior court, which offices are hereby created, as provided by section 4290 of the Political Code of the State of California. Said deputies shall be appointed by said county clerk, shall be courtroom clerks of the departments of the superior court, and shall each

receive a salary of two thousand four hundred dollars per annum. There shall be also, and is hereby allowed the said county clerk one deputy, who shall be known and designated as "chief deputy," and one deputy to be known and designated as "master calendar deputy" and three office deputies and one copyist, which offices are hereby created. Said deputies shall be appointed by the county clerk; the chief deputy shall receive a salary of three thousand dollars per annum; the master calendar deputy shall receive a salary of two thousand seven hundred dollars per annum; one of the office deputies to receive a salary of one hundred sixty dollars per month, and two of the office deputies, each, to receive a salary of one hundred fifty dollars per month, and the copyist to receive a salary of one hundred twenty-five dollars per month, all of the said salaries shall be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the county clerk is paid. In each year in which a new and complete registration of voters is required by law, said county clerk shall appoint an additional deputy or deputies, who shall receive the sum of seven and one-half cents per name for taking the affidavits of registration outside of the office of said county clerk, and the claims for their services at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed. In each year in which a general election is held the county clerk may appoint assistant clerks, which offices are hereby created, and whose compensation shall not exceed the sum of three thousand dollars in the aggregate for all assistants so employed. All fees received by this office shall be turned over to the county and become the property of the county. All of the provisions of this paragraph are to apply to the present incumbents.

2. Sheriff. The sheriff, three thousand four hundred dollars per annum and such mileage as is now allowed by law, and also all fees for service of papers in actions arising outside of this county; *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff seventeen deputies, whose offices are hereby created, and who shall be appointed by the sheriff, and shall be paid salaries as follows: One chief deputy sheriff at a salary of two thousand seven hundred dollars per annum; one deputy sheriff, to act as fingerprint expert and photographer, at a salary of two thousand seven hundred dollars per annum; one deputy sheriff, to act as assistant fingerprint expert and stenographer, at a salary of one thousand six hundred and fifty dollars per annum; one deputy sheriff, to act as chief criminal deputy, at a salary of two thousand seven hundred dollars per annum; five deputy sheriffs at a salary of two thousand one hundred dollars each per annum; one deputy sheriff to act as jailer at a salary of two thousand one hundred dollars per annum; one deputy sheriff to act as assistant jailer at a salary of one thousand eight hundred dollars per annum; two deputy sheriffs to

act as turnkeys in the jail at a salary of one thousand eight hundred dollars each per annum; one deputy sheriff to act as office deputy at a salary of one thousand nine hundred and twenty dollars per annum; three deputy sheriffs to act as court bailiffs in the several departments of the superior court at a salary of one thousand five hundred dollars each per annum. The salaries of all said deputies shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid. All fees and commissions, except as hereinbefore in this paragraph mentioned, shall be turned over to the county and become the property of the county. All paragraphs relating to salaries of deputies shall apply to the incumbents.

Recorder

3. Recorder. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder seven deputies, who shall be appointed by the recorder, and shall be paid the following salaries, to wit: One chief deputy at a salary of two thousand four hundred dollars per annum; one deputy (who shall have charge of the Torrens title work), at a salary of two thousand one hundred dollars per annum; three deputies at a salary of one thousand nine hundred and twenty dollars each per annum; one deputy at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand five hundred dollars per annum. The salaries of said deputies shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid. The recorder may also appoint such number of copyists as may be required, who shall be paid by the county at the rate of five cents per folio. The compensation of such copyists shall be paid monthly upon claims duly presented to and allowed by the board of supervisors as other claims are presented and allowed; *provided, also*, that in counties of this class there shall be and is hereby allowed the recorder such additional assistants and deputies as the recorder may require to properly and efficiently care for the work of the office, and whose compensation in the aggregate shall not exceed three thousand dollars in any one year. All fees and commissions received by this office shall be turned over to the county and become the property of the county, except that the recorder shall be and is hereby allowed for his services such compensation as is allowed by section 3079 of the Political Code. Except as to the salary of the recorder, the changes effected by this subdivision shall apply to the incumbents.

Auditor.

4. Auditor. The auditor, four thousand dollars per annum. In counties of this class there shall be, and there is hereby allowed to the auditor the following deputies, whose offices are hereby created and who shall be appointed by the auditor and receive the following salaries: One chief deputy, two thousand seven hundred dollars per annum; three deputies, one thou-

sand eight hundred dollars each per annum; one deputy, one thousand five hundred dollars per annum, and such other assistants as the auditor may require; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of five thousand four hundred dollars in any one year; *and provided, further*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid. The provisions of this paragraph relating to deputies and assistants shall apply to the incumbents.

5. Treasurer. The treasurer, three thousand six hundred dollars per annum. In counties of this class there shall be, and there is hereby allowed to the treasurer two deputies, which offices are hereby created, who shall be appointed by the treasurer and receive the following salaries: One chief deputy, two thousand five hundred and fifty dollars per annum; one deputy, two thousand one hundred dollars per annum; and also such assistants as the treasurer may require; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of one thousand five hundred dollars in any one year; *and provided, further*, that the treasurer shall file with the county auditor a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid. All fees received by this office shall be turned over to the county and become the property of the county, except that the treasurer shall be, and is hereby allowed for his services the fees, commissions and compensation allowed to him by the inheritance tax act of California. Except as to the salary of the treasurer, the changes effected by this subdivision shall apply to the incumbents. Treasurer

6. Tax collector. The tax collector, four thousand dollars per annum. In counties of this class there shall be and there is hereby allowed to the tax collector the following deputies, whose offices are hereby created and who shall be appointed by the tax collector; one chief deputy at a salary of two thousand five hundred and fifty dollars per annum; one deputy at a salary of one thousand nine hundred and twenty dollars per annum; one deputy at a salary of one thousand six hundred and twenty dollars per annum, and such assistants as the tax collector may require; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of twenty thousand dollars in any one year; *and provided, further*, that the tax collector shall file with the county auditor a verified statement, showing in detail the amounts and the Tax collector

persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the tax collector is paid. The provisions of this paragraph relating to deputies and assistants shall apply to the incumbents.

Assessor

7. Assessor. The assessor, four thousand five hundred dollars per annum. In counties of this class there shall be allowed to the assessor the following deputies, whose offices are hereby created, and who shall be appointed by the assessor; one deputy who shall be chief deputy at a salary of three thousand dollars per annum; two office deputies at a salary of two thousand one hundred dollars each per annum, and such office and field deputies as the assessor may require, and whose compensation in the aggregate shall not exceed twenty-eight thousand eight hundred dollars per annum; and provided, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid. The assessor shall also be allowed his necessary traveling expenses, not exceeding in any one year the sum of three hundred dollars. The salaries of such deputies shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as county officers are paid. The provisions of this paragraph relating to deputies shall apply to incumbents. All fees and commissions, including commissions on poll taxes, collected by this office, shall be turned over to the county and become the property of the county.

District
attorney

8. District attorney. The district attorney, four thousand five hundred dollars per annum. In counties of this class there shall be and there is hereby allowed to the district attorney, one chief deputy to be known as assistant district attorney and three deputies, all to be appointed by the district attorney, and who shall be regularly admitted to practice before the courts of the State of California. The said assistant shall receive a salary of three thousand six hundred dollars per annum; one deputy to receive a salary of three thousand six hundred dollars per annum; one deputy to receive a salary of three thousand three hundred dollars per annum; and one deputy to receive a salary of three thousand dollars per annum, which said salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the said district attorney is paid. There shall be and there is hereby allowed to the district attorney one secretary at a salary of two thousand one hundred dollars per annum and one stenographer at a salary of one thousand five hundred dollars per annum, both to be appointed by the district attorney, and a detective to be appointed by the district attorney, who shall receive a salary of two thousand four hundred dollars per annum; said detective shall have all the powers of a peace

officer as set forth in sections 834 and 836 of the Penal Code. All of said salaries shall be paid in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. The provisions of this paragraph relating to assistant, deputies, secretary, stenographer and detective shall apply to incumbents.

9. Coroner. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

10. Public administrator. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator.

11. Superintendent of schools. The superintendent of schools three thousand eight hundred dollars per annum and actual traveling expenses when visiting the schools of the county. In counties of this class there shall be and there is hereby allowed to the superintendent of schools the following deputies: One office deputy at a salary of one thousand nine hundred and fifty dollars per annum; one office deputy at a salary of one thousand six hundred and fifty dollars per annum, which offices are hereby created, and who shall be appointed by the said superintendent of schools. The salaries of said deputies herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the superintendent of schools is paid. All fees pertaining to this office to be credited to the county. The provisions of this paragraph relating to the deputies shall apply to the incumbents. Superintendent of schools.

12. Surveyor. The surveyor, ten dollars per day when actually employed by the county. Surveyor

13. Justices. Justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them as such officers: (1) In townships having a population of twenty thousand or over, one hundred seventy-five dollars per month; *provided*, that in townships having a population of twenty thousand or over in which the county seat is located, the justice of the peace shall be allowed a clerk. Such clerk shall be appointed by the justice of the peace of said township, and shall hold office during the pleasure of said justice of the peace. Said clerk shall give a bond in the sum of one thousand dollars to be approved by a judge of the superior court of the county in which said township is situated, conditioned for the faithful discharge of the duties of the office; and said clerk shall receive a salary of one thousand two hundred dollars per annum, payable monthly in the same manner as salaries of county officers are paid. The justice's clerk shall keep a record of the proceedings of the said court, shall have authority to receive and file all pleadings and other papers, and shall have authority to issue all process of the court, including writs of attachment and execution; enter default judgments; enter satisfaction of judgments and issue transcripts and abstracts thereof and shall have authority to admin- Justices of the peace

ister and certify oaths and take and certify affidavits in any action, suit or proceedings in said justice's court, and shall collect and receive all civil fees, all fines and forfeitures in criminal cases and pay the same to the authorities legally entitled to receive the same, at the time and in the manner provided by law. Said clerk shall prepare bonds, and justify bail when the amount has been fixed by the court; (2) in townships having a population of fifteen thousand or over to twenty thousand, one hundred fifty dollars per month; (3) in townships having a population of twelve thousand or over to fifteen thousand, one hundred twenty-five dollars per month; (4) in townships having a population of nine thousand or over to twelve thousand, one hundred dollars per month; (5) in townships having a population of six thousand or over to nine thousand, seventy-five dollars per month; (6) in townships having a population of three thousand or over to six thousand, fifty dollars per month; (7) in townships having a population less than three thousand, twenty-five dollars per month.

Constables.

14. Constables. Constables shall receive the following monthly salaries, to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of twenty thousand or over, one hundred seventy-five dollars per month; (2) in townships having a population of fifteen thousand or over to twenty thousand, one hundred fifty dollars per month; (3) in townships having a population of twelve thousand or over to fifteen thousand, one hundred twenty-five dollars per month; (4) in townships having a population of nine thousand or over to twelve thousand, one hundred dollars per month; (5) in townships having a population of six thousand or over to nine thousand, seventy-five dollars per month; (6) in townships having a population of three thousand or over to six thousand, fifty dollars per month; (7) in townships having a population of less than three thousand, twenty-five dollars per month; *provided, further*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the court or to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Supervisors

15. Supervisors. Each supervisor, three thousand dollars per annum, payable in monthly installments, and the necessary and actual expenses incurred by him while engaged in county business outside of his district, not exceeding in the aggregate the sum of three hundred dollars per annum.

Live stock
Inspector

16. Live stock inspector. A live stock inspector, one thousand eight hundred dollars per annum, which shall be in full payment for all expenses incurred and services rendered by said inspector.

17. Population of townships. For purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be determined by the United States census taken in 1920; *provided*, that the board of supervisors of said county may each four years thereafter cause a census to any or all townships in the county to be taken for the purpose of determining the population of said township or townships upon which to base the salaries of justices of the peace and constables. Population of townships.

18. Jurors. In counties of this class grand and trial jurors, Jurors. in superior courts, shall receive for each day's attendance, per day, the sum of three dollars. In justices' courts in civil cases jurors shall receive for each day's attendance, per day, the sum of two dollars. In justices' courts and recorders' courts in criminal cases jurors shall receive for each day's attendance, per day, the sum of one dollar and fifty cents. And all jurors shall receive for each mile actually and necessarily traveled from their residences to the place of service, in going only, the sum of fifteen cents per mile, such mileage to be allowed but once each day during any session of the court where such jurors serve; *provided, however*, that the fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by the municipality in which such court is or may be established.

19. Constitutionality. If any paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The Legislature hereby declares that it would have passed each section and each paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more paragraphs, sentences, clauses or phrases is declared unconstitutional. Constitutionality.

SEC. 2. Effect of act. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Construction of act.

CHAPTER 770.

An act to amend section 1361 of the Political Code, relating to the time when ballots must be canvassed.

[Approved by the Governor June 11, 1929 In effect August 14, 1929]

The people of the State of California do enact as follows:

SECTION 1. Section 1361 of the Political Code is hereby amended to read as follows: Stats 1923,
p 590,
amended.

Ballots delivered to supervisors to be canvassed, when.

1361. As soon as all absent voter ballots issued have been received or returned and accounted for, and in no case later than fifteen days after any election mentioned herein, it shall be the duty of each county clerk or registrar of voters to deliver to the board of supervisors, board of election commissioners or election board of the county, city and county, city or town, for which such election is held, all ballots received by him under the provisions of this chapter. The board of supervisors, board of election commissioners, or election board, shall meet to canvass the returns at the time prescribed in section 1278 of the Political Code, or as soon thereafter as such ballots have been delivered to the board, in no case later than ten o'clock of the forenoon of the sixteenth day after the election, at the usual place of meeting, or at any other place permitted by law, at which time the board of supervisors or the board of election commissioners, or election board, shall canvass all of the ballots delivered to them by the county clerk or registrar of voters and shall proceed to canvass and count the same personally, or by an election board, consisting of five electors appointed by them for that purpose. At the August primary election or the May presidential primary election, the canvass shall be made in the manner prescribed by section 21 of the direct primary law, excepting as hereinafter provided, and the canvass of votes for any general election shall be according to the laws now in force pertaining to such general election, except as hereinafter provided.

Superseded

SEC. 2. The provisions of this act shall supersede the provisions of section 1361 of the Political Code as amended by "An act to amend sections 1359 and 1361 of the Political Code, relating to absent voters," approved April 22, 1929, chapter one hundred fifty, statutes 1929.

CHAPTER 771.

An act to amend section 1094 of the Political Code, relating to registration of electors and conduct of elections.

[Approved by the Governor June 11, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1917, p 798, amended
New registration every two years

SECTION 1. Section 1094 of the Political Code is hereby amended to read as follows:

1094. Commencing January 1, 1918, and every two years thereafter, except as hereinafter provided, there shall be in each county and city and county of the state, a new and complete registration of the voters of such county or city and county, who are entitled thereto. Such registration shall be in progress at all times except during the thirty days immediately preceding any election, when it shall cease for such election as to electors residing in the territory within which

such election is to be held; and transfers of registration for such election may be made from one precinct to another precinct in the same county or city and county at any time when such registration shall be in progress in the precinct to which the elector seeks to transfer; *provided*, that where any election, is held on or after the first day of January and before the first day of April of any even-numbered year, the original affidavits of registration and indexes used in the last general state election in any county or city and county in the state, together with the original affidavits of registration since the last election, and supplemental indexes, showing all additional registrations, changes and corrections made since the registration for the last general election, completed to and including the thirty-first day prior to said election then being held, may be used at such election to determine the persons entitled to vote thereat.

Transfers.

Elections held between January 1 and April 1 of even-numbered years

All affidavits of registration made prior to the first day of January of any even-numbered year shall be deemed canceled upon said day except for the sole purpose of being used as hereinbefore stated at elections held thereafter and before the first day of April of that year, and shall on said last mentioned day be deemed canceled for all purposes. The board having charge and control of elections in each county or city and county, may provide by resolution, for the registration of voters in their respective precincts, by the officer charged with the registration of voters, and may also provide by resolution for the registration of voters at specified times and places, other than the office of the county clerk or registrar of voters, deemed most convenient to large numbers of voters, without reference to respective or particular precincts, in such a manner that the affidavits of registration as provided by law may be taken at such time and place, of any voter within the county who is entitled to register therein; *provided, however*, that in any city and county no registration outside of the main office of the officer charged with the registration of voters shall be had except that which is without reference to particular precincts as last specified herein; *and provided, also*, that any registration which may be made at the main office for registration in any such city and county may be made and taken in any place in said city and county in such manner as may be provided by rules and regulations made by the board having control of registration in any such city and county.

Affidavits of registration deemed canceled.

Upon the written request of the officer charged with the registration of voters, which request said officer shall make upon petition from any ten electors of the county, such petition must be filed in his office not less than twenty days before the date of the next succeeding election and it shall specify the premises from which lists are desired, every landlord or keeper of premises where lodgers abide shall furnish said officer a list of all lodgers occupying rooms, or sleeping apartments, or beds in the premises under his or her or its control. Such lists shall be furnished upon blanks provided by said officer, and they must be received in his office

List of lodgers.

not less than ten days before the day of said election. Any landlord or keeper of premises where lodgers abide, who neglects or refuses to comply promptly with the provisions of this section or who furnishes a false list of such lodgers, shall be guilty of a misdemeanor. All lists so returned shall be kept on file in the office of the officer receiving same, open to public inspection. It shall be the duty of said officer to compile a list of such persons, if there are any, who are registered as residing in any of these premises and whose names are not returned in the lists furnished by the landlord or keeper thereof. At least three days before the date of the next succeeding election, in any precinct where such premises are located, said officer shall send by registered mail to the inspector of election in said precinct a certified copy of the list he has thus prepared, with instructions to challenge the vote of each and all such persons if offered at the election, under subdivision five of section 1230 of the Political Code. Whenever in the laws of this state the word "register" or "great register" is used with relation to elections, it shall be deemed to mean and include the relative and proper affidavits of registration, or both thereof, prepared and bound by the county clerk or registrar of voters.

CHAPTER 772.

An act to amend section 2322x8 of the Political Code, relating to salaries of county horticultural commissioners, deputies, clerks and inspectors in counties of the eighth class.

[Approved by the Governor June 17, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1927,
p 1705,
amended.
Counties of
8th class
(San
Joaquin)
horticultural
commis-
sioner and
employees

SECTION 1. Section 2322x8 is hereby amended to read as follows:

2322x8. In counties of this class, the county horticultural commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, clerks and inspectors to be appointed by said commissioner, and the salaries are hereby fixed as follows, to wit:

Two deputy county horticultural commissioners at a salary of two thousand one hundred dollars per annum each; one supervising inspector at a salary of two thousand four hundred dollars per annum; one clerk to act as stenographer and book-keeper at a salary of not to exceed one thousand five hundred dollars per annum; one clerk to act as stenographer and book-keeper at a salary of not to exceed one thousand two hundred dollars per annum; one clerk to act as warehouseman and truck

driver at a salary of one thousand six hundred eighty dollars per annum; nineteen inspectors at a salary of not less than one hundred nor more than one hundred fifty dollars per month each; fifteen inspectors at a salary of one dollar per annum each.

CHAPTER 773.

An act to amend section 4237 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the eighth class.

[Approved by the Governor June 11, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 4237 of the Political Code is hereby amended to read as follows:

4237. In counties of the eighth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees, and expenses, to wit:

1. The county clerk, four thousand dollars per annum.
2. The sheriff, four thousand five hundred dollars per annum. The sheriff shall also be allowed his actual, reasonable and necessary expenses in all civil and criminal cases.
3. The recorder, three thousand six hundred dollars per annum.
4. The auditor, three thousand six hundred dollars per annum.
5. The treasurer, two thousand six hundred dollars per annum.
6. The tax collector, two thousand five hundred dollars per annum.
7. The assessor, four thousand dollars per annum. The assessor shall receive his actual, reasonable and necessary expenses while engaged in his official duties in the field.
8. The district attorney, six thousand dollars per annum; except that the district attorney shall not personally engage in private practice; *provided, however*, that this shall not be construed to preclude the district attorney from continuing and concluding any private matter in which he has appeared of record prior to taking office; *provided*, that in counties of this class the district attorney in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested, all of which said

Stats. 1927,
p. 1075,
amended

Counties of
8th class
(San
Joaquin)
officers and
employees
Clerk.

Sheriff.

Recorder.

Auditor.

Treasurer.

Tax
collector

Assessor.

District
attorney

charges and expenses incurred by him shall be a legal charge against the county.

Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator. 10. The public administrator, such fees as are now or may be hereafter allowed by law.

Superintendent of schools. 11. The superintendent of schools, four thousand five hundred dollars per annum; *provided, however,* that in counties of this class the superintendent of schools in addition to the salary herein fixed shall be allowed ten dollars per school district for traveling expenses where he shall have visited each school of said district in the county during any one calendar year.

Surveyor. 12. The surveyor, four thousand dollars per annum, and actual, reasonable and necessary expenses when engaged in the field, or in the office in the discharge of his official duties in the county.

Justices of the peace. 13. Justices of the peace shall receive the following salaries for all services rendered by them, payable in the same manner as county officers are paid, viz: In townships having a population of twenty thousand or more, three hundred dollars per month; in townships having a population of not less than fifteen thousand nor more than twenty thousand, two hundred dollars per month; in townships having a population of not less than nine thousand nor more than fifteen thousand, one hundred fifty dollars per month; in townships having a population of not less than five thousand nor more than ten thousand, one hundred dollars per month; in townships having a population of not less than three thousand, nor more than five thousand, sixty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, twenty-five dollars per month; *provided,* that for the purposes of this section the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three and one-half. The compensation herein fixed for justices of the peace shall be in full for all services rendered and all fees collected by them shall be paid into the county treasury as provided by law. In townships having a population of twenty thousand or more, the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township, and shall hold office during the pleasure of said justice of the peace. Said clerk shall give a bond in the sum of three thousand dollars, with at least two sureties to be approved by a judge of the superior court of the county in which said township is situated, conditioned for the faithful discharge of the duties of the office; and he shall receive an annual salary of

one thousand eight hundred dollars. The justice's clerk shall keep a record of the proceedings of the said court, and shall issue all process ordered by the court, and shall collect and receive all fines and forfeitures in criminal cases and pay the same, to the authorities legally entitled to receive the same, at the time and in the manner provided by law. He shall prepare bonds, justify bail when the amount has been fixed by the court, and shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceedings in said justice's court. The clerk shall be in attendance on the court in the courtroom of said justice's court for the dispatch of official business, daily, legal holidays excepted, from the hour of nine o'clock a.m. until five o'clock p.m. and during such reasonable times thereafter as may be necessary for the proper performance of his duties.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of five thousand or more, one hundred dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred, nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, twenty-five dollars per month. Constables in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law for mileage in criminal cases and shall also receive such fees as are now or may hereafter be allowed by law in civil cases. Such mileage in criminal cases is intended to cover the ordinary expenses of constables, and other than such mileage, they shall be allowed the following expenses and no other, to wit: In criminal, insane, inebriate and drug habitue cases, the actual, reasonable and necessary cost of transporting prisoners to and from the county jail; of supporting such prisoners while in their custody; of pursuing criminals when a felony has been committed within their township and no warrant has been issued, whether an arrest has been made or not; of transporting inebriates, drug habitues and insane persons from the justice's court to the place of detention and from the place of detention to the superior court, and from the superior court to the insane asylum, but no mileage shall be allowed for such transportation to the place of detention, to the superior court or to the insane asylum.

15. Each member of the board of supervisors, one thousand eight hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board; and fifteen cents a mile in traveling to and from his residence to the county seat; *provided*, that

not more than one mileage at any one regular or special meeting of the board shall be allowed.

Official
bonds.

16. The bonds of the clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, surveyor and superintendent of schools, justice of the peace, constable and clerk of the justice of the peace, and the full time deputies and the bond clerk in the county treasurer's office, shall be executed with a reliable bond and security company, and the cost of said bond when duly approved shall be a charge against the county, and payable out of the general fund.

Clerk's
employees

17. The county clerk shall have one chief deputy at a salary of two thousand seven hundred dollars per annum; three courtroom deputies at a salary of two thousand four hundred dollars per annum each; five office deputies at a salary of one thousand eight hundred dollars per annum each; one deputy who shall act as clerk to the board of supervisors at a salary of two thousand four hundred dollars per annum; and a deputy or deputies not to exceed twenty for the purpose of registering electors and performing all duties pertaining to elections who shall be paid not to exceed five dollars per diem each; also a deputy or deputies to register electors who shall receive a compensation of ten cents for each elector registered and the necessary postage or expressage in sending affidavits of registration to county clerk's office; and who shall receive no other compensation or expenses.

Recorder's
employees.

The county recorder, one first assistant at a salary of two thousand four hundred dollars per annum; one second assistant at a salary of one thousand nine hundred twenty dollars per annum; two comparing clerks and one index clerk at a salary of one thousand eight hundred dollars per annum each; one deputy at a salary of one thousand six hundred twenty dollars per annum; four deputies at a salary of one thousand five hundred sixty dollars per annum each; the recorder may hire necessary assistants in cases of emergency and at a salary not to exceed five dollars per diem each; but the aggregate pay of such assistants for such work shall not exceed three thousand dollars in any one calendar year.

Treasurer's
employees.

The treasurer, one chief deputy at a salary of three thousand dollars per annum; one deputy at a salary of two thousand one hundred sixty dollars per annum; three deputies at a salary of two thousand forty dollars per annum each; four deputies who shall serve for a period of not to exceed six months in any one calendar year and shall receive therefor the sum of one hundred and fifty dollars per month each; one cashier and bond clerk who shall serve for a period of not to exceed one hundred eighty days in any one calendar year and shall receive therefor the sum of six dollars per diem; one cashier, who shall serve for a period of not to exceed seventy-five days in any one calendar year and shall receive therefor the sum of six dollars per diem; and such emergency deputy or deputies as shall be required and who shall receive for his

or their services a sum not to exceed five dollars per diem each; *provided, however*, that the aggregate pay of such emergency deputy or deputies shall not exceed in any one calendar year the sum of four thousand dollars; two guards at one hundred fifty dollars per month, and one guard at five dollars per day while employed and not to exceed one hundred fifty dollars per month.

The county auditor, one chief deputy at a salary of two thousand four hundred dollars per annum; one chief accountant at a salary of two thousand four hundred dollars per annum; one second deputy at a salary of two thousand four hundred dollars per annum; one third deputy at a salary of one thousand eight hundred dollars per annum; one stenographer at a salary of one thousand five hundred dollars per annum; the auditor may hire necessary assistants for the purpose of extending taxes and in cases of emergency at a salary not to exceed five dollars per diem each; *provided*, that the aggregate salaries of such assistants shall not exceed the sum of three thousand dollars in any calendar year.

Auditor's
employees.

The district attorney, an assistant district attorney at a salary of three thousand four hundred fifty dollars per annum; one second assistant district attorney at a salary of two thousand five hundred fifty dollars per annum; one third assistant district attorney at a salary of two thousand four hundred dollars per annum; one shorthand reporter at a salary of two thousand seven hundred dollars per annum; one chief clerk at a salary of two thousand four hundred dollars per annum; one chief stenographer at a salary of one thousand five hundred dollars per annum; two stenographers at a salary of one thousand two hundred dollars per annum each; one county detective at a salary of two thousand four hundred dollars per annum, who shall have all the powers of a peace officer as set forth in sections 834 and 836 of the Penal Code, and who shall perform such duties as may be required of him by the district attorney.

District
attorney's
employees

The superintendent of schools, one first deputy at a salary of two thousand four hundred dollars per annum; one second deputy at a salary of one thousand five hundred dollars per annum; and an emergency deputy or deputies who shall be paid not to exceed five dollars per diem each; *provided*, that the aggregate pay of said emergency deputy or deputies shall not exceed two thousand dollars in any one calendar year.

Superintendent of
schools'
employees

The sheriff, an undersheriff who shall receive a salary of two thousand seven hundred dollars per annum; a chief deputy who shall receive a salary of two thousand one hundred dollars per annum; one deputy sheriff who shall be employed as superintendent of identification who shall receive a salary of two thousand one hundred dollars per annum; one deputy sheriff, who shall be employed as assistant to the superintendent of identification, who shall receive a salary of one thousand nine hundred twenty dollars per annum; four deputy sheriffs for service in the field who shall receive a

Sheriff's
employees

salary of one thousand nine hundred twenty dollars per annum each; one motor boat deputy who shall receive a salary of one thousand nine hundred twenty dollars per annum; four jailers who shall receive a salary of one thousand seven hundred forty dollars per annum each; three bailiffs, or courtroom deputies who shall receive a salary of one thousand six hundred eighty dollars per annum each; one bookkeeper and clerk who shall receive a salary of one thousand six hundred eighty dollars per annum; two stenographers who shall receive a salary of one thousand five hundred dollars per annum each.

Coroner's
employees.

The coroner, one deputy who shall be paid by the coroner out of his fees.

Assessor's
employees.

The county assessor shall have one chief deputy at a salary of two thousand seven hundred dollars per annum; one draftsman at a salary of two thousand seven hundred dollars per annum; one chief office deputy at a salary of two thousand one hundred dollars per annum; two office deputies at a salary of one thousand eight hundred dollars per annum each; one stenographer and copyist at a salary of one thousand five hundred dollars per annum; one utility and valuation deputy for inside work who shall serve not to exceed one hundred fifty days in any one calendar year and for which service he shall be paid at the rate of five dollars per diem; three deputies to be employed in preparing assessment rolls who shall serve not to exceed one hundred thirty days each in any one calendar year, and be paid therefor at the rate of five dollars per diem each; one deputy to be employed in assessing automobiles and who shall serve not to exceed eighty days in any one calendar year and be paid therefor at the rate of five dollars per diem; two utility and valuation clerks for outside work who shall serve not to exceed eighty days in any one calendar year and be paid therefor at the rate of seven dollars per diem each; *provided, however*, that such deputy shall furnish at his own expense necessary automobile transportation while so employed; three field deputies for service inside the city of Stockton who shall serve not to exceed one hundred days each in any one calendar year and be paid therefor five dollars per diem each; twelve field deputies to be employed in the county outside of the city of Stockton and who shall serve not to exceed eighty days each in any one calendar year and be paid therefor at the rate of seven dollars per diem each; *provided*, that such deputy shall each furnish at his own expense necessary automobile transportation while so employed; and an emergency deputy or deputies, at a salary of five dollars per diem each, which said emergency deputy or deputies shall not receive more than five thousand dollars in the aggregate in any one calendar year.

Surveyor's
employees

The county surveyor, one chief deputy who shall be paid a salary of three thousand dollars per annum. One draftsman who shall be paid a salary of two thousand two hundred dollars per annum.

All the deputies, assistants, employees, emergency help and clerks hereinbefore mentioned shall perform in addition to the duties herein enumerated such other duties as their respective principals shall require, and they shall be paid out of the salary fund at the same time and in the same manner as the principals are paid; *provided, however*, that allowances for use of motor vehicle by deputy sheriffs employed as traffic officers shall be made on claims against the county and paid by the board of supervisors as other claims are paid.

Employees' duties and compensation.

18. The salaries, fees, mileage and commissions herein provided shall be in full for all official services performed. No county, district or township officer shall receive from the county any salary, compensation, fees, commission or mileage, except as in this section provided. All compensation, commissions, fees and mileage now or hereafter provided by law to be paid to any county, district or township officer for any official service, except as in this section otherwise provided, shall be paid into the county treasury to the credit of the general fund, unless some other fund is especially designated by law. All compensations, fees, commissions, and mileage, except as in this section otherwise provided, received by any county, district or township officer, either as such officer, or as the agent of the State of California, or of any officer thereof or as the agent of any political subdivision of the State of California, or of any officer thereof, shall be paid into the county treasury to the credit of the general fund, unless some other fund is specially designated by law. Until such county, district or township officer shall pay into the county treasury all compensation, commissions, fees and mileage as herein required to be paid, he shall receive no salary, and it shall be the duty of the auditor to refuse to deliver to him thereafter a salary warrant, and it shall be the duty of the treasurer to refuse to pay the same.

Compensation in full

19. For attending as a grand juror or as a juror in superior court, for each day's attendance, per day, three dollars. For each mile actually traveled in attending court as a juror in going, only, per mile, twenty-five cents.

Jurors.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

Construction of act.

CHAPTER 774.

An act to amend sections 3, 8, 10, 18½ and 19 of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved

April 1, 1897, as amended, and to add a new section thereto to be numbered section 29, relating to powers of the directors of said companies and forms of insurance policies issued by said company.

[Approved by the Governor June 11, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

- Stats. 1897,
p. 439,
amended.
- SECTION 1. Section 3 of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, as amended, is hereby amended to read as follows:
- Directors. Sec. 3. The number of directors shall not be less than seven (7), nor more than eleven (11), a majority of whom shall
- Organization. constitute a quorum to do business. These directors shall be elected from the members of the association by ballot, and shall hold office for one year, or until their successors are elected and qualified. The annual meeting of the members of the company shall be on the third Monday in January of each year. In the election of the first board of directors each member shall be entitled to one vote. At every subsequent election, every person insured shall be entitled to as many votes as there are directors to be elected, and an equal additional number for every risk or risks he holds in the company, and he may cast the same in person or by proxy, distributing them among the directors to be elected, or among a less number of the directors, or cumulating them upon one candidate, as he shall see fit.
- Stats. 1927,
p. 1871,
amended
- What may
be insured
- SEC. 2. Section 8 of said act is hereby amended to read as follows:
- Sec. 8. Such company may issue policies on dwellings, schoolhouses, churches, community, creamery or farm buildings (except hotels and public barns or garages) and such property as may be contained therein; also on property owned by the assured on the premises or stored in public or private warehouses; *provided*, that insurance upon personal property owned by the insured including automobiles and live stock permitted under this act, shall continue in full force and effect during the use or transportation thereof in the ordinary course of business of the insured wherever the same may be located at the time of loss if within the State of California; all for any time not exceeding five years and not to extend beyond the time limited for the existence of the charter; *provided, also*, that no company that has been organized less than three months shall write insurance in excess of two thousand dollars subject to one risk without immediately reinsuring all in excess of that amount and no company organized more than three months shall write insurance subject to one risk in excess of one per cent of the amount of insurance in force on the books of that company at that time without immediately reinsuring all in excess of that amount. All persons, whose property is so insured, shall give their obligations to the company binding themselves, their heirs and assigns to pay their pro rata share
- Reinsurance
- Sharing
expense
and loss

to the company of the necessary expense and loss by fire which may be sustained by any member thereof during the time for which their respective policies are in force and they shall also at the time of effecting the insurance pay such percentage of the estimated cost and such other charges as may be required by law or by the rules and by-laws of the company.

SEC. 3. Section 10 of said act is hereby amended to read as follows:

Stats 1927,
p. 1671,
amended
Insuring
outside
county.

Sec. 10. No such company shall insure such property beyond the limits of the county wherein the said company is organized, excepting that the company may insure in any county next adjoining the county wherein such company is organized. No such company shall issue policies covering on property in excess of six thousand dollars on any one risk or hazard under one or more policies, without immediately reinsuring the excess amount in some other company, except that any such company having more than ten million of property at risk upon their books may for each one million in excess of ten million, write five hundred dollars additional insurance in excess of six thousand dollars. Nor shall any such company assume a risk or risks on property situated in the limits of any city or town, or within any closely built up district, within any one block, without immediately reinsuring all in excess of the provisions of this act.

Any such company may reinsure or accept reinsurance in any company operating under the provisions of this act or under any agreement for mutual reinsurance between two or more county mutual fire insurance companies, but in no case shall the reinsurance taken by any one company exceed the amount of the risk retained by the company originating the business, or it may reinsure in any authorized company organized for the purpose of providing reinsurance for county mutuals, in which case the amount retained by the originating company must not be less than ten per cent and in no case be less than five hundred dollars. The character of, and number of risks reinsured shall not vary from that permitted in the case of original insurance. Where the amount of insurance covered by policies already written equals the amount named in the foregoing provisions no additional insurance shall be written by such company on country property, within a radius of one hundred feet and such radius shall continue at not less than seventy-five feet during the life of the policy, unless covered by reinsurance nor shall any insurance be written by any such company on farm or country property, in excess of seventy-five per cent of its actual cash value and no additional insurance shall be allowed; *provided*, that in case of class A or class B buildings, having no exposures, that would constitute a special hazard or on country property under fire protection and within a fire district the seventy-five per cent limit does not apply.

Reinsurance

For the purpose of this act "a city or town block" shall be construed to be an area having at least one frontage in a

Terms
defined.

closely built up district fronting on a used public street or highway, surrounded on all sides by a clear space at least equal in width to the clear space of such public street or highway and containing an area of not more than one hundred sixty thousand square feet.

"Closely built up district" shall mean territory on the line of a public highway or street or block or blocks where for not less than a quarter of a mile the dwelling houses and business structures average less than one hundred feet apart.

"One risk" means one hazard under one or more policies, subject to one fire and relates to the amount named in the policy or policies.

"Clear space" means space free from combustible material likely to communicate fire.

Stats. 1927,
p. 1672,
amended
Form of
county fire
insurance
policy.

SEC. 4. Section 18½ is hereby amended to read as follows:
Sec. 18½. The following is adopted as a standard form of county fire insurance company's policy for the State of California:

CALIFORNIA STANDARD FORM COUNTY FIRE INSURANCE POLICY.

No. _____ Amount _____ Rate _____ No other insurance permitted except by agreement endorsed hereon or added hereto. (Here insert name of company, and place of its main office in California, and name of county in which incorporated or organized.) By this policy of insurance the _____ of _____ county, in consideration of _____ dollars, and the obligation as described herein and in application, does accept as a member and insures _____ against loss or damage by fire during a term of _____ years, commencing at noon on the _____ day of _____, 19____, and terminating at noon of the _____ day of _____, 19____, to the amount of _____ dollars on the following described property located and contained as described herein and not while located or contained elsewhere to wit: (Blank space for the attachment of forms.) For a more particular description, and as forming a part of this policy, reference is had to application No. _____ on file in the office of this company.

No liability
beyond
actual cash
value.

This company will not be liable beyond the actual cash value, as provided by rider hereto attached, of the interest of the insured in the property at the time of the loss or damage nor exceeding what it would then cost to repair or replace the same with material of like kind or quality; *provided*, said value be estimated without allowance for any increased cost of repair or reconstruction by reason of any ordinance or law regulating repairs or reconstruction of buildings, and without compensation for loss resulting from interruption of business or manufacture.

This policy is made and accepted subject to the foregoing stipulations and conditions and those hereinafter stated, which are hereby specifically referred to and made a part of this policy, together with such other provisions, agreements or conditions as may be indorsed hereon or added hereto, and

no officer, agent, or other representative of this company shall have power to waive any provision or condition of this policy except by writing indorsed hereon or added hereto, and no person unless duly authorized in writing shall be deemed the agent of this company.

The charter and by-laws of this company are to be resorted to and used to explain the rights and obligations of the parties hereto in all cases not herein otherwise especially provided for, and are hereby made a part of this policy. This policy is made and accepted upon the above expressed condition.

This policy shall not be valid until countersigned by the duly authorized secretary of the company at -----, California.

In witness whereof, this company has executed and attested these presents (here insert the name of the company) by -----, president. Countersigned at -----, California, this ----- day of -----, 19--- ----- secretary.

STIPULATIONS AND CONDITIONS SPECIALLY REFERRED TO.

Stipulations and conditions—Property not covered. (a) This company shall not be liable for loss to accounts, bills, currency, evidence of debt or ownership of other documents, money, notes, or securities; nor (b) unless liability is specifically assumed hereon, for the loss of bullion, casts, curiosities, drawings, dies, jewels, manuscripts, medals, models, patterns, pictures, scientific apparatus, business or store or office furniture or fixtures, sculptures, frescoes and decorations, or property held on storage or for repair. Stipulations
and
conditions

Hazards not covered—This company shall not be liable for loss by (a) theft, or (b) neglect of the insured to use all reasonable means to save and preserve the property at and after a fire, or when the property is endangered by fire; or (c) (unless fire ensues, and in that event the damage by fire only) by explosion of any kind, or lightning; or (d) by invasion, insurrection, riot, civil war, or commotion, or (except as hereinafter provided) by military or usurped power, or order of any civil authority, but the company will be liable, unless otherwise provided by indorsement hereon or added hereto, if the property is lost or damaged, by fire or otherwise, by civil authority or military or usurped power exercised to prevent the spread of fire not originating from a cause excepted hereunder and which fire otherwise probably would have caused the loss of or damage to the insured property. Hazards not
covered

Matters avoiding policy—This entire policy shall be void (a) if the insured has concealed or misrepresented any material fact or circumstance concerning this insurance or the subject thereof; or (b) in case of any fraud or false swearing by the insured touching any matter relating to this insurance or the subject thereof, whether before or after a loss. Matters
avoiding
policy.

Unless otherwise provided by agreement indorsed hereon or added hereto this entire policy shall be void (a) if the insured now has or shall procure any other insurance whether

valid or not, on property covered in whole or in part by this policy, or (b) if the interest of the insured be other than unconditional and sole ownership, or (c) if the subject of insurance be a building on ground not owned by the insured in fee simple, or (d) if with the knowledge of the insured foreclosure proceedings be commenced or notice given of sale of any property covered by this policy by virtue of any mortgage or trust deed, or (e) if this policy be assigned before a loss.

Matters
suspending
insurance

Matters suspending insurance—Unless otherwise provided by agreement indorsed hereon or added hereto this company shall not be liable for loss or damage occurring (a) while the hazard shall be materially increased by any means within the control of the insured, or (b) if the subject of insurance be a manufacturing establishment, while it is operated in whole or in part at night later than ten o'clock or while it ceases to be operated beyond a period of ten consecutive days; or (c) while mechanics or artisans are employed in building or altering or repairing the described premises for more than fifteen days at any one time; or (d) while illuminating gas or vapor be generated in the described building (or adjacent thereto) for use therein; or (e) while there be kept, used or allowed on the described premises (any usage or custom of trade or manufacture to the contrary notwithstanding), calcium carbide, phosphorus, dynamite, nitroglycerine, fireworks or other explosive; or exceeding one quart each of benzine, gasoline, naphtha or ether; or more than twenty-five pounds of gunpowder; or (f) while a building herein described whether intended for occupation by owner or tenant is vacant or unoccupied beyond the period of ten (10) consecutive days; (g) while the interest in, title to or possession of the subject of insurance is changed excepting: (1) by death of the insured; (2) change of occupancy of building without material increase of hazard; and (3) transfer by one or more several copartners or coowners to the others.

Such suspension shall not extend beyond the term of this policy nor create any right for refund of the whole or any portion of premium, nor affect the respective rights of cancellation.

Chattel
mortgage.

Chattel mortgage—Unless otherwise provided by agreement in writing indorsed hereon or added hereto this company shall not be liable for loss or damage to any property insured hereunder while encumbered by a chattel mortgage, but the liability of the company upon other property hereby insured shall not be affected by such chattel mortgage.

Fallen
building
clause.

Fallen building clause—Unless otherwise provided by agreement indorsed thereon or added thereto, if the building or any material part thereof fall, except, as a result of fire, all insurance by this policy on such building or its contents shall immediately cease.

Removal
when
endangered
by fire.

Removal when endangered by fire—Should any of said property be necessarily removed because of danger from fire, and there is no other insurance thereon, that part of this policy in

excess of the value of the insured property remaining in the original location, or, if there is other insurance thereon, that part of this policy in excess of its proportion of the value of the insured property remaining in the original location, shall, for the ensuing five days only, cover the said removed property in its new location or locations.

Cancellation—This policy may be canceled and the insured as a member of this company may withdraw therefrom by the insured surrendering his policy for cancellation at any time during the life of the policy and while the company continues the business for which it was organized, by giving notice in writing to the secretary thereof and by paying his share of all claims that may exist against the company on the day of cancellation; *provided*, that this company shall have the power to cancel or terminate any policy by giving the insured ten days written notice to that effect either in person or by registered mail to his last post-office address or if this is not known then to the address given upon the application blank which is a part of this policy and by returning to him in the same manner by check or otherwise any excess premium he may have paid during the term of this policy, over the cost of his insurance as measured by the rate of standard fire insurance companies doing business in this state. Cancellation

Also, in case of cancellation by this company it must also notify in the same manner any holder of a mortgage or deed of trust whose name appears either on the signed application which is part of this policy or upon a paster or otherwise upon this policy or the party names "to whom loss if any is payable to -----;" *provided, however*, that if the insured shall fail to pay the premium on this policy within thirty days from date thereof, then this policy shall be suspended and of no further force and effect until reinstated by the payment of all delinquent charges or fees; *and provided, further*, that this policy shall not be suspended as far as the interest of said mortgagee or other party to whom, with the written consent of the company this policy is made payable until and after ten days written notice of such failure. Notice of cancellation to holder of mortgage, etc

Assignment—This company may give its consent in writing allowing the assignment of this policy upon the bona fide sale of the property insured herein; *provided*, within thirty days from the transfer of the title to the within property and upon the assignment thereof said purchaser or his agent signs an agreement becoming a member and accepting the conditions of the within policy; otherwise this policy to be null and void, except as to holders of a mortgage or deed of trust. Assignment

Adjustment of losses—Arbitration—The insured who may sustain loss or damage by fire shall immediately notify the president, or in his absence, the secretary of this company, stating the amount of damage or loss sustained or claimed and if not more than one thousand five hundred dollars the president and secretary shall proceed to ascertain the amount of such loss or damage and adjust the same. If the claim for Adjustment of losses

Arbitration

damage or loss be for an amount greater than one thousand five hundred dollars then the president of this company, or in his absence, the vice president, or in the absence of both the secretary thereof, shall forthwith convene the board of directors of said company, whose duty it shall be when convened to adjust the same. If there is a failure of the parties to agree upon the amount of such damage or loss they shall submit the question of the amount of such loss to arbitration, and in that event the president of the company shall appoint one disinterested person to act as an arbitrator, and the claimant or insured shall appoint another, and if such two arbitrators fail to agree upon the amount of such loss, then they shall select a third disinterested person to act with them and such arbitrators so appointed shall have full authority to examine witnesses and do all other things necessary to the proper determination of the amount of loss sustained by the claimant, and shall make their award in writing to the president of the company and to the insured, and such award, so aforesaid made, shall be final as to the amount of loss sustained. The pay of said committee shall be five dollars per day for each day's service so rendered and ten cents for each mile necessarily traveled in the discharge of their duties, which shall be paid by the claimant unless the award of such committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case such expense shall be paid by the company.

Option of company in case of loss

Option of company in case of loss—This company may, at its option, take all or any part of the property for which insurance hereunder is claimed at its ascertained or appraised value, and may also, at its option, in satisfaction of its liability hereunder, repair, rebuild, or replace any building or structure or machine or machinery used therein, with other of like kind and quality, within a reasonable time, upon giving notice within twenty days of its intention so to do after the receipt by it of the preliminary proof of loss, or if verified amendments have been requested, within twenty days after their receipt, or, within twenty days after the receipt of an affidavit that the insured is unable to furnish such amendments. There can be no abandonment to this company of any property.

Apportionment of loss

Apportionment of loss—This company shall not be liable under this policy for a greater proportion of any loss on the described property, or for loss by, and expense of, removal from the premises endangered by fire, than the amount hereby insured bears to the entire insurance covering such property whether valid or not, or by solvent or insolvent insurers.

Assessment for deficiency.

Assessment for deficiency—When the amount of any loss shall have been ascertained, which exceeds in amount the cash funds of the company, the president shall convene the directors of this company, who shall proceed in the manner as provided in section 12 of this act.

Notice of assessment.

Notice of assessment—It shall be the duty of the secretary, whenever assessment shall have been made, to immediately

notify every person holding a risk in this company, personally, by an agent, or by letter directed to his usual post-office address, of the amount of such loss, and the sum due from him, as his share thereof, and of the time and to whom such payment is made; but such time shall not be less than thirty days, nor more than ninety days from date of such notice.

Action for neglect or refusal to pay assessments—An action may be brought against the member whose property is insured herein and this policy is automatically suspended if the insured shall not have paid, before it is delinquent, his portion of any assessment levied or other liability due this company for a period in excess of ninety days. The directors of this company who shall wilfully refuse or neglect to perform the duties imposed upon them by law or the by-laws of the company, shall be liable in their individual capacity to the person sustaining such loss. An action may also be brought and maintained against this company by members thereof for losses sustained if payment is withheld after the amount of such losses have been determined and is due by the terms of the policy.

Action for neglect or refusal to pay assessments.

Nonwaiver by appraisal or examination—This company shall not be held to have waived any provision or condition of this policy of any forfeiture thereof, by assenting to the amount of the loss or damage or by any requirement, act or proceeding on its part relating to the appraisal or to any examination herein provided for.

Nonwaiver by appraisal or examination.

Subrogation—If this company shall claim that the fire was caused by the act of any person or corporation, this company shall, upon payment of the loss be subrogated to the extent of such payment to all right of recovery by the insured for the loss resulting therefrom, and such right shall be assigned to this company by the insured on receiving such payment.

Subrogation

Time for commencement of action—No suit or action on this policy for the recovery of any claim shall be sustained, until after full compliance by the insured with all of the foregoing requirements, nor unless begun within fifteen months next after the commencement of the fire.

Time for commencement of action

Definitions—Wherever in this policy the word "insured" occurs, it shall be held to include the legal representatives of the insured in case of death, and wherever the word "loss" occurs, it shall be deemed the equivalent of "loss or damage," and wherever the words "the time of loss or damage" are used they shall be deemed the equivalent of "the time of the commencement of the fire."

Definitions.

There shall be printed on the outside fold of said policy in type not smaller than small pica the following words in this form :

Statement on outside of policy.

READ THIS POLICY.

Insurance company is liable only for the percentage of the actual cash value.

Policy is void in case of any fraud, false swearing, misrepresentation or concealment about material facts.

- Policy is void, unless otherwise agreed in writing, if,
1. It is assigned before loss;
 2. Insured has or shall procure other insurance;
 3. Any change occurs in location of property;
 4. Insured building is on ground not owned in fee simple by the insured;
 5. Insured is not sole and unconditional owner;
- Policy is suspended unless otherwise agreed in writing, if:
6. Described building becomes vacant or unoccupied for ten days;
 7. Mechanics are employed more than fifteen days in repairing same;
 8. Property is or becomes encumbered by chattel mortgage;
 9. Illuminating gas or vapor is generated in or adjacent to described building;
 10. Explosives or prohibited quantities of gasoline, etc. (except the gasoline contained in automobiles and gas engine tanks), as are kept on the premises; *and provided, also*, that the insurance on live stock and automobiles shall cover wherever located at the time of the fire.

Insurance ceases if described building or any material part falls except as result of fire.

Policy does not cover certain enumerated personal property.

Note particularly duty of insured in case of loss; also provisions avoiding or suspending policy, including changes of ownership or possession.

SEC. 5. Section 19 of said act is hereby amended to read as follows:

Sec. 19. (a) By special agreement indorsed on the policy or added thereto, the provisions regarding appraisalment or apportionment of loss may be waived and the valuations of all or any of the insured property in case of total loss may be agreed upon in advance of loss.

(b) Said standard form of policy shall be plainly printed and no portion thereof shall be in type smaller than eleven point and subheads shall be in type larger than twelve point, and the lines of the policy shall be numbered consecutively.

(c) All county mutual fire insurance policies on property in California shall be on county mutual standard form, and except as herein provided, shall not contain additions thereto. No part of the standard form shall be omitted therefrom.

(d) The blanks in said standard form shall be appropriately filled. The company may add to the standard form any matter relating to its financial condition, directors, officers, stockholders and history, and the address of its home office, and principal office in the state; also in red ink any provisions respecting any limitations of liability of the company, its stockholders or members which it is required or permitted by law of the state or county of its organization to insert in its policies.

Stats 1917,
p 953,
amended
Agreed
valuation

Use of
standard
form.

(e) Clauses may be added to the standard form providing for and defining the rights, duties and obligations of mortgagees, assignees and other parties who have acquired or may acquire an interest in, right to or lien upon the insured property. Optional clauses

(f) No clause shall be inserted or rider attached affecting the standard form liability of the insurer for loss or damage by fire occasioned either directly or indirectly by earthquake, hurricane, volcanic action or other disturbance of nature, unless the same shall be printed in red ink in twelve point type and at the head of the policy there shall be printed in red ink in large bold-faced type the words, "This policy contains limitations of liability not permitted in the California standard form." Earthquakes

(g) Clauses may be added to the standard form (a) covering property and risks not otherwise covered; (b) assuming greater liability than is otherwise imposed on the insurer; (c) granting insured permits and privileges not otherwise provided; (d) waivers of any of the matters, voiding the policy or suspending the insurance; (e) waivers of any of the requirements imposed on the insured after loss. Optional clauses

(h) Except as herein otherwise provided clauses may be attached to the standard form by separate riders in type larger than twelve point imposing specified duties and obligations upon the insured and limiting the liability of the insurer. Riders

(i) Any insurer, or the agent countersigning or issuing a fire insurance policy covering in whole or part property in California varying from the California standard form of policy except as herein provided is guilty of a misdemeanor but any policy so issued shall notwithstanding be binding upon the company issuing the same. Unlawful to issue policy not standard in form

SEC. 6. A new section is hereby added to said act to be numbered 20 and to read as follows: Stats 1917, p 953, amended

Sec. 20. All laws and parts of laws in conflict with this act are hereby repealed. Repealed.

CHAPTER 775.

An act to repeal section 3889 and to amend section 4294 of the Political Code, relating to county revenue.

[Approved by the Governor June 11, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 3889 of the Political Code is hereby repealed. Pol C, Vol 2, 1872, p 52, repealed

SEC. 2. Section 4294 of the Political Code is hereby amended to read as follows: Stats. 1917, p. 937, amended

4294. Every county and township officer authorized to collect moneys must pay into the county treasury, at such time or times as may be required by law, but in any event on or before the fifth day of each month, all of the moneys, collected Money to be deposited and statement filed

by him or under his control during the preceding month, that are payable into such treasury and must file with the county auditor, on or before said fifth day, a statement, in such form as the auditor may require, of all moneys handled by him in his official capacity during such preceding month, showing cash on hand at the beginning thereof, collections and payments during the month and cash on hand at the end thereof, each properly classified as to funds and accounts affected and as to whether or not payable into the county treasury.

Form of
affidavit.

Each of the officers authorized to receive fees under the provisions of this title must take and subscribe to the following affidavit upon the cash statement required in this section:

"I, A. B., county clerk (or other officer, as the case may be), do swear that the fee record in my office contains a true statement in detail of all fees and compensation of every kind and nature for official services rendered by me, my deputies and assistants, and the amount of all fines, and trust money, received, disbursed and on hand, for the month of-----, A. D.-----, and that said fee record shows a full amount received or chargeable in said month, and that neither myself, nor to my knowledge or belief, any of my deputies or assistants have rendered any official service, except as provided in sections 4295 and 4297 of the Political Code, which is not fully set out in said fee record and that the foregoing statement thereof and of cash collected, paid and held by me or under my control for the month of-----19----, and of other matters, is complete, true and correct."

Each other officer must make and subscribe to the following affidavit: "I, C. D., (title of office) do swear that the foregoing statement of cash collected, paid and held by me or under my control for the month of-----19----, and of other matters is complete, true and correct."

The auditor shall file and preserve in his office said statements and affidavits.

CHAPTER 776.

An act creating a commission to investigate and report upon the subject of home rule for counties, providing for the appointment of the members thereof, the powers and duties of such commission, and making an appropriation therefor.

[Approved by the Governor June 11, 1929 In effect August 14, 1929]

The people of the State of California do enact as follows:

Commission
to investi-
gate home
rule for
counties
created

SECTION 1. A commission of nine members is hereby created for the purpose of making an investigation of the general subject of local government by counties, and particularly of examining into any and all matters pertaining to the subject of home rule and local autonomy in county government, including a study of county government and county charters in this and other states. The commission shall report to the governor,

for transmission to the Legislature at its next session in January, 1931, its findings and conclusions and any recommendations it may have as to changes in the system existing in this state, which it may deem necessary or advisable in order to secure a greater degree of home rule for counties.

SEC. 2. The governor is hereby empowered and directed to appoint the members of the commission authorized by this act, and to designate one of the members as chairman of the commission. Any state or county officer or other citizen shall be eligible to serve on such commission. The commission, with the approval of the governor, may employ and fix the compensation of a secretary and such other assistants as shall be necessary to enable it to make the investigation and report hereby authorized. The members shall serve as such without compensation, but shall be allowed their actual and necessary expenses incurred in the performance of their duties as members of the commission. The legislative counsel may be employed to act as secretary of the commission.

Appoint-
ment.

Secretary

SEC. 3. The commission is empowered to require reports from all state and county officers as to matters appertaining to their respective offices, and to examine the records and papers of any such officials.

SEC. 4. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of five thousand dollars, or so much thereof as may be necessary, to be expended in accordance with law upon the order of the chairman of the commission, to carry out the provisions of this act.

Appropriation.

CHAPTER 777.

An act to amend sections 2 and 17 of the "Los Angeles county flood control act," approved June 12, 1915, as amended, relating to powers of the district.

[Approved by the Governor June 11, 1929 In effect August 14, 1929]

The people of the State of California do enact as follows:

SECTION 1. That section 2 of the "Los Angeles county flood control act," approved June 12, 1915, as amended, be amended to read as follows:

Stats 1927,
p. 568,
amended

Sec. 2. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within said district, or to save or conserve in any manner, all or any of such waters, and to protect from damage from such flood or storm waters the harbors, waterways, public highways and property in said district.

Purposes
of act.

Corporate
powers.

Said Los Angeles county flood control district is hereby declared to be a body corporate and politic, and as such shall have power:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.
5. To acquire or contract to acquire lands, rights of way, easements, privileges and property of every kind, and construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements acquired by it as herein authorized.
6. To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and may condemn any existing works or improvements in said district now used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters.
7. To incur indebtedness, and to issue bonds in the manner herein provided.
8. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner hereinafter provided.
9. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.
10. To grant or otherwise convey to counties, cities and counties, cities or towns easements for street and highway purposes over, along, upon, in, through, across or under any real property owned by said Los Angeles county flood control district.
11. To remove, carry away and dispose of any rubbish, trash, debris or other inconvenient matter that may be dislodged, transported, conveyed or carried by means of, through, in, or along the works and structures operated or maintained hereunder and deposited upon the property of said district or elsewhere.
12. To pay premiums on bonds of contractors required under any contract wherein the amount payable to the contractor exceeds five million dollars; *provided*, that the specifications in such cases shall specifically so provide and state that

the bidder shall not include in his bids the cost of furnishing the required bonds.

13. To lease, sell or dispose of any property (or any interest therein) acquired in fee otherwise than by condemnation, whenever in the judgment of said board of supervisors said property, or any interest therein or part thereof, is no longer required for the purposes of said district, or may be leased for any purpose without interfering with the use of the same for the purposes of said district, and to pay any compensation received therefor into the general fund of said district and use the same for the purposes of this act; *provided, however*, that nothing herein shall authorize the board of supervisors or other governing body of the district or any officer thereof to sell, lease or otherwise dispose of any water, water right, reservoir space or storage capacity or any interest or space therein, except as hereinafter provided by section 17 of this act.

SEC. 2. Section 17 of the said act approved June 12, 1915, as amended, be amended to read as follows:

Stats 1927,
p 1017,
amended

Sec. 17. Said board of supervisors of said district shall have full power and authority to cooperate with and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of property, or any of the harbors, channels, waterways, roads or highways in said district, or for the purpose of conserving said waters for beneficial use and to adopt a definite plan or system of work for such purpose, and when so adopted no substantial change affecting their interest shall thereafter be made in the same without the express consent of the officer, board, commission, department or agency of the state or federal government, or public or private corporation, in conjunction with which the same was originally adopted.

Cooperation
with state
and United
States

Said board of supervisors of said district shall have full power and authority to contract with any municipality, irrigation district, or metropolitan water district, for the construction by such municipality, irrigation district, or metropolitan water district, at its own expense under plans approved by said flood control district, of works for the enlargement and increase of storage capacity of any reservoir, work, or structure used or to be used for the controlling and conservation of flood or storm waters of said flood control district, and to authorize by contract, or otherwise, the use by any such municipality, irrigation district or metropolitan water district of said enlarged and increased storage capacity or space thereby created, of such reservoir, work, or structure in excess of that now designed and approved for controlling and conserving the flood or storm waters, of said Los Angeles county flood control district, and for the storage and release of waters coming

Contracts
with municipalities,
irrigation
districts,
etc

entirely from points outside of said flood control district; *provided, however*, such use of such enlarged and increased space or storage capacity shall at all times be subject to the use and control of said Los Angeles county flood control district for the controlling or conservation of such flood or storm waters by the said flood control district.

CHAPTER 778.

An act declaring portions of the lands conveyed to the city of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, unavailable for navigation, commerce and fisheries and excluding such portions from use for navigation, commerce and fisheries, and granting such portions of said tidelands to the city of San Diego and county of San Diego.

[Approved by the Governor June 11, 1929 In effect August 14, 1929]

The people of the State of California do enact as follows:

Lands no longer available for navigation, etc.

SECTION 1. That a portion of the land heretofore granted to the city of San Diego by an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego, in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, has heretofore been improved by adapting the same to use for navigation, and that in so adapting such portion of said land to said use, the said city of San Diego filled in such portion of said land as lies between the line of mean high tide and the seawall erected along the bulkhead line established by the United States government, and the following area shown on the map of the municipal tidelands subdivision tract number one, filed in the office of the city clerk of the city of San Diego, the eighteenth day of May, 1916, and particularly bounded and described as follows:

Description. Beginning at the point of intersection of the westerly prolongation of the northerly line of Ash street with the westerly line of Atlantic street; thence westerly along the westerly prolongation of the northerly line of Ash street to an intersection with the easterly line of Harbor street; thence northerly along the easterly line of Harbor street to an intersection with the southwesterly prolongation of the southeasterly line of Grape street; thence northeasterly along the southwesterly prolonga-

tion of the southeasterly line of Grape street and the southeasterly line of Grape street to an intersection with the southwesterly line of Atlantic street; thence southerly along the westerly line of Atlantic street to the point of beginning, is a portion of said filled land, and said portion was by said improvement and adaptation cut off from access to navigable waters, and is not longer required for navigation, commerce or the fisheries.

SEC. 2. That the said lands comprising the said above described area are hereby declared to be free from the public use for navigation, commerce and the fisheries. Free from public use

SEC. 3. Said lands comprising said above described area are hereby granted and conveyed to the county of San Diego and the city of San Diego, as joint owners, to be used only for county and municipal purposes, including the erection and maintenance thereon of county and municipal buildings. This conveyance is made by the state to said county and city in consideration of the public use to be made of said lands by said city and county and the payment to the State of California of the sum of one thousand dollars. Should said sum not be paid within five years from the taking effect of this act or if said land shall be used by said city and county for any other use than that herein authorized, this conveyance shall be ineffectual and the provisions of this act shall be inoperative. Granted to county and city of San Diego, jointly.
Consideration

CHAPTER 779.

An act to amend section 13 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended.

[Approved by the Governor June 11, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION. 1. Section 13 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended, is hereby amended to read as follows: Stats 1923,
p 575,
amended

Sec. 13. All money received by the state controller in payment of license taxes under the provisions of this act shall be by him deposited in the state treasury and credited to the "Motor vehicle fuel fund," which fund is hereby created. Motor vehicle fuel fund created

Amount to
be paid to
counties

Determina-
tion of
amount.

One-half of all moneys remaining in said "Motor vehicle fuel fund" after the refunds herein provided for have been paid are hereby appropriated to the counties of this state and shall be paid to the counties as hereinafter provided. The payments to the counties to be based upon the number of vehicles registered in each of the counties as determined by the places of residence of the owners to whom the registration certificates for such vehicles have been issued by the state during the current year, and it is hereby made the duty of the motor vehicle department to furnish to the state controller a record of the number of such registrations by counties.

Out of said appropriation each county shall first be paid five thousand dollars for each quarter of a year for the first three thousand five hundred registrations or fraction of three thousand five hundred if the county has less than three thousand five hundred registrations. The balance remaining in said appropriation, after making said apportionment of five thousand dollars quarterly for the first three thousand five hundred registrations or fraction thereof, shall be apportioned to those counties having a registration greater than three thousand five hundred, in the proportion that the registration greater than three thousand five hundred registrations in each of such counties bears to the total number of registrations above three thousand five hundred in all such counties. All such amounts so paid to the several counties shall be paid into a special road improvement fund. Such fund shall be expended by the county receiving it exclusively in the construction and maintenance of roads, bridges and culverts in each such county. In the event that any county has not established such a road fund, its proportion of such fund shall be retained by the state until provision for such a road fund has been made, and it shall then be paid over to such county.

Semiannual
distribution
to counties

In the months of May and November of each year, the treasurer shall make a report to the state controller setting forth the gross amounts received and the net receipts remaining after the payment of the refunds herein provided for for the preceding six months, and thereupon the controller shall draw his warrant upon the "Motor vehicle fuel fund" in favor of each county in the state for the amount to which each such county is entitled. The controller shall not draw such warrant in favor of any county which shall not have established such a road fund as is herein required or which shall be delinquent in its annual report to the state department of public works as hereinafter required.

Annual
report of
superisors
as to
disposition
of moneys

The board of supervisors of each county shall make an annual report to the state department of public works not later than three months after the close of the county's fiscal year upon forms to be provided by such department, showing the account of moneys received from the "Motor vehicle fuel fund" during the preceding fiscal year and the disposition of said moneys, giving such details as to the disposition of said moneys as may be required by said department. Whenever such report shall

not have been duly filed in the manner and form herein provided for at or before the time herein specified, the state controller shall not draw his warrant in favor of the treasurer of such county until said report has been filed.

All moneys in the "Motor vehicle fuel fund" other than those hereinbefore appropriated, are hereby appropriated to and shall by the state treasurer be paid into the "State highway maintenance fund," which fund is hereby created, and shall be used for the maintenance, repair, widening, resurfacing and reconstruction of the state highways, and for the maintenance, repair, widening, resurfacing and reconstruction of roads and highways in state parks, subject to the approval of the official or officials charged by law with the management and control of such parks, such moneys to be drawn from the state highway maintenance fund for the purpose of such maintenance, repair, widening, resurfacing and reconstruction upon warrants drawn by the state controller upon demands made by the state highway commission and allowed and audited by the state board of control.

State
highway
maintenance
fund
created

CHAPTER 780.

An act to amend section 3664aa of the Political Code, relating to the taxation of highway transportation companies.

[Approved by the Governor June 11, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 3664aa of the Political Code is hereby amended to read as follows:

Stats 1927,
p 17,
amended

3664aa. 1. Taxes levied, assessed and collected as herein-after provided upon companies owning, operating or managing any automobile, truck or auto truck, jitney bus, stage or auto stage used in the business of transportation of persons or property as a common carrier for compensation over any public highway in this state between fixed termini or over a regular route, other than buses used exclusively for the transportation of pupils to or from any public school when owned or operated by the school or school district, shall be entirely and exclusively for highway purposes, and shall be assessed and levied by the state board of equalization and collected in the manner hereinafter provided. The word "companies," as used in this section, shall include persons, partnerships, joint stock associations, companies and corporations.

Taxation of
highway
transporta-
tion
companies

2. All such companies engaged in the business of transportation of persons, or persons and baggage, or persons and express, or persons, baggage and express where the same is transported on the same automobile, jitney bus, stage or auto stage transporting said persons, shall annually pay to the state a tax upon their franchises, cars, equipment, and other prop-

Passenger
carriers

erty, or any part thereof, used exclusively in the operation of their business in this state, equal to four and one-quarter per cent of the gross receipts from operations of such companies, and each thereof, within this state; *provided, however*, that money received from the United States government as payments under contract for the carriage of United States mails shall not be included in the gross receipts subject to taxation under the provisions of this section.

Freight
carriers

3. All such companies operating trucks or auto trucks engaged in the business of transporting property shall annually pay to the state a tax upon their franchises, trucks, or auto trucks, equipment, and other property, or any part thereof, used exclusively in the operation of their business in this state, equal to five per cent of the gross receipts from operations of such companies, and each thereof, within this state; *provided, however*, that money received from the United States government as payments under contract for the carriage of United States mails shall not be included in the gross receipts subject to taxation under the provisions of this section.

Interstate
carriers

4. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this state.

Tax in lieu
of what

5. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property above enumerated of such companies; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount to be paid or required by law to be paid for any special privilege or franchise heretofore granted by any of the municipal authorities of this state.

Sections
also
applicable

6. The provisions of sections 3664*e*, 3665*a*, 3665*b*, 3665*c*, 3666, 3666*c*, 3667*a*, 3667*b*, 3667*c*, 3668, 3668*a*, 3668*b*, 3668*c*, subdivisions two, three and four of section 3669, 3669*a*, 3669*b*, 3669*c*, and 3669*e* of the Political Code, and any amendments thereto hereafter made, shall apply, and shall be construed to apply to all "companies" subject to state taxation under section 15 of article thirteen of the constitution of this state, with the same force and effect as if said companies were expressly mentioned in said sections of the Political Code.

Legality

SEC. 2. In the event that it shall hereafter be finally determined by the courts that the Legislature is without authority to exclude receipts received under contract from the United States government for the carriage of mail and other government matter in the computation of gross receipts under this act, then, and in that event, such receipts shall be included with and become a part of the measure of the tax upon the property enumerated herein.

CHAPTER 781.

An act to amend section 13 of an act entitled "An act to carry into effect the provisions of section 16 of article thirteen of the constitution of the State of California, relating to bank and corporation taxes," approved March 1, 1929.

[Approved by the Governor June 11, 1929. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. Section 13 of an act entitled "An act to carry into effect the provisions of section 16 of article thirteen of the constitution of the State of California, relating to bank and corporation taxes," approved March 1, 1929, is hereby amended to read as follows: Stats 1929,
p 25,
amended

Sec. 13. Every bank and corporation shall within two months and fifteen days after the close of its taxable year, transmit to the commissioner a return in a form prescribed by him, specifying, for the taxable year, all such facts as he may by rule, or otherwise, require in order to carry out the provisions of this act; *provided*, that there shall be granted a general extension of time of two months in the case of returns required to be filed March 15, 1929, and of one month in the case of returns required to be filed April 15, 1929. Returns

On or before May 15, 1929, every bank or corporation with a fiscal year ended during the calendar year 1928 shall file a return covering such fiscal year, and its tax for the months of the year 1929, corresponding to the months of 1928 which fall within the fiscal year ended during 1928, shall be according to or measured by such proportionate part of the net income of that fiscal year as the number of months falling within the calendar year 1928 bears to the total number of months in the fiscal year ended during that calendar year.

A bank which locates or commences to do business within the limits of this state, and a corporation which commences to do business in this state, after the effective date of this act, shall thereupon prepay the minimum tax hereunder, and upon the filing of its return within two months and fifteen days after the close of its taxable year its tax for that year shall be adjusted upon the basis of the net income received during that taxable year. Said return shall also, in accordance with sections 23 to 26 inclusive, be the basis for the tax of said bank or corporation for its second taxable year.

Any bank or corporation which is dissolved during any taxable year shall only be obliged to pay a tax hereunder for the months of the taxable year prior to such dissolution according to or measured by such proportionate part of the net income of the preceding taxable year as the number of months of the taxable year during which such corporation is dissolved and prior to such dissolution bears to the entire taxable year. In any event, each such corporation shall pay a minimum tax of twenty-five dollars for such period.

The tax liability imposed under this act shall attach whether a bank or corporation has a taxable year of twelve months or of lesser duration.

CHAPTER 782.

An act to amend section 628f of the Penal Code, relating to the protection of fish and game.

[Approved by the Governor June 11, 1929 In effect August 14, 1929]

The people of the State of California do enact as follows:

Stats 1927,
p 1163,
amended

Protection
of abalone
and clams

SECTION 1. Section 628f of the Penal Code is hereby amended to read as follows:

628f. Every person who between the fifteenth day of January and the fifteenth day of March of the same year, both dates inclusive, takes, catches, kills or has in his possession any pink abalone (*Haliotis corrugata*), or any red abalone (*Haliotis rufescens*), or any black abalone (*Haliotis crackerodie*), or any green abalone (*Haliotis fulgens*) is guilty of a misdemeanor. Every person who at any time, takes, catches, kills or has in his possession any red abalone (*Haliotis rufescens*), the shell of which is less than seven inches in greatest diameter, or any green abalone (*Haliotis fulgens*), the shell of which is less than six and one-half inches in greatest diameter, or any pink abalone (*Haliotis corrugata*), the shell of which is less than six inches in greatest diameter, or any black abalone (*Haliotis crackerodie*), the shell of which is less than five inches in greatest diameter, or who by any means whatsoever, takes or catches any abalone (*Haliotis*) and does not bring the same naturally attached to the shell and alive, to the shore above high water mark, or who takes, catches or kills any abalone (*Haliotis*) for other than food purposes, or who, at any time, dries any abalones (*Haliotis*) or who offers for shipment or ships, or receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country any abalone meat or abalone shells, excepting articles manufactured from abalone shells, as a finished product; or who takes, catches, kills or has in his possession any abalone (*Haliotis*) taken, caught or killed with a spear shall be guilty of a misdemeanor; *provided, further*, that nothing in this section shall prohibit any person from holding in his possession during the closed season, sliced abalone legally caught in the open season when the holder of such abalone shall comply with the regulations to be prescribed by the fish and game commission. Every person who, in the fish and game districts seven, fifteen, sixteen, seventeen, nineteen, twenty and twenty "A" of this state, uses or assists in using any diving apparatus of any character for the taking or catching of any abalone (*Haliotis*), or who, in fish and game dis-

Districts
7, 15, 16,
17, 19, 20
and 20 "A"

districts seven, fifteen, sixteen, seventeen, nineteen, twenty and twenty "A," takes, catches, or kills or has in possession during any one calendar day more than ten abalone (*Haliotis*), or who takes, catches or kills more than twenty abalones in any calendar week, shall be guilty of a misdemeanor; *provided*, that the daily or weekly limits herein provided for fish and game districts fifteen, sixteen and seventeen shall not apply to abalones brought in by boats when not caught or taken in fish and game districts fifteen, sixteen, or seventeen. Every person who in fish and game districts seven, ten, and eighteen in the waters lying between high water mark and a line twenty feet beyond extreme low tide line, takes more than ten abalones in any one calendar day or who sells or offers for sale any of said abalones is guilty of a misdemeanor.

Every person who in fish and game districts seven, ten or eighteen takes or has in possession for commercial purposes any red abalones whose shells measure less than eight inches in greatest diameter is guilty of a misdemeanor.

Districts 7,
10 or 18

None of the provisions of this act shall apply to abalone or clams caught or taken without the waters of this state and bearing after inspection such evidence of having been so caught or taken as may be prescribed by the fish and game commission; *provided, however*, that such clams and abalones must conform to the size limits as provided in the laws of this state, and must not be brought into this state or held in possession during the closed season for clams or abalones as provided in the laws of this state; *and provided, further*, that the expense of such inspection shall be determined by the fish and game commission and must be paid by the importer of such clams and abalones.

Caught out-
side of
state

Every person who gathers or takes in any manner or destroys or has in his possession any clam known as the Pismo clam (*Tivela stultorum*) whose shell shall measure less than five inches in greatest diameter or who during any one calendar day, takes, gathers in any manner or has in his possession more than fifteen of said clams or who, between the first day of May and the thirty-first day of August, both dates inclusive, of any year, takes, catches or gathers any clams in fish and game district seventeen is guilty of a misdemeanor.

Pismo clam

Every person who ships, offers for shipment or receives for shipment any Pismo clams (*Tivela stultorum*) or, who has in possession any Pismo clams not in the shell except Pismo clams being prepared for immediate consumption, is guilty of a misdemeanor. Every person who takes or gathers any clams whatsoever in fish and game district eighteen "A" is guilty of a misdemeanor.

Every person who takes, gathers in any manner or has in his possession or who ships, offers for shipment, or sells or offers for sale any cockles or little-neck clams (*Tapes staminea*) whose shell measures less than one and one-half inch in greatest diameter is guilty of a misdemeanor. Every person who takes, catches or gathers in any way more than thirty razor

Cockles or
little-neck
clams

clams (*Siliqua patula*) during any one calendar day is guilty of a misdemeanor.

Rubber-neck,
big-neck
or great
Washington
clam

Every person who during any one calendar day takes, gathers in any manner, or has in his possession, or who ships, offers for shipment, sells or offers for sale, more than ten clams of the species *Schizothaerus nuttallii*, variously known as rubber-neck, big-neck or great Washington clam, is guilty of a misdemeanor. Every person who in fish and game district number ten takes or gathers or has in possession during any one calendar day, more than fifteen Washington clams, is guilty of a misdemeanor. Every person who, in fish and game districts eighteen or nineteen, takes, gathers, or has in possession during any one calendar day, more than ten pounds of mussels, is guilty of a misdemeanor. Every person who during any one calendar day takes, or gathers in any manner, more than ten black abalones in fishing district fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty "A" and twenty-one is guilty of a misdemeanor.

Black
abalones.

Districts 7,
8 and 9

Every person who takes, catches or kills or has in possession any clam or clams taken from fish and game districts eight or nine, between the first day of May and the thirty-first day of August of any year, both dates inclusive; or who at any time ships or offers for shipment or receives for shipment or transportation, to any place outside the limits of fish and game district one and one-half, any clam or clams of any species taken in fish and game districts seven, eight or nine, is guilty of a misdemeanor.

Penalties.

Every person violating any of the provisions of this section upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had not less than ten days nor more than six months or by both such fine and imprisonment; and all fines and forfeitures imposed or collected for any violation of the provisions of this section must be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 783.

An act to amend sections 3866 and 3868 of the Political Code, relating to semiannual reports and settlements of counties with the state.

[Approved by the Governor June 11, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1919,
p 159,
amended

SECTION 1. Section 3866 of the Political Code is hereby amended to read as follows:

3866. The treasurers of all of the counties and cities and counties of this state must, between the fifteenth and thirtieth days of December and May of each year, settle in full with the controller of state and pay over in cash to the treasurer of state all funds belonging to the state which have come into their hands as county treasurers before the close of business on and including the last day of the month prior to the month of settlement. If, in the opinion of the controller of state, it appears from the report of the county auditor that sufficient taxes or other revenues have not been collected to make it for the interest of the state that a settlement should be made, the controller shall defer the settlement until the next regular settlement. No mileage, fees or commissions shall be allowed any officer for any deferred settlement; *provided*, that in case any settlement is so deferred, the county auditor in his next report to the controller of state shall include therein all moneys required to be reported since the date of his last report upon which a settlement was made.

Settlements
of county
treasurers
with state

SEC. 2. Section 3868 of the Political Code is hereby amended to read as follows:

Stats 1893,
p 55,
amended
Semiannual
reports of
county
auditors

3868. The auditor of each county, between the first and the tenth day of each month in which the treasurer of his county is required to settle with the controller, must make, in duplicate, and verify by his affidavit, a report to the controller of state, in such form as the controller may desire showing specifically the amount due the state from each particular source of revenue at the close of business on and including the last day of the month preceding the settlement required in this chapter.

CHAPTER 784.

An act to carry into effect the provisions of subdivisions six and seven of section 8½ of article eleven of the constitution of the State of California; to provide for the alteration of the boundaries of and for the consolidation of territory located in the county of San Mateo with the city and county of San Francisco, for the incorporation of such consolidated territory in and as a part of said city and county, and for the government of such consolidated territory as an integral part of such city and county of San Francisco.

[Approved by the Governor June 11, 1929 In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. (a) It shall be competent of the city and county of San Francisco to consolidate with a part or all of the territory contiguous to such city and county, incorporated or otherwise, situate wholly in the county of San Mateo, said added territory to be an integral part of such consolidated city and county.

San Fran-
cisco may
consolidate
with con-
tiguous ter-
ritory.

Words and
phrases
defined

(b) As used in this act:

(1) The term "city and county" shall mean the city and county of San Francisco. (2) The term "county" shall mean the county of San Mateo, unless the context clearly indicates otherwise. (3) The term "city" shall mean any incorporated city or town in the county. (4) The term "governmental agency" shall include townships, school districts, lighting districts, sanitary districts, or any other districts organized or authorized by law of a special or quasi-municipal nature. (5) The percentages of qualified electors by this act required to make effective any petition in this act referred to shall be calculated upon the total vote cast in the city, county, or city and county concerned for all candidates for governor at the last preceding state gubernatorial election. (6) The term "consolidate" and the various tenses and inflections thereof shall include the term "annex" and the corresponding tenses and inflections thereof. (7) The term "consolidation" shall include the term "annexation."

Proposed
consolidation
with
territory
including
more
than one
incorporated
city
Petition by
electors for
consolidation

SEC. 2. If additional territory, including more than one incorporated city, is proposed to be consolidated with said city and county, the board of supervisors of said city and county may, by resolution, give notice of such proposal to the legislative bodies of any such incorporated cities proposed to be so made an integral part of said city and county; and, if a petition, requesting such notice to be so given, be filed with said board of supervisors, such petition being signed by qualified electors of such city and county equal in number to not less than five per centum of the qualified electors of such city and county, it shall then be the duty of said board of supervisors by resolution to give notice of such proposal to the legislative bodies aforesaid; and any such resolution or notice shall contain the terms of said proposal required to be included in the question to be thereafter voted on by the qualified electors of any such incorporated city so proposed to be consolidated with said city and county, at an election for the determination of such question as hereinafter provided. Upon the receipt of such notice, the legislative body of any such incorporated city may, of its own initiative, and must, if there be filed with it a petition signed by not less than five per centum of the qualified electors of said incorporated city and requesting the calling of an election for the purpose of determining such question, call an election for said purpose. The notice of such election shall be given by publication for at least five successive publications in a newspaper printed and published in such incorporated city so proposed to be consolidated, the last publication to be not less than twenty days prior to any such election. If there be no such newspaper printed and published in said incorporated city, then such publication may be made in any newspaper of general circulation printed and published in the nearest incorporated city where such a newspaper may be so printed and published. Such notice shall contain the name of such incorporated city,

Notice.

Election
within incor-
porated city

Notice of
election

the date of the election, together with the terms of said proposal for consolidation with the city and county; and it shall be the duty of said legislative body to establish, and in such notice of election to designate, the voting precinct or precincts, and the place or places at which the polls will be open for such election, which said place or places shall be that or those usually used as voting places within such incorporated city, if any such there be. Such legislative body is empowered, further, to appoint, and it shall appoint the officers of such election, who shall be, for each voting place, two judges and one inspector, each of whom shall be a qualified elector of said incorporated city.

SEC. 3. Upon the ballots used at any such election there shall be printed the question for determination by the voters substantially in the form as follows: "Shall (herein insert the name of the city or town to be included in such consolidated territory) be included in a district to be hereafter defined by the city and county of San Francisco, which district shall within two years from the date of this election vote upon a proposal submitted as one indivisible question, that such district to be then described and set forth shall consolidate with the city and county of San Francisco in a consolidated city and county government, and that such district shall become subject to taxation, along with the entire territory of the proposed city and county in accordance with the assessable valuation of the property of said district for the following indebtedness of said city and county of San Francisco, to wit: (Herein insert in general terms reference to any debts to be assumed and if none insert 'none')?" There shall be two voting squares to the right of and opposite such question, the upper one being preceded by the word "Yes," and the lower one being preceded by the word "No." If an elector shall stamp a cross (X) in the voting square following the word "Yes," the vote of such elector shall be counted in favor of the said proposal, and if an elector shall stamp a cross (X) in the voting square following the word "No" the vote of such elector shall be counted against such proposal. The judges and inspector of such election for each polling place shall immediately, upon the closing of the polls, count the ballots, make up, certify and seal the ballots and tally sheets of the ballots cast at their respective polling places, doing so as nearly as practicable, in the manner provided in the laws of this state relating to general elections, and they shall thereupon deliver the ballots, tally sheets and returns to and deposit the same with the clerk of the legislative body of such incorporated city proposed to be so consolidated and made an integral part of the city and county.

SEC. 4. The legislative body of each incorporated city proposed to be so consolidated shall, at the time provided for its regular meeting next after the expiration of five days from and after the date of said election, meet and proceed to canvass

Ballots.

Canvass of
returns

said returns, and said canvass shall be completed at such meeting, if practicable, and in any event within five days thereafter. Immediately upon the completion of such canvass such canvassing body shall cause a record thereof to be made and entered upon its minutes stating the proposal submitted and showing the whole number of votes cast on the proposal submitted to such incorporated city, the number of votes cast therein in favor of the said proposal, and the number of votes cast therein against the said proposal. The clerk or other officer performing the duties of clerk of such canvassing body shall promptly, and within ten days of the completion of such canvass by said body, make and certify under the seal thereof and transmit to the board of supervisors of the city and county a copy of the records of the canvass of the returns of the election so canvassed by said canvassing body, together with a statement showing the date of such election, the name of said incorporated city, and the time and the result of the canvass of the returns of such election. And if it shall appear, from a canvass of the returns of the election held in the said incorporated city, that a majority of the qualified electors voting on such proposal voted in favor thereof, the said clerk or other officer performing the duties of clerk of such body so canvassing such returns shall also, promptly, and within said ten days, make and certify, under the seal thereof, and transmit to the secretary of state of the State of California, a like copy of the record of the canvass of said returns, together with a like statement showing the date of such election, the name of said incorporated city, and the time and the result of the canvass of the returns of such election. Said document shall be filed by the secretary of state immediately upon receipt thereof.

May be more than one election.

SEC. 5. Nothing herein contained shall be construed as prohibiting a further election or further elections to be held in any such incorporated city to which the foregoing proposal shall have been submitted, and a majority of whose qualified electors voting thereon shall not have voted in favor thereof; *provided*, that there must be an interval of at least ninety days between said elections, and that not more than two such elections shall be held in any one incorporated city or town, upon any one initiation of a consolidation proceeding by the city and county; *and further provided*, that no consolidation proposal shall be so initiated by such city and county more than once in a period of one year.

Territory to be defined as a district.

SEC. 6. Any and all of the said incorporated cities, to which the foregoing proposal shall have been submitted, and a majority of whose qualified electors voting thereon shall have voted in favor thereof, together with such unincorporated territory as the board of supervisors of the said city and county may determine to have included, the whole to form an area contiguous to said city and county, shall be by the board of supervisors of said city and county, defined as a district, by a resolution, a copy of which shall be forthwith transmitted by said board to the board of supervisors of the county of San

Mateo; *provided, however*, that the limits and boundaries of the district so to be defined by the supervisors of the city and county shall be so determined that each city, a majority of whose qualified electors voting thereon shall have voted against the proposal hereinabove referred to, shall be included in a single area situate within the county of San Mateo lying on one side said district and connecting with the county of Santa Clara or the county of Santa Cruz, or both.

SEC. 7. Thereupon, and within the time prescribed by law, there shall be submitted by the board of supervisors of the county of San Mateo to the voters of said entire district so defined a proposal, as one indivisible question, substantially in the following form: "Shall the territory (herein designate in general terms the territory to be annexed) consolidate with the city and county of San Francisco in a consolidated city and county government, said consolidation to take effect (herein insert date when such consolidation shall take effect) and shall the said annexed territory become subject to taxation, as an integral part of the city and county so formed, in accordance with the assessable valuation of property of said territory for the following indebtedness of said city and county of San Francisco to wit: (Herein insert, in general terms, reference to any debts to be assumed, and if none, insert 'none')?" There shall be two voting squares to the right of and opposite such question the upper one being preceded by the word "Yes" and the lower one preceded by the word "No." If an elector shall stamp a cross in the voting square after the printed word "Yes" the vote of such elector shall be counted in favor of said proposal, and if an elector shall stamp a cross in the voting square after the printed word "No," the vote of such elector shall be counted against such proposal.

SEC. 8. The manner to be followed by the board of supervisors of said county of San Mateo in the submission of said question and the holding of such election, the establishment of election precincts and the appointment of election officers, and the publication of the notice of such election, shall be substantially the same as that set forth in section 2 of this act for the submission of a consolidation proposal to any incorporated city, and the notice thereof shall be published in three newspapers of general circulation printed and published in said San Mateo county, one of which shall be such a newspaper printed and published in said district so proposed to be consolidated with said city and county, if there be such a newspaper printed and published in said district.

Such notice shall include a particular description of said district and shall name any incorporated cities included therein and designate the unincorporated territory included therein by some appropriate name or other words of identification. It shall also briefly describe any debts to be assumed by such district, in the event of such consolidation becoming effective.

SEC. 9. On the same date on which said election is so held in said district there must also be held throughout the

Election to be held in district defined

Question to be submitted

Manner of holding election.

County election

Question
to be
submitted

county, and also under the supervision of the board of supervisors of said county, an election at which a proposition must be submitted to the electors of such county for the consent of such county to such consolidation of said district with the city and county. The board of supervisors of said county shall submit a proposal to the voters of said entire county, substantially in the following form: "Shall the territory (herein designate in general terms the territory to be annexed) be permitted to withdraw from the county of San Mateo and consolidate with the city and county of San Francisco in a consolidated city and county government, said consolidation to take effect (herein insert date when such consolidation shall take effect)?" There shall be two voting squares to the right of and opposite such question, the upper one being preceded by the word "Yes" and the lower one being preceded by the word "No." If an elector shall stamp a cross in the voting square after the printed word "Yes" the vote of such elector shall be counted in favor of said proposal, and if an elector shall stamp a cross in the voting square after the printed word "No," the vote of such elector shall be counted against such proposal; *provided, however*, that in the event the entire territory of San Mateo county is included in said district the election provided for in this section by the entire county shall not be held; and in such an event if a majority vote of the qualified electors voting at the district election provided for in sections 7 and 8 hereof should be in favor of the proposal so submitted, then such vote shall be deemed also to give the consent of the qualified electors of the county to the proposed consolidation of said district with the city and county.

Manner of
holding
county
election

SEC. 10. The manner to be followed by the board of supervisors of the said county in the submission of the question set forth in section 9 of this act and the holding of such election, the establishment of election precincts, and the appointment of election officers, and the publication of notice of such election shall be substantially the same as that set forth in section 8 of this act. So far as possible, the notices to be published of the county and of the district elections above provided for shall be consolidated in one notice; and further, so far as possible the election precincts and polling places and election officers for both the county and the district election shall be identical. The notice of the elections above provided for shall be published in three newspapers of general circulation printed and published in said San Mateo county.

Counting and
sealing of
ballots

SEC. 11. The judges and inspectors of such elections in said county and in said district so proposed to be consolidated for each polling place, shall immediately, upon the closing of the polls, count the ballots, make up, certify and seal the ballots and tally sheets of the ballots cast at their respective polling places, doing so as nearly as practicable in the manner provided in the laws of this state relating to general elections, and they shall thereupon deliver the ballots, tally

sheets and returns to and deposit the same with the clerk of the board of supervisors of the county.

SEC. 12. The board of supervisors of the county shall at the time provided for its regular meeting next after the date of said elections meet and proceed to canvass said returns, and said canvass shall be completed at such meeting, if practicable, and in any event, as soon as practicable. The said board of supervisors shall so canvass the returns of any such election held in the county to determine whether the county will permit the withdrawal therefrom of any territory, and likewise the returns of any such election held in any such district. Immediately upon the completion of such canvass such canvassing body shall cause a record thereof to be made and entered upon its minutes stating the proposals submitted and showing: First, the whole number of votes cast on the proposal submitted to the county of San Mateo, the number of votes cast therein in favor of such proposal and the number of votes cast therein against such proposal; and second, the whole number of votes cast on the proposal submitted to the district proposed to be consolidated, the number of votes cast therein in favor of such proposal and the number of votes cast therein against such proposal. The clerk or other officer performing the duties of clerk of such canvassing body shall promptly, and within ten days of the completion of such canvass by said body, make and certify under the seal thereof, and transmit to the board of supervisors of the city and county a copy of the records of the canvass of the returns of the elections so canvassed by said canvassing body, together with a statement showing the date of such elections, and the time and the result of the canvass of the returns of such elections, and containing a description of such district so proposed to be consolidated, by naming the incorporated cities in said district and also the unincorporated territory in said district, as said incorporated cities and unincorporated territory were described in the election notices as provided for in this act for the election held in said district. And if it shall appear, from a canvass of the returns of the election held in the county or of the election held in the district so proposed to be consolidated, that a majority of the qualified electors voting on such proposals voted in favor thereof, either in such county, or in such district proposed to be consolidated, the said clerk or other officer performing the duties of clerk of such body so canvassing such returns shall also, promptly, and within said ten days, make and certify, under the seal thereof, and transmit to the secretary of state of the State of California, a like copy of the record of the canvass of said returns, together with a like statement showing the date of such election, and the time and the result of the canvass of the returns of such election, and containing a like description of such district. Said document shall be filed by the secretary of state immediately upon receipt thereof.

Canvass of
returns

Question
to be sub-
mitted to
electors of
city and
county.

SEC. 13. If it shall appear from a canvass of the returns of such elections that a majority of the qualified electors of such district and also a majority of the qualified electors of such county of San Mateo voting on the question of such consolidation are in favor thereof, the said proposal of consolidation shall be submitted by the board of supervisors of said city and county of San Francisco to the electors of said city and county in the form of a proposal reading substantially as follows:

"Shall the territory (herein designate in general terms the territory to be annexed) consolidate with the city and county of (herein insert the name of the city and county initiating the annexation proposal) in a consolidated city and county government, said consolidation to take effect (herein insert date when such consolidation shall take effect) and shall the said annexed territory become subject to taxation, as an integral part of the city and county so formed, in accordance with the assessable valuation of property of said territory for the following indebtedness of said city and county of (herein insert name of the city and county) to wit: (Herein insert in general terms, reference to any debts to be assumed and if none insert 'none')?"

There shall be two voting squares to the right of and opposite such proposition, the upper one being preceded by the word "Yes" and the lower one being preceded by the word "No." If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," the vote of said elector shall be counted in favor of the said proposal, and if an elector shall stamp a cross (X) in the voting square after the printed word "No," the vote of such elector shall be counted against such proposition.

Manner of
holding
election

SEC. 14. The manner to be followed by the board of supervisors of the said city and county in the submission of said question and the holding of said election, their establishment of election precincts and their appointment of election officers and the publication in said city and county of notice of such election, shall be substantially the same as that provided by law for special elections held in the said city and county. The notice required to be published shall include a particular description of any district so proposed to be consolidated, together with a particular description of any debts to be assumed by such district, in the same manner as provided for in section 8 of this act for a notice to be given to a district. Said election in said city and county shall be held at such time as the board of supervisors thereof may designate, but must be held within one hundred twenty (120) days from and after the receipt by the board of supervisors of the city and county of the record of the canvass of returns of the election or elections held in the county of San Mateo and the respective cities and districts thereof.

Conduct of
elections

SEC. 15. The ballots used in any elections provided for in this act, the opening and closing of the polls, and the holding

and conducting of such elections, shall be in conformity, as nearly as may be, with the laws of this state concerning general elections, except as herein otherwise provided.

SEC. 16. Upon the approval of any such consolidation proposal by the electors of said city and county as shown by a canvass of the returns thereof, and the certification of said returns to the secretary of state, said certification being made in the same manner as provided in section 12 of this act, the secretary of state shall file in his office the document certified to him by the clerk of the canvassing body of the city and county immediately upon the receipt thereof. The secretary of state having so filed said document in his office, then, from and after the date prescribed in the proposal so submitted at said elections, the consolidation with the city and county of such district so proposed to be consolidated, as described therein, shall be deemed to be and shall be complete and thenceforth such consolidated district shall be to all intents and purposes a part of such city and county. And from and after said date the indebtedness so referred to in said proposal shall be deemed to have been assumed and upon the said date stated in said consolidation proposal such district and such city and county shall be and become one consolidated city and county to be governed by the charter of the city and county and any amendment or amendments thereto.

Approval
by city and
county and
certification
of returns

Effect

SEC. 17. In any such submission of any proposal to the electors of any incorporated city, or of any district proposed to be consolidated with the city and county, or to the electors of said city and county, as provided for in this act, there may be included a condition that any such proposed consolidation shall be effected only upon the ratification by the electors of said district, and of any incorporated city therein, and of said city and county, at the same election at which such consolidation proposal is submitted to such electors of said incorporated city, or district, or city and county, of any proposed new charter for said city and county, or of any proposed amendment or amendments to an existing charter of said city and county, which new charter or amendment or amendments to an existing charter may include provisions for borough government for all or any portion or portions of any territory proposed to be so consolidated; and also that such proposed consolidation shall be effected only upon the final approval by the Legislature of such new charter or such amendment or amendments to an existing charter of the city and county.

Simultaneous
submission
of
charter
amendments

Approval by
Legislature

In submitting any such proposed new charter or such amendment or amendments to an existing charter, at the elections in the incorporated cities, for the ratification of the electors of any of such cities, separate propositions, whether alternative or conflicting, may be submitted at the same time to be voted on by the electors separately in any one or more of such cities. As between those so related, if more than one receive a majority of the votes of any such city, the proposi-

Ratification
of alternative
or conflicting
proposals

tion receiving the larger number of votes shall control as to all matters in conflict.

Taxation of property of consolidated territory.

SEC. 18. No property in any territory consolidated with said city and county as provided for in this act, shall be taxed for the payment of any indebtedness of such city and county outstanding at the date of such consolidation and for the payment of which the property in such territory was not, prior to such consolidation, subject to such taxation, unless there shall have been submitted to the qualified electors of such territory a proposition regarding the assumption of indebtedness, as provided for in this act, and the same shall have been approved by a majority of such electors voting thereon, as provided for in this act.

Notice of election upon question of debt assumption what to contain

SEC. 19. The particular description, in any published notice of election, of any debts to be assumed by any such territory consolidated with said city and county as in this act provided for, shall distinctly state that the property of such territory shall, after such consolidation, be subject to taxation as an integral part of the city and county formed under this act, along with the entire territory of the proposed city and county, in accordance with the assessable valuation of the property of said annexed territory and of the property within such city and county prior to such consolidation, to pay any bonded or other indebtedness of any such city and county outstanding at a date to be named therein. Such description shall, in addition, briefly and in general terms specify the improvement or improvements, or other purpose for which the indebtedness was so incurred or authorized and state the amount or amounts of such indebtedness already incurred outstanding at the date, aforesaid, and the amount or amounts of such indebtedness theretofore authorized and to be represented by the bonds thereafter to be issued and the maximum rate of interest payable or to be payable on such indebtedness.

Government of portion of county not consolidated

SEC. 20. In the event of any election as in this act provided for at which there shall be submitted a proposal for the consolidation of any territory with said city and county, which consolidation will result in the leaving of a portion or portions of the county unconsolidated with said city and county, then it shall be the mandatory duty of the Legislature, at the first session following any such final election, in the event of the approval of such consolidation proposal at such election, or if the Legislature be then in session then at such session, to make such provisions as may be necessary for the government of any such portion or portions of such county so remaining and not consolidated with such city and county; *provided, however,* that in so providing for the government thereof, the Legislature shall not subject any city or town whose voters shall have finally voted against said consolidation to government by said city and county, excepting it be with the consent of a majority of the qualified voters of each such city voting at an election called and held for such purpose.

SEC. 21. At the session of the Legislature next after such final election referred to in this act, or if the Legislature is in session at the time of such final election, then at such session of the Legislature, or as soon thereafter as may be practicable, the Legislature shall determine the just proportion of the debts and liabilities of the county for which the city and county shall be liable, and the just proportion of the property and assets of the county to which such city and county shall be entitled as a result of any consolidation as in this act provided for. The governor of the state shall, upon the approval of any such consolidation by the qualified electors concerned, appoint a commission of three persons; one, a qualified elector of the city and county; one, a qualified elector of the unconsolidated territory, and one, a qualified elector of some territory other than said city and county and other than such consolidated territory, for the purpose of rendering a report to the Legislature in order to advise the Legislature; first, upon the proper provision for the government of any portion or portions of such unconsolidated territory; and, second, upon the proper determination of the just proportion of the debts and liabilities of the county for which such city and county shall be liable, and of the just proportion of the property and assets of such county to which such city and county shall be entitled, as so existing at the time that any such territory is so taken from such county as a result of any such consolidation as in this act provided. The actual necessary expenses of said commission, and compensation for their services at the rate of ten dollars per day for each day of actual service by each of said commissioners, shall upon a demand therefor being sworn to and presented to the legislative body of said city and county be a proper and legal charge against the treasury of said city and county.

Distribution
of assets
and liabilities
of county
divided

Appointment
of committee
to advise
Legislature

Expenses

SEC. 22. Upon the consolidation of any such territory with the city and county becoming effective, the county, if the whole thereof has been so consolidated, and each and every incorporated city or governmental agency included in the consolidated territory shall automatically be dissolved and discontinued and any freeholders' charter thereof shall be automatically annulled and the county and each such incorporated city or governmental agency shall be automatically merged in the said city and county and shall be thereafter governed in the name of and under the freeholders' charter of and as a part of such city and county and under any amendment or amendments to such charter.

Dissolution
of county
and municipal
corporations
annexed

Upon such consolidation, unless otherwise provided for under any borough system of government at said time adopted or then in force and effect, all county officers in and for the county other than that of judge or judges of the superior court of the State of California in and for the said county of San Mateo, and all city offices in and for said cities so consolidated, and all offices in and for any governmental agencies so consolidated, shall cease and be abolished and the incumbents

Abolition of
county and
municipal
offices

Disposal of
moneys,
books, etc

thereof shall deliver all moneys, funds, books, papers, archives and records and all other property of said county, incorporated city, governmental agency or unincorporated territory so consolidated and at said time under their control as such officials, to the proper officers of the city and county; *provided, however,* that if any portion of said county shall not be consolidated with said city and county, when the pro rata disposition of such moneys, funds, books, papers, archives and records of said county shall be determined by the Legislature in its final action in determining the government of such unconsolidated territory. Upon the consolidation of said county as a whole, the said superior court of the State of California in and for the county of San Mateo shall become a part of the superior court of the State of California in and for the city and county of San Francisco, and the incumbent or incumbents thereof shall become judges of the superior court of the said state in and for the city and county of San Francisco and continue as such to the end of the terms of office for which they were respectively elected or appointed and at the same salary as immediately prior to said consolidation enjoyed by them, and upon expiration of their respective terms the said positions shall be filled in the same manner as the positions of judges of the said superior court of the city and county of San Francisco and at the same salary as fixed by law for the judges of the superior court in and for the city and county of San Francisco. The superior court of the State of California in and for the county of San Mateo, becoming a part of the superior court of the State of California in and for the city and county of San Francisco, shall upon such consolidation becoming finally effective, continue to be held in the county courthouse theretofore used by the court in said county of San Mateo, with the right upon the part of the judge or judges holding such court to hold trials at such other place or places in the consolidated city and county as may suit the convenience of all concerned in the litigation before the court.

Superior
court,
judges
thereof

Superior
court,
where held

Assumption
of debts

Upon such consolidation, subject to the provisions of section 21 of this act, the property, debts, and liabilities of all of the consolidated territory shall become the property, debts, and liabilities of the newly consolidated city and county of San Francisco.

Effect of
consolidation
upon the
county of
San Mateo
and the
political
subdivisions
therein

SEC. 23. Any consolidation under the provisions of this act shall not affect any debts, demands, liabilities, or obligations of any kind existing in favor of or against said county of San Mateo or such incorporated cities, or such governmental agencies, so consolidated at the time of such consolidation, or any action or proceeding then pending in any court in which any such debt, demand, liability or obligation may be involved or any action or proceeding brought by or against such county, incorporated cities or such governmental agencies, prior to such consolidation, but all such actions and proceedings shall be continued and concluded to final judgment or otherwise in all respects the same as if such consolidation had

not been effected; *provided, however*, that any such debt, demand, liability or obligation in favor of or against any consolidated territory shall, upon such consolidation, be and become such a debt, demand, liability or obligation in favor of or against such newly consolidated city and county of San Francisco. All ordinances or resolutions of such county of San Mateo or of any such incorporated cities, or of such governmental agencies, so consolidated under the provisions of this act, shall be automatically deemed to be repealed and be of no further force and effect upon such consolidation; *provided, however*, that such repeal shall not operate to discharge any person or corporation from any liability, civil or criminal, then existing, nor affect any prosecution then pending for any violation of any such ordinances or resolutions, and all cases then pending in any justice's court, police court or court of any recorder or other judicial municipal magistrate or officer of such county, incorporated cities or such governmental agencies, so consolidated, upon such consolidation becoming effective, shall ipso facto be deemed to be and be transferred to the justices' court, police court or other judicial municipal magistrate or officer of such city and county of San Francisco which has jurisdiction of proceedings or misdemeanors or of other actions civil or criminal of the character so transferred; *provided, further*, that such repeal shall not affect vested rights which have accrued, nor shall it affect or in any way impede or interfere with the carrying on of proceedings under any such ordinances theretofore initiated for improving, opening, extending, widening, or straightening streets or other public places or for the changing of grades thereof, all of which proceedings shall be continued and conducted by and under the authority of the newly consolidated city and county with the same force and effect as if continued and conducted by and under the authority of the county or of any incorporated city by which they were commenced. All ordinances and resolutions of the city and county upon completion of such consolidation ipso facto have full force and effect in and throughout the consolidated territory. Nothing herein contained shall have the effect, however, of repealing any local fire district or zoning ordinances or ordinances establishing property set back lines adopted by any city so consolidated which are not in conflict with the ordinances of said city and county, but the same shall continue in full force and effect until modified or repealed by the board of supervisors of the city and county.

Anything in this act to the contrary notwithstanding, it shall, however, be competent in any proposed amendment or amendments to an existing charter of said city and county, or in any proposed new charter for said city and county, which may be submitted to the electors concerned for ratification, as provided in section 17 of this act, to provide for continuing in force, until repealed by proper authority, any ordinance or ordinances and resolution or resolutions of said county of San

Exceptions

Mateo, of any of said incorporated cities, and of any said governmental agencies, so consolidated under the provisions of this act, to prescribe the territorial limits within which any such ordinances and resolutions so continued in force shall remain effective until repealed by proper authority, and to determine by what authority such ordinances and resolutions may thereafter be repealed or amended.

Taxes not
paid into
treasury
prior to
effective
date of act

SEC. 24. In the event that any tax has been levied by the taxing authorities of the county, or of any incorporated city or other governmental agency therein, against property situated in territory which subsequent to such levy is consolidated with the city and county under the provisions of this act, and said tax, prior to such consolidation, has not been collected, then all such taxes uncollected shall be and become property of the city and county, and the said city and county shall have the power to collect and enforce the collection of the same; *provided, however*, that any such taxes which shall have been levied on property of any district for the purpose of such district must be expended for the benefit of any territory so consolidated and included in such district in accordance with the purposes for which the said tax was so levied. This section shall also apply to all such taxes not paid into the county treasury or the treasury of any incorporated city or other governmental agency prior to the taking effect of this act.

Boundaries
of legislative
and congress-
sional dis-
tricts

Expenses of
proceedings
for consoli-
dation

SEC. 25. Nothing in this act shall alter or affect the boundaries of any senatorial or assembly district, or of any congressional district.

SEC. 26. All proper expenses of proceedings for consolidation of territory with the city and county under this act, shall in the first instance, be paid by such city and county; *provided*, that if such consolidation be not finally completed, then the expenses for such election incurred in any city which shall have voted in favor of said consolidation, or in the county if said county shall have voted, shall be returned to the said city and county by such city, or county holding such election.

Performance
of duties in
connection
with consoli-
dation
proceedings

SEC. 27. With reference to any duties prescribed in this act to be performed by the legislative body or any other board, officer or department of the county or any city so proposed to be consolidated under the terms of this act, or of said city and county if the charter of any such city or of said city and county, or any law, imposes such duties upon any other board, officer or department of said county or of said city or of said city and county as, upon a board of election commissioners or registrar of voters of said county, or of such city, or of said city and county, then such duties shall be so performed by such other board, officer or department upon which such duties are so imposed.

Elections

SEC. 28. Any election provided for in this act may be held at a special election or at any general election.

Consti-
tutionality

SEC. 29. If any section of this act, or if any subsection, sentence, clause or phrase, is for any reason held to be unconstitutional, such decision shall not affect the validity of the

remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases are declared unconstitutional.

SEC. 30. This act may be designated and referred to as the Short title
 "San Francisco-San Mateo consolidation act of 1929."

CHAPTER 785.

An act to amend section 4247 of the Political Code, relating to salaries and fees of officers in counties of the eighteenth class.

[Approved by the Governor June 11, 1929 In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 4247 of the Political Code is hereby amended to read as follows:

4247. In counties of the eighteenth class the county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The district attorney, three thousand six hundred dollars per annum for all services; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney the following deputies and a stenographer, whose offices are hereby created and who shall be appointed by the district attorney and shall be paid salaries as follows: One deputy at a salary of three thousand dollars per annum, two deputies at a salary of two thousand one hundred dollars per annum each, one stenographer at a salary of one thousand eight hundred dollars per annum, and one additional stenographer at a salary of one thousand five hundred dollars per annum, and such additional deputies as the district attorney may require and appoint whose compensation shall not exceed in the aggregate sum of six hundred dollars in any one year; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the district attorney is paid; *provided*, that beginning on January 1, 1931, the district attorney and his chief deputy herein provided for shall devote their entire time during office hours to the duties of their offices, and shall be prohibited from engaging in private practice of the law during their term of office; *and provided, further*, that beginning January 1, 1931, the salary of the district attorney shall be five thousand five hundred dollars per annum and the salary of his chief deputy shall be three thousand six hundred dollars per annum.

State 1927,
p. 198,
amended

Counties of
19th class
(Santa
Barbar.)
officers and
employees

District
attorney

Sheriff.

2. The sheriff, five thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff the following deputies and assistants which shall be appointed by the sheriff: One under sheriff at two hundred dollars per month; six deputies at one hundred seventy-five dollars per month; two deputies to serve as jailers at one hundred seventy-five dollars per month each; *provided, also*, that in case a second superior court is granted to counties of this class, there shall be allowed to the sheriff an additional deputy to be appointed by the sheriff at a salary of one hundred seventy-five dollars per month.

The salaries of said deputies shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid; *provided, further*, that there shall be allowed to the said sheriff and his deputies the actual traveling expenses in attending to the duties of the office both civil and criminal including his necessary expenses for pursuing criminals or transacting any criminal business. All fees, commissions and mileage received by the sheriff shall be turned over to the county and become the property of the county.

Clerk.

3. The county clerk, four thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk the following deputies, who shall be appointed by the county clerk and shall be paid salaries as follows: Two deputy clerks at a salary of two thousand four hundred dollars per annum, each, and four deputy clerks at a salary of one thousand eight hundred dollars per annum, each. The salaries of the deputies herein provided for shall be paid by said county in equal monthly installments at the time and in the same manner and out of the same funds as the salary of the county clerk; *provided, also*, that in counties of this class there shall be and is hereby allowed to the county clerk such additional clerks and assistants as the county clerk may require, and whose compensation in the aggregate shall not exceed one thousand five hundred dollars in any one year, and he shall also receive an additional sum of ten cents per name for each affidavit for registration taken outside the office by deputy registration clerks; such compensation for additional clerks and assistants, and for registration clerks outside his office, being payable to them in installments at such time and in such amounts as may be designated by the county clerk; *provided*, that the county clerk shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same funds as other county officers are paid.

Auditor.

4. The auditor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the auditor one chief deputy at a salary of two thousand two hundred fifty dollars per annum, two

deputies at a salary of two thousand one hundred dollars per annum each and one deputy at a salary of one thousand nine hundred fifty dollars per annum; said deputies shall be appointed by said auditor and said salaries shall be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the auditor is paid; *provided, also*, that in counties of this class there shall be and is hereby allowed to the auditor such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed one thousand eight hundred dollars in any one year payable to them in installments at such time and in such amounts as may be designated by the auditor; *provided*, that the auditor shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same fund as other county officers are paid.

5. The treasurer, three thousand six hundred dollars per annum; *provided, also*, that the treasurer shall be allowed such additional clerks as the treasurer may require and whose compensation shall not exceed one thousand two hundred dollars in any one year, payable to them in installments at such time and in such amounts as may be designated by the treasurer; *provided*, that the treasurer shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same fund as other county officers are paid. All fees, commissions and mileage received by the treasurer after January 1, 1931, shall be deposited in the county treasury to the credit of the salary fund. Claims for service of such additional clerks shall be allowed and paid from the same funds as the salary of the treasurer. Treasurer.

6. The recorder, three thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder the following deputies, who shall be appointed by the recorder and shall be paid salaries as follows: One chief deputy at a salary of two thousand one hundred dollars per annum and five deputies at a salary of one thousand eight hundred dollars per annum each; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the recorder is paid; *provided, also*, that in counties of this class there shall be and is hereby allowed to the recorder such additional clerks and assistants as the recorder may require, and whose compensation in the aggregate shall not exceed three thousand dollars in any one year; *and provided, further*, that such clerk or clerks as may be necessarily employed to enable the recorder to perform the duties devolve upon the recorder by the provisions of the Recorder.

Torrens land title act, shall be paid one hundred twenty-five dollars per month each. The compensation of attorneys employed under section 103 of said title act shall not exceed twenty-five dollars per day for each day actually devoted to the duties of such employment. Compensation for such additional clerks and assistants shall be payable to them in installments at such time and in such amounts as may be designated by the recorder; *provided*, that the recorder shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants, said warrants to be paid in the same manner and out of the same fund, as other county officers are paid. All fees, commissions and mileage shall be deposited in the county treasury to the credit of the salary fund.

Tax
collector.

7. The tax collector, who shall also be license collector, three thousand eight hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector one deputy who shall be appointed by said tax collector, at a salary of two thousand one hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the tax collector is paid; *also provided*, that the said tax collector shall be allowed such additional deputies and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of three thousand six hundred dollars in any one year, payable to them in installments at such time and in such amounts as may be designated by the tax collector; *provided*, that the tax collector shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same fund, as other county officers are paid. All commissions and fees of whatever character of the tax collector shall be paid in the county treasury.

Assessor.

8. The assessor four thousand two hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy at two thousand seven hundred dollars a year, two deputies at two thousand one hundred dollars per year each, one deputy at one thousand eight hundred dollars per year, one deputy for seven months at one hundred fifty dollars per month, one deputy for four months at two hundred dollars per month, two deputies for four months at one hundred twenty-five dollars per month, seven deputies for four months at one hundred fifty dollars per month, each during each fiscal year whose offices are hereby created and who shall be appointed by the assessor and be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the assessor is

paid; *and provided, further*, that said assessor shall be allowed such additional clerks and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of four thousand five hundred dollars in any one year, payable to them in installments at such time and in such amounts as may be designated by the assessor; *provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons said compensation is paid; whereupon the auditor shall execute warrants for said amounts to be paid in the same manner and out of the same fund, as other county officers are paid; *and provided*, that the assessor shall be allowed his actual traveling expenses, including the expense of operating and maintaining an automobile and depreciation of the same, when engaged in attending to official business, not exceeding the sum of six hundred dollars in any one year, claims for which expenses shall be allowed and paid as other claims against the county are paid. All commissions or fees heretofore or now allowed by law to the assessor, shall be paid by him into the county treasury.

9. The superintendent of schools, four thousand dollars per annum, which shall be inclusive of such fees as may be allowed the superintendent of schools when acting as secretary of the county board of education, and in addition hereto the superintendent of schools shall be allowed actual traveling expenses when visiting the schools of his or her county as provided by law; *provided, also*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one chief deputy at a salary of one hundred seventy-five dollars per month and one deputy at a salary of one hundred fifty dollars per month, which deputies shall be appointed by the superintendent of schools; said salaries shall be paid by the county in monthly installments at the same time and out of the same fund as the salary of the superintendent of schools is paid.

Superintendent
of
schools

10. The coroner, such fees as are now or may be hereafter allowed by law and actual traveling expenses while attending to his official duties; *provided, however*, that no fees in excess of one thousand five hundred dollars in any one year shall be paid to the coroner out of the county treasury.

Coroner.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

Public
adminis-
trator
Surveyor

12. The county surveyor and ex officio civil engineer for all services required of him as county surveyor and civil engineer and also for all services which may be required of him as a road engineer, shall receive five thousand dollars per annum, and actual traveling expenses while attending to official business, and necessary expenses for himself and assistants in the field and office while engaged on public work; *provided*, that in counties of this class there shall be and there is hereby allowed the county surveyor one deputy who shall be appointed by the said county surveyor at a salary of two hundred dollars per month, said deputy to be paid at the same time and in the

same manner and out of the same funds as the salary of the county surveyor is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the county surveyor such other assistants as he may need and appoint, and that whenever said surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor he shall be allowed such additional field and office assistants as may be deemed necessary, claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are allowed and paid; *provided*, that beginning with the term of office in January, 1931, the county surveyor and his one deputy herein provided for shall devote their entire time during office hours to the work of the county and state and shall be prohibited from engaging in private work during their term of office.

Justices of
the peace.

13. The justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in civil and criminal cases. In townships having a population of more than fifteen thousand, one hundred fifty dollars per month; in townships having a population of four thousand and not over fifteen thousand, one hundred dollars per month; in townships having a population over one thousand eight hundred and not over four thousand, seventy-five dollars per month; in townships under one thousand eight hundred, fifty dollars per month; *provided, however*, that each of said justices shall be furnished with an office and necessary supplies by the board of supervisors of said county. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken in A. D. 1920. In the event that two or more townships are combined the salaries of the justices of the peace shall be determined on the basis of the total population of the combined townships.

Constables.

14. Constables shall receive the following monthly salaries, to be paid each month and in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships having a population of more than ten thousand, ninety dollars per month; in townships having a population of five thousand and not over ten thousand, seventy-five dollars per month; in townships having a population of four thousand and not over five thousand, fifty dollars per month; in townships having a population of three thousand and not over four thousand, forty dollars per month; in townships having a population of under three thousand, twenty-five dollars per month. In addition to the above compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him

in civil cases. Constables shall also be allowed all necessary expenses incurred in conveying prisoners. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken A. D. 1920.

15. Each supervisor for all services required of him as supervisor and ex officio road commissioner, one thousand five hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat to attend meetings of the board of supervisors. No other mileage or remuneration and no traveling expenses shall be allowed. Supervisors

16. In counties of this class the fees of grand jurors shall be five dollars per diem and the fees of trial jurors in the superior court shall be three dollars in civil actions and five dollars in criminal actions and the fees of trial jurors in courts of justices of the peace shall be two dollars in civil and criminal actions, for each day's attendance. In addition, mileage fees shall be allowed all jurors to be computed at the rate of fifteen cents per mile for each mile traveled in attending court or in attending sessions of the grand jury, in going only. Jurors.

CHAPTER 786.

An act to amend sections 3820, 3821 and 3831 of the Political Code, relating to seizure and sale of personal property for unpaid taxes.

[Approved by the Governor June 11, 1929 In effect immediately]

The people of the State of California do enact as follows:

SECTION 1. Section 3821 of the Political Code is hereby amended to read as follows: Stats 1905,
p 470,
amended.

3821. In the case provided for in the preceding section, at the time of making the assessment, or at any time before the first Monday of August following the assessment, the assessor may collect the taxes by seizure and sale of any personal property owned by the person against whom the tax is assessed, or if no personal property can be found, then the assessor may collect the taxes by seizure and sale of the right to the possession of, claim to or right to the possession of the land. The assessor must keep a record of the property so seized and sold. Seizure and
sale of
property for
nonpayment
of taxes.

SEC. 2. Section 3820 of the Political Code is hereby amended to read as follows: Stats 1927,
p 1561,
amended

3820. The assessor shall have power to collect the taxes on all property when, in his opinion, said taxes are not a lien upon real property sufficient to secure payment of the taxes. The taxes on all assessments of possession of, claim to, or right to the possession of land, and the taxes on taxable improvements located upon land exempt from taxation, shall be immediately due and payable upon assessment and when col- Collection of
taxes by
assessor, and
lien thereof
upon real
property.

lected by the assessor shall be collected by the assessor as provided in part three, title nine, chapter eight of this code, unless, in the same county, the owner or claimant of such possession of, claim to or right to the possession of land, or of such improvements shall also own taxable real property in fee, in which event the taxes due upon such possession of, claim to or right to the possession of land, or upon such improvements, are respectively a lien upon such taxable real property so owned in fee, which lien attaches as of the first Monday of March in each year, and such taxes need not be collected by the assessor if in his opinion such taxable real property so owned in fee is sufficient to secure the payment thereof.

Stats 1925,
p. 296,
amended
Examination
of assessment
book by
auditor.

SEC. 3. Section 3331 of the Political Code is hereby amended to read as follows:

3831. Within fifteen days after the first Monday in August of each year, the auditor of the county, or city and county, must make a careful examination of the assessment book or books of the county, or city and county, and ascertain therefrom the amount or amounts of all taxes that have been collected by the assessor in pursuance of this chapter, and the amount or amounts of the taxes that have not been collected which taxes shall be collected pursuant to section 3790 of this code.

Effective
date

SEC. 4. This act, inasmuch as it provides for the levy, assessment and collection of taxes shall, under the provisions of section 1 of article four, take effect immediately.

CHAPTER 787.

An act to amend the "California vehicle act," approved May 30, 1923, as amended, by adding thereto a new section to be numbered 141½, relating to the liability of an owner or driver or person responsible for the operation of a vehicle for the injury or death of a guest.

[Approved by the Governor June 13, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

New section

SECTION 1. The "California vehicle act," approved May 30, 1923, as amended, is hereby amended by adding thereto a new section, numbered 141½, to read as follows:

Liability
for injury
to guests

Sec. 141½. Any person who as a guest accepts a ride in any vehicle, moving upon any of the public highways of the State of California, and while so riding as such guest receives or sustains an injury, shall have no right of recovery against the owner or driver or person responsible for the operation of such vehicle. In the event that such person while so riding as such guest is killed, or dies as a result of injury sustained while so riding as such guest, then neither the estate nor the legal representatives or heirs of such guest shall have

any right of recovery against the driver or owner of said vehicle by reason of the death of the said guest. If such person so riding as a guest be a minor and sustain an injury or be killed or die as a result of injury sustained while so riding as such guest, then neither the parents nor guardian nor the estate nor legal representatives or heirs of such minor shall have any right of recovery against the driver or owner or person responsible for the operation of said vehicle for injury sustained or as a result of the death of such minor.

Nothing in this section contained shall be construed as relieving the owner or driver or person responsible for the operation of a vehicle from liability for injury to or death of such guest proximately resulting from the intoxication, wilful misconduct, or gross negligence of such owner, driver or person responsible for the operation of such vehicle; *provided*, that in any action for death or for injury or damage to person or property by or on behalf of a guest or the estate, heirs or legal representatives of such guest, the burden shall be upon plaintiff to establish that such intoxication, wilful misconduct or gross negligence was the proximate cause of such death or injury or damage.

Exceptions
in cases of
intoxication,
wilful mis-
conduct and
gross
negligence

For the purpose of this section the term "guest" is hereby defined as being a person who accepts a ride in any vehicle without giving compensation therefor.

"Guest"
defined

CHAPTER 788.

An act to amend an act entitled, "An act creating a state bureau of criminal identification and investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a state bureau of criminal identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, by amending sections 3, 8 and 9 thereof and adding a new section thereto, to be numbered 9a, relating to the powers and duties of the bureau, providing for the training of peace officers and requiring that certain crimes and criminal statistics and information be reported to the bureau; and to make an appropriation therefor.

[Approved by the Governor June 13, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 3 of an act entitled "An act creating a state bureau of criminal identification and investigation,

Stats 1917,
p 1391,
amended

providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a state bureau of criminal identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended, is hereby amended to read as follows:

Duties of board of managers.

Sec. 3. It shall be the duty of said board of managers within ten days after its appointment to take absolute control and management of said bureau, to meet and organize by choosing one of their number to be president, to make and adopt such rules as are necessary for proper conduct of their business as such board of managers. Said board shall appoint a superintendent for said bureau and such special criminal investigators not to exceed six in number and such other employees as it may deem necessary to carry out the provisions of this act, said appointments, except said special criminal investigators, to be made by said board from an eligible list provided for such purpose by the civil service commission. Said board shall also provide said bureau with necessary furniture, fixtures, apparatus, appurtenances, appliances, materials and equipment as it may deem necessary for the collection, filing and preservation of all records now or hereafter required by law to be filed with said bureau or board or which said board may be authorized or required to procure respecting the identification and investigation of criminals, the investigation of crime and detection of the perpetrators thereof and the identification and information concerning stolen, lost, found, pledged or pawned property. It shall be the duty of said superintendent upon request made as hereinafter provided to detail to the attorney general, or to any district attorney or peace officer of the State of California, an investigator or specialist in crime detection for such length of time as said superintendent may deem necessary for the purpose of investigating any crime under investigation, and for the identification and apprehension of the perpetrator or perpetrators thereof.

Superintendent, special investigators and employees

Specialist in crime detection

Schools

It shall be the duty of the board of managers from time to time to arrange for and organize schools at convenient centers in the state for training peace officers in their powers and duties and in the use of approved equipment and method for detection, identification and apprehension of criminals.

Stats. 1917, p. 1392, amended.

SEC. 2. Section 8 of said act is hereby amended to read as follows:

Daily copies of fingerprints.

Sec. 8. It is hereby made the duty of the sheriffs of the several counties of the State of California, the chiefs of police of incorporated cities therein and marshals of incorporated

cities and towns therein to furnish to said bureau daily copies of fingerprints on standardized eight by eight inch cards, and descriptions of all such persons arrested who in the best judgment of such sheriffs, chiefs of police, or city marshals are persons wanted for serious crimes, or are fugitives from justice, or of all such persons in whose possession at the time of arrest are found goods or property reasonably believed by such sheriffs, chiefs of police or city marshals to have been stolen by them; or of all such persons in whose possession are found burglar outfits or burglar keys or who have in their possession high power explosives reasonably believed to be used or intended to be used for unlawful purposes or who are in possession of infernal machines, bombs or other contrivances in whole or in part and reasonably believed by said sheriffs, chiefs of police and city marshals to be used or intended to be used for unlawful purposes, or of all persons who carry concealed firearms or other deadly weapons and reasonably believed to be carried for unlawful purposes, or who have in their possession inks, dye, paper or other articles necessary in the making of counterfeit bank notes, or in the alteration of bank notes, checks, drafts or other instruments of credit; or dies, molds or other articles necessary in the making of counterfeit money, and reasonably believed to be used or intended to be used by them for such unlawful purposes. It shall also be the duty of the aforesaid sheriffs, chiefs of police or city marshals to furnish to said bureau daily reports on standard forms to be prepared by said bureau listing all felonies committed in their respective jurisdiction, and describing the nature and character and noting all peculiar circumstances of each such crime together with any additional or supplemental data or information including all statements and conversations of persons arrested, listing any crime theretofore reported which may be of aid in the investigation of such crime and the apprehension and conviction of the perpetrators thereof. It is further made the duty of the aforesaid sheriffs, chiefs of police or city marshals to furnish said bureau daily reports of lost, stolen, found, pledged or pawned property received into their respective offices.

Daily reports of felonies comm.tted

Same property received.

Sec. 3. Section 9 of said act is hereby amended to read as follows:

Stats 1917, p 1393, amended

Sec. 9. In order to assist in the investigation of crime, the arrest and prosecution of criminals and the recovery of lost, stolen, or found property it is hereby made the duty of said board to keep and properly file a complete record of all copies of fingerprints, duplicate carbon copies of applications for licenses to carry concealed weapons and of dealers' records of sales of deadly weapons, and reports of stolen, lost, found, pledged, or pawned property in any city or county of this state and to furnish upon application, and as hereinafter provided, copies of any or all of such records. Such copies shall be furnished to United States officers or officers of other states, territories or portions of the United

Records of fingerprints, applications, etc

Copies to be furnished

cities and towns therein to furnish to said bureau daily copies of fingerprints on standardized eight by eight inch cards, and descriptions of all such persons arrested who in the best judgment of such sheriffs, chiefs of police, or city marshals are persons wanted for serious crimes, or are fugitives from justice, or of all such persons in whose possession at the time of arrest are found goods or property reasonably believed by such sheriffs, chiefs of police or city marshals to have been stolen by them; or of all such persons in whose possession are found burglar outfits or burglar keys or who have in their possession high power explosives reasonably believed to be used or intended to be used for unlawful purposes or who are in possession of infernal machines, bombs or other contrivances in whole or in part and reasonably believed by said sheriffs, chiefs of police and city marshals to be used or intended to be used for unlawful purposes, or of all persons who carry concealed firearms or other deadly weapons and reasonably believed to be carried for unlawful purposes, or who have in their possession inks, dye, paper or other articles necessary in the making of counterfeit bank notes, or in the alteration of bank notes, checks, drafts or other instruments of credit; or dies, molds or other articles necessary in the making of counterfeit money, and reasonably believed to be used or intended to be used by them for such unlawful purposes. It shall also be the duty of the aforesaid sheriffs, chiefs of police or city marshals to furnish to said bureau daily reports on standard forms to be prepared by said bureau listing all felonies committed in their respective jurisdiction, and describing the nature and character and noting all peculiar circumstances of each such crime together with any additional or supplemental data or information including all statements and conversations of persons arrested, listing any crime theretofore reported which may be of aid in the investigation of such crime and the apprehension and conviction of the perpetrators thereof. It is further made the duty of the aforesaid sheriffs, chiefs of police or city marshals to furnish said bureau daily reports of lost, stolen, found, pledged or pawned property received into their respective offices.

Daily reports of felonies committed

Same property received

SEC. 3. Section 9 of said act is hereby amended to read as follows:

Stats. 1917, p 1393, amended

Sec. 9. In order to assist in the investigation of crime, the arrest and prosecution of criminals and the recovery of lost, stolen, or found property it is hereby made the duty of said board to keep and properly file a complete record of all copies of fingerprints, duplicate carbon copies of applications for licenses to carry concealed weapons and of dealers' records of sales of deadly weapons, and reports of stolen, lost, found, pledged, or pawned property in any city or county of this state and to furnish upon application, and as hereinafter provided, copies of any or all of such records. Such copies shall be furnished to United States officers or officers of other states, territories or portions of the United

Records of fingerprints, applications, etc.

Copies to be furnished

States or peace officers of foreign countries duly authorized to receive the same and all peace officers of this state upon application as aforesaid, which application shall be in writing and accompanied by a certificate signed by the officer making the same, stating that such copy is necessary in the interest of the due administration of the laws and not for the purpose of assisting a private person in carrying on his personal interests or in maliciously or uselessly harassing, degrading or humiliating any person or persons.

New section SEC. 4. A new section is hereby added to said act to be numbered section 9c, to read as follows:

Appointment of statistician Sec. 9c. It shall be the duty of the board of managers to appoint a qualified statistician.

Statistics and information to be furnished to the bureau It shall be the duty of all sheriffs, chiefs of police, city marshals, constables, prison wardens, superintendents of insane hospitals, reformatories and correctional schools, probation and parole officers, school attendance officers, coroners, district attorneys, court clerks, attorney general, judicial council, chief of the division of motor vehicles, state fire marshal, and the bureau of vital statistics to furnish to said bureau of identification and investigation statistics and information regarding the number of crimes reported and discovered, arrests made, complaints, informations and indictments filed and disposition made of same, pleas, convictions, acquittals, probation granted or denied, receipts, transfers and discharges to and from prisons, reformatories, correctional schools and other institutions, paroles granted and revoked, commutations of sentence and pardons granted and rescinded, and other data and information useful in determining the cause and amount of crime in this state, and to form a basis for the study of crime, police methods, court procedure and penal problems. Such statistics and information shall be furnished to the bureau whenever requested by the bureau and upon such forms as may be officially adopted and furnished by the board of managers of the bureau.

Duties of statistician It shall be the duty of the statistician to obtain such statistics and information from any and all such officers, prisons, hospitals, reformatories, schools, bodies and institutions and from any other available sources. He shall compile such statistics and information in such manner as may best aid in the study and determination of the amount of crime in this state. The bureau of criminal identification and investigation shall annually prepare a report for the governor of the state of the statistical data compiled by the statistician and distribute copies of such report to the officers mentioned herein from whom information and data is received.

New section SEC. 5. A new section is hereby added to said act to be numbered section 9b to read as follows:

Appropriation. Sec. 9b. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of thirty-five thousand dollars (\$35,000) for the purposes of carrying out the provisions of this act in addition to such sum or sums otherwise appropriated for such purpose.

CHAPTER 789.

An act to amend section 20 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the state's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California fruit and vegetable standardization act,' approved May 23, 1925," approved June 2, 1927.

[Approved by the Governor June 13, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 20 of an act entitled "An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the state's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the 'California fruit and vegetable standardization act,' approved May 23, 1925," approved June 2, 1927, is hereby amended to read as follows:

Stats 1927,
p. 1856,
amended

Sec. 20. For the purpose of this section of this act the state shall be divided into districts as follows: Districts

District 1. That part of the state south of the San Geronio pass in Riverside county and east of the Sierra Nevada range, comprising parts of the counties of Riverside and San Diego and all of Imperial county.

District 2. All of the state excepting the part included in district one.

Citrus fruits, when being packed, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer, or in bulk, shall conform to the following standard: Citrus
fruits

Citrus fruits shall be mature, virtually free from marked evidence of freezing injury, free from decay and from serious damage caused by splits, cuts, bruises, stem or thorn punctures, or by drying at the stem or blossom end; and in the case of packed citrus fruits shall be virtually uniform in size; *provided*, that, with the exception of freezing injury, not more than ten per cent, by count, of the citrus fruits in any one container, or in any lot in bulk, may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause; *provided*, *further*, that any packed, wrapped citrus fruit which has been in storage or shipped by rail and which fails to meet

Citrus
fruits

the requirements of this standard only by reason of brown rot, blue mold or green mold which has occurred after packing, shall not be held for violation of the provisions of this act on account of such deterioration.

Oranges shall not be deemed mature under the provisions of this act unless the juice contains soluble solids equal to or in excess of eight parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization; *provided*, that the oranges have attained at least twenty-five per cent of yellow or orange color before picking; *provided, however*, that oranges which are substantially or at least seventy per cent colored at the time of picking shall be deemed mature if the juice contains soluble solids equal to or in excess of six and one-half parts to every part of acid contained in the juice; *provided, further*, that no oranges may be accelerated in color unless the juice contains soluble solids equal to or in excess of eight parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization.

Grapefruit shall not be deemed mature under the provisions of this act unless the juice contains soluble solids equal to or in excess of six parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization; *provided*, that the grapefruit have attained at least twenty-five per cent of yellow color before picking; *provided, further*, that grapefruit produced in district two shall be deemed mature under the provisions of this act if the juice contains soluble solids equal to or in excess of five and one-half parts to every part of acid contained in the juice; *provided*, that the grapefruit have attained at least twenty-five per cent of yellow color before picking; *provided, however*, that grapefruit remaining on the trees after June 1 of each season shall be deemed mature irrespective of analysis of the juice.

“Virtually free from marked evidence of freezing injury” means that not more than fifteen per cent, by count, of the citrus fruits in any one container, or in any lot in bulk, may show marked evidence of freezing injury, which is hereby defined as a water soaked appearance or evidence of previous water soaking, or the presence of crystals or crystalline deposit, on the two surface membranes of each of two or more segments, as shown on the separation of the segments one from another, of a section, not less than one inch or more than one and one-half inches in thickness, of the central portion of the fruit, obtained by cutting off a portion of each end—the evidence of freezing injury to show for the entire length but not necessarily the entire area of the surface membranes; or a drying or desiccation in twenty per cent or more of the exposed pulp as shown on a transverse cut through the center.

The percentage of marked evidence of freezing injury or other defects in any lot of citrus fruit in bulk may be estab-

lished by inspection of a representative sample, which shall consist of not less than one hundred fruits.

Damage caused by splits, cuts, bruises, or stem or thorn punctures, in any citrus fruit, shall not be considered serious if the injury is well healed and free from mold or decay.

Damage caused by drying at the stem or blossom end of any citrus fruit shall not be considered serious unless twenty per cent or more of the pulp shows a marked drying or desiccation.

In addition to the markings required by section 9 of this act, all containers of citrus fruits, when packed, shall bear upon them in plain sight and in plain letters on the outside thereof the following: The number and average diameter of citrus fruits in the container, and, in the case of oranges, the name of variety, if known, and when not known the words "unknown variety" or "seedlings."

Containers of citrus fruits which are not packed shall not be required to show any markings.

All packed oranges, grapefruit and tangerines shall be in standard containers numbers twenty-six or twenty-seven, and all packed lemons shall be in standard containers numbers twenty-nine, twenty-nine A, thirty or thirty A, established in section 11 of this act; *provided*, that other sized containers may be used if conspicuously marked in letters not less than one-half inch in height "irregular size container." No standard containers are established for other species of citrus fruits or for loose citrus fruits which are not packed.

CHAPTER 790.

An act to amend sections 2, 3, 4, 19, and 27, of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements.

[Approved by the Governor June 13, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such pur-

Stats. 1927,
p 1142.
amended

poses, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement," approved March 24, 1903, as amended, is hereby amended to read as follows:

Declaration
of intention

Sec. 2. Before ordering any improvement to be made which is authorized by section 1 of this act, the city council shall pass an ordinance declaring its intention so to do. Said ordinance shall be sufficient if it describes the land necessary or convenient to be taken for the proposed improvement, and describes briefly and in general terms the proposed improvement and the district to be benefited by said improvement and to be assessed to pay the expense thereof, to be known as the assessment district, and refers to a map or plat, approved by the city council, which shall be on file in the office of the city clerk or city engineer at the time of passing the said ordinance which said map shall indicate the land necessary or convenient to be taken for the proposed improvement and shall indicate by a boundary line the extent of the territory to be included in the assessment district. Said map shall govern for all details as to the extent and description of the land to be taken for the proposed improvement and as to the extent of said assessment district. Said ordinance of intention shall contain also a notice of the day, hour and place when and where any and all persons having any objections to the proposed work or improvement may appear before the legislative body and show cause why said proposed improvement should not be carried out in accordance with said ordinance; said time shall not be less than fifteen nor more than sixty days from the date of the passage of said resolution. The city clerk shall cause said ordinance of intention to be published twice in one or more newspapers published and circulated in said city. If no newspaper be published in said city, then the publication shall be made twice in some newspaper published in the county in which said city is located. The city council may in its discretion include in one proceeding under one ordinance of intention all or any of the improvements mentioned in section 1 of this act, on any number of any public streets, squares, lanes, alleys, courts or places within such municipality, or any portion or portions thereof whether contiguous or otherwise. Said city council may in its discretion declare that the whole or any percentage of, or any sum toward the expense of said improvement will be paid by said municipality, in which case the sum or percentage to be so paid shall be stated in said ordinance of intention.

Stats 1927,
p 1143,
amended

Pasting of
notices of
improvements

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Sec. 3. The street superintendent shall thereupon cause to be conspicuously posted along all streets and parts of streets or other public places or rights of way where any property is

to be taken for the widening or straightening thereof, and along or upon any private unimproved property which is to be taken for the opening or extending of any street or other public place, at not more than three hundred feet apart, notices (not less than three in all) of the passage of said ordinance. Said notices shall be headed, "Notice of public improvement under street opening act of 1903," in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said ordinance, describe briefly and in general terms the proposed improvement, and refer to said ordinance of intention and to the map on file in the office of the city clerk or city engineer for all details. Said notices shall contain also a statement of the day, hour and place when and where any and all persons having any objections to the proposed improvement may appear before the legislative body and show cause why said proposed improvement should not be carried out in accordance with said ordinance. In every case all posting must be fully completed at least ten days before the day set for the hearing of protests or objections as provided in section 2 hereof. The city council may if it deems it advisable direct the clerk to mail a post card notice postage prepaid, to each property owner in the assessment district, at his last known address as same appears on tax rolls of said city or on file in the office of the city clerk, or when no address so appears, to the general delivery, notifying said property owner of the date of passage and number of the ordinance of intention, and the time and place set for the hearing of protests against the improvement.

Mailing of notices.

If any lots or parcels of land in the assessment district be assessed to "unknown owners" on the tax rolls of said city, or if the address of any property owner is not on file in the office of the city clerk, no notice shall be mailed to the owners thereof, but the ordinance of intention by the publication as herein provided shall be deemed legal notice to such owners of such contemplated improvement.

The failure of the city clerk to mail said notices, or any thereof, or the failure of the property owners to receive the same, or the failure of the superintendent of streets to post the notices of street work shall in no wise affect the validity of the proceedings or prevent the city council from acquiring jurisdiction to order the work; *provided, however*, that the city council may require affidavits to be filed showing the posting of notices and the mailing of postal cards before it adopts the resolution ordering the improvement.

SEC. 3. Section 4 of said act is hereby amended to read as follows:

Stats. 1927.
p. 1144.
amended

Sec. 4. Any persons interested, objecting to said improvement or to the extent of the assessment district may, at any time not later than the hour set for hearing objections to the proposed improvement as provided in section 2 hereof, file a written protest with the clerk of the city council. Such protest must be in writing and no other protest or objection shall

Written protests and hearings thereon.

be considered. The clerk shall indorse on every such protest the date of its reception by him. At the time set for hearing said protests, the city council shall proceed to hear and pass upon all protests so made and its decision shall be final and conclusive; *provided, however*, that when the protest is against the proposed improvement and the city council finds that such protest is made by the owners of more than one-half of the area of the property within the assessment district, no further proceedings shall be taken for a period of six months from the date of the decision of the city council on said hearing, unless the said protest be overruled by an affirmative vote of four-fifths of the members of the city council. If no protests in writing have been filed within the time hereinbefore provided for filing the same, or if any protest shall be found by the city council to be insufficient, or shall be overruled, or if a protest against the proposed assessment district shall be heard and denied, immediately thereupon the city council shall be deemed to acquire jurisdiction to order the proposed improvement. The city council may adjourn said hearings from time to time.

Stats 1903,
p. 381,
amended.

SEC. 4. Section 19 of said act is hereby amended to read as follows:

Objections.

Sec. 19. All objections shall be in writing and shall be filed with said clerk within the time prescribed in the notice required by section 18 hereof. The clerk shall, at the next regular meeting of the city council after the expiration of the time for filing objections, lay said assessment and all objections so filed with him, before the council; and said council shall hear all such objections at said meeting, or at any other time to which the hearing thereof may be adjourned. Upon such an appeal, the city council may remedy and correct any error or informality in the proceedings; may confirm, amend, alter, modify or correct the assessment in such manner as to them shall seem just; and may instruct and direct the street superintendent to correct the assessment or diagram in any particular. All the decisions and determinations of said city council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities, and irregularities which said city council might have avoided, or have remedied, during the progress of the proceedings, or which it can at that time remedy. No assessment, or diagram, and no proceedings prior to the assessment, shall be held invalid by any court for any error, informality, or other defect in the same, where the ordinance of intention of the council to do the work, has been actually published as herein provided. When no appeal is taken or when the orders and determinations of the council upon appeal have been complied with, and the council is satisfied with the correctness of the assessment, thereupon the city council shall confirm said assessment.

SEC. 5. Section 27 of said act is hereby amended to read as follows:

Stats 1903,
p 383,
amended.

Sec. 27. A redemption of any parcel of property sold for a delinquent assessment may be made by any party in interest, at any time prior to the execution and delivery of a deed therefor, by paying to the street superintendent the amount for which the property was sold, and in addition thereto five per cent of the amount of said delinquent assessment with interest thereon at the rate of one per cent per month until paid, said interest to be computed from the date the assessment becomes delinquent and if such amount be not paid within six months thereafter, there shall be added thereto an additional penalty of five per cent of the principal amount due. When redemption is made, the street superintendent shall note that fact on the duplicate certificate of sale on file in his office, and deposit the amount paid with the city treasurer, who shall credit the purchaser named in the certificate of sale with the said amount, and pay the same to such purchaser, or his assignee, upon the surrender of the certificate of sale, and upon satisfactory proof of assignment thereof, if any. When the municipality is the purchaser, the treasurer shall notify the clerk of the council of the redemption, and such clerk shall thereupon cancel the certificate of sale on file in his office.

Redemp-
tions.

CHAPTER 791.

An act providing for the registration of contractors, and defining the term contractor; providing the method of obtaining licenses to engage in the business of contracting, and fixing the fees for such licenses; providing the method of suspension and cancellation of such licenses; and prescribing the punishment for violation of the provisions of this act.

[Approved by the Governor June 13, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. It shall be unlawful for any person, firm, copartnership, corporation, association or other organization, or any combination of any thereof, to engage in the business or act in the capacity of contractor within this state without having a license therefor as herein provided, unless such person, firm, copartnership, corporation, association or other organization is particularly exempted as provided in this act.

When unlaw-
ful to
engage in
contracting
business.

SEC. 2. This act shall not apply to:

(a) An authorized representative or representatives of the United States government, the State of California, or any incorporated town, city, county, city and county, irrigation district, reclamation district or other municipal or political corporation or subdivision of this state;

To whom
and what,
act is not
applicable.

(b) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation districts, or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising;

(c) Trustees of an express trust, or officers of a court, providing they are acting within the terms of their trust or office, respectively;

(d) Public utilities operating under the regulation of the state railroad commission on construction work incidental to their own business; or any construction, repair or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well, when performed by an owner or lessee;

(e) Sole owners of property, building structures thereon for their own use;

(f) Any work or operation on one undertaking or project by contract or contracts performed directly or indirectly by one contractor, and the aggregate contract price for which, for labor, materials, and all other items, is less than two hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature.

Contractor
defined

SEC. 3. A contractor within the meaning of this act is a person, firm, copartnership, corporation, association, or other organization, or any combination of any thereof, who for a fixed sum, price, fee, percentage, or other compensation other than wages, undertakes with another for the construction, alteration, repair, addition to, or improvement of any building, highway, road, railroad, excavation or other structure, project, development, or improvement, other than to personalty, or any part thereof; *provided*, that the term contractor, as used in this act, shall include subcontractor, but shall not include any one who merely furnishes materials or supplies without fabricating the same into, or consuming the same in the performance of, the work of the contractor as herein defined.

Registrar.

SEC. 4. The director of the department of professional and vocational standards is hereby constituted a registrar for the purpose of this act, and is empowered to employ such assistants and procure such equipment and records as may be necessary to carry out its provisions.

Applications
and fees for
licenses

SEC. 5. To obtain a license under this act the applicant shall submit, on such forms as the registrar shall prescribe, a duly verified application stating the general nature of his contracting business, and if an individual his name and address, if a copartnership the names and addresses of all partners, and if a corporation, association or other organization, the names and addresses of the president, vice president, secretary, and chief construction managing officer; and containing the statement that the applicant desires the issuance of a license under the terms of this act.

Contractors
license fund

Said application shall be accompanied by a fee of five dollars. The fees received under this act shall be deposited in

the contractors license fund, which fund is hereby created. All moneys in said fund are hereby appropriated for the purpose of carrying out the provisions of this act. Any unencumbered surplus remaining in said fund on June thirtieth of each year shall be transferred to the general fund of the state.

SEC. 6. Upon receipt of said application and of said fee, it shall be the duty of the registrar forthwith and within ten days to issue a license to the applicant permitting him to engage in business as a contractor under the terms of this act for the balance of the fiscal year following the application. The license issued under this act shall be signed by the licensee, shall be nontransferable, and shall be exhibited by him upon demand.

Issuance of
licenses

SEC. 7. All licenses issued under the provisions of this act shall lapse and expire on June thirtieth of each year. Application for renewal of a current license at any time during June of any year shall authorize operation as a contractor by such licensee until actual issuance of such renewal license for the ensuing fiscal year. All licensees shall report all changes of personnel and addresses under this act, within thirty days after same shall occur, on such forms as the registrar shall provide in such cases.

Expiration
and renewal
of licenses.

SEC. 8. The registrar shall maintain at the office of the department of professional and vocational standards in Sacramento, open to public inspection during office hours, a complete indexed record of all applications and all licenses issued and of all renewed licenses under this act, and of all terminations, cancellations and suspensions thereof; and shall furnish a certified copy of any license issued, or of the cancellation or suspension thereof, upon receipt of the sum of fifty cents; and such certified copy shall be received in all courts and elsewhere as prima facie evidence of the facts stated therein.

Registrar's
records

SEC. 9. Any person, firm, corporation, association or other organization may file a duly verified complaint with the registrar charging that the licensee is guilty of one or more of the following acts or omissions:

Complaints

(1) Abandonment of any contract without legal excuse;

Grounds for
filing.

(2) Diversion of funds or property received under express agreement, for prosecution or completion of a specific contract under this act, or for a specified purpose in the prosecution or completion of any contract, and their application or use for any other contract, obligation or purpose with intent to defraud or deceive creditors or the owner.

(3) Fraudulent departure from, or disregard of, plans or specifications in any material respect, without consent of the owner or his duly authorized representative; or the doing of any wilful, fraudulent act by the licensee as a contractor in consequence of which another is substantially injured.

(4) Wilful and deliberate disregard and violation of the building code of the state, or of any political subdivision thereof, or of the safety laws or labor laws of the state.

Registrar's
decision

Cancellation
of license

Rehearings

On the filing of such complaint the registrar shall investigate the charge and within sixty days after the filing of such complaint shall render and file his decision with his reasons therefor. If the registrar's decision be that the licensee has been guilty of any of such acts or omissions, he shall suspend or cancel the contractor's license. At any time within twenty days after the service by mail of the registrar's action, the complainant or the contractor may petition the registrar for a rehearing. In his order granting or denying such rehearing, the registrar shall set forth a statement of the particular grounds and reasons for his action on such petition and shall forthwith mail a copy of such order to the parties who have appeared in support of or in opposition to the petition for rehearing. If a rehearing be granted the registrar shall set the matter for further hearing on due notice to the parties and within thirty days after submission of the matter serve his decision after rehearing in like manner as on original decision.

The filing of such petition for rehearing as to the registrar's action in suspending or canceling such license shall suspend the operation of such action and permit the licensee to continue to do business as contractor pending final determination of the controversy.

Appeals to
superior
courts.

Within thirty days after denial of rehearing or after decision on rehearing, any party aggrieved by such decision of the registrar may appeal therefrom to the superior court of the State of California in and for the county or city and county in which the licensee under this act resides or does business as a contractor, by serving upon the registrar a notice of such appeal. Such appeal to the superior court shall be governed by the provisions of law applicable to appeals from justices' courts. Upon the hearing of such appeal the burden of proof shall lie upon the appellant, and the superior court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the matter in controversy.

If the superior court shall determine that the contractor's license should be suspended or canceled, it shall by its judgment suspend or cancel such license. The suspension or cancellation of license as aforesaid may also be embraced in any action otherwise proper involving the licensee's performance of his legal obligation as contractor.

Appeals from
decisions of
superior
courts.

SEC. 10. A judgment of suspension or cancellation of license by the superior court shall be subject to appeal or review in accordance with the provisions of law as to appeal from or review of judgments of superior courts but there shall be no stay of execution or enforcement of such judgment pending such proceedings on appeal or review unless the contractor appealing or petitioning for review shall file a bond or undertaking in such amount as the court shall fix to the effect that he will observe the provisions of this act pending final deter-

Appeal
bond.

mination of the matter. Such undertaking shall be in favor of the people of the State of California and be conditioned upon the faithful performance of all the obligations of such appellant or aggrieved person as a contractor. Such undertaking shall be for the benefit of any person having dealings with such appellant or aggrieved person as a contractor, and any such person so dealing with the same shall have the right to commence suit thereon in his own name against said contractor and his sureties. The clerk of the court wherein said judgment has become final shall transmit to the registrar within ten days thereafter, an abstract of said judgment of suspension or cancellation, as the case may be, upon such form as the registrar shall prescribe.

SEC. 11. After suspension of the license, the registrar shall renew the same upon proof of the compliance by the contractor with any provisions of the judgment as to renewal of such license or, in the absence of such judgment or any provisions therein as to renewal, in the sound discretion of the registrar. After cancellation of a license such license shall not be renewed or reissued within a period of one year after final determination of cancellation and then only on proper showing that all loss caused by the act or omission for which the license was canceled has been fully satisfied.

Renewal of
suspended,
and reissu-
ance of
revoked,
licenses.

SEC. 12. Any person, firm, copartnership, corporation, association, or other organization, acting in the capacity of contractor within the meaning of this act, without a license as herein provided, shall upon conviction thereof, if a person, be punished by a fine of not to exceed five hundred dollars, or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment, in the discretion of the court. The same penalties shall apply upon conviction to any member of a copartnership, or to any construction managing or directing officer of any organization consenting to, participating in, or aiding or abetting, any such violation of this act.

Penalties.

SEC. 13. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Consti-
tution-
ality.

SEC. 14. All laws, or parts of laws, in conflict with the provisions of this act shall be, and the same are hereby repealed.

Repeal.

CHAPTER 792.

An act to amend section 4259 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirtieth class.

[Approved by the Governor June 13, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1927,
p 892,
amended
Counties of
30th class
(San Luis
Obispo)
officers and
employees.
Clerk.

SECTION 1. Section 4259 of the Political Code is hereby amended to read as follows:

4259. In counties of the thirtieth class the officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees and expenses, to wit:

1. The county clerk, three thousand six hundred dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law for issuing hunting and fishing licenses and for naturalization of citizens; *and provided*, that in counties of this class, there shall be and is hereby allowed to the county clerk one deputy to be appointed by said county clerk who shall be paid a salary of two thousand four hundred dollars per annum, one deputy to be appointed by said county clerk who shall be paid a salary of one thousand eight hundred dollars per annum; *provided, further*, that the clerk shall be allowed such additional assistants as he may require whose salary, in the aggregate, shall not exceed the sum of one thousand five hundred dollars, and one deputy (who shall be a stenographer) to be appointed by said county clerk who shall be paid a salary of one thousand five hundred dollars per annum, which salary of said deputies herein provided for shall be paid out of the same fund, at the same time, and in the same manner as the salaries of other county officers are paid; *provided, further*, that in any year when a new and complete registration of voters, or a supplemental registration of voters, is required by law the county clerk may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts, and that each of said deputies so appointed for such purpose shall receive as compensation therefor the sum of ten cents for each elector registered by such deputy, said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by said county clerk; *provided, further*, that in any year when a general election, primary election, special state election, special county election, or special district election ordered by the board of supervisors, is held, there shall be allowed to said county clerk such number of assistants as is necessary to properly prepare for and conduct any of said elections and which said assistants shall be paid out of the general fund of the county on the presentation

and filing with the board of supervisors duly verified claims therefor approved by said county clerk.

2. The sheriff, three thousand five hundred dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law, and his actual traveling expenses; *and, provided*, that in counties of this class there shall be and is hereby created the office of undersheriff, to be appointed by the sheriff, who shall be paid a salary of two thousand dollars per annum; also one deputy, to be appointed by the sheriff, who shall be paid a salary of one thousand eight hundred dollars per annum, and also one deputy, to be appointed by the sheriff, who shall be paid a salary of one thousand eight hundred dollars per annum, which salaries of said undersheriff and said deputy sheriffs herein provided for, shall be paid out of the same fund and in the same manner and at the same time as the salaries of other county officers are paid.

3. The recorder shall receive as compensation three thousand dollars per annum; *and provided*, that in counties of this class there shall be and there is hereby allowed the recorder a deputy whose compensation shall be one thousand eight hundred dollars per annum; *and provided, further*, that the recorder shall be allowed such additional assistants as may be required and whose compensation shall not in the aggregate exceed one thousand five hundred dollars in any one fiscal year, and that all commissions and fees heretofore or now allowed by law to the recorder shall be paid by him to the county treasurer.

4. The auditor shall receive as compensation three thousand dollars per annum; *and, provided*, that in counties of this class there shall be and there is hereby allowed the auditor a deputy, who shall be appointed by said auditor and who shall receive a salary of one thousand eight hundred dollars per annum and also one deputy, who shall be appointed by said auditor and who shall receive a salary of one thousand five hundred dollars per annum, which salaries of said deputies herein provided for shall be paid out of the same fund, at the same time, and in the same manner as the salaries of other county officers are paid; *provided, further*, that in counties of this class there shall be, and there is hereby allowed the auditor such additional assistants as may be required and whose compensation in the aggregate shall not exceed one thousand five hundred dollars in any one fiscal year.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required by the auditor by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbents.

5. The treasurer, two thousand seven hundred dollars per annum; *and provided*, that in counties of this class, the treasurer shall be allowed such additional assistants as may be

required whose compensation in the aggregate shall not exceed the sum of five hundred dollars.

Tax
collector.

6. The tax collector shall receive as compensation for the services required of him by law, or by virtue of his office, three thousand dollars per annum. The tax collector may appoint one deputy, which office of deputy tax collector is hereby created, who shall receive a salary of one thousand five hundred dollars per annum, payable at the same time, out of the same funds, and in the same manner as the salaries of other county officers are paid; *and provided, further*, that in counties of this class there shall be and hereby is allowed to the tax collector such additional assistants as may be required and whose compensation in the aggregate shall not exceed one thousand eight hundred dollars in any one fiscal year. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required by the tax collector by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

Assessor

7. The assessor, four thousand dollars per annum; *providing*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, whose offices are hereby created and who shall be appointed by the assessor: One deputy who shall be chief deputy at a salary of two thousand four hundred dollars per annum, one assistant deputy at a salary of one thousand five hundred dollars per annum, and three deputies for four months at one hundred and twenty-five dollars each per month, during each fiscal year payable in monthly installments at the same time and in the same manner and out of the same funds as other county officers are paid, and such field deputies as the assessor may require, whose compensation shall not in the aggregate exceed the sum of three thousand five hundred dollars per annum. Such field deputies shall not be allowed a compensation of more than eight dollars per diem. The assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid, said field deputies to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim or claims therefor. The assessor shall be allowed his actual and necessary traveling expenses, including the expenses of operating and maintaining an automobile, incurred in the discharge of his official duties, not to exceed the sum of eight hundred dollars in any one year, claims for which expenses shall be allowed and paid as other claims against the county are paid. All fees as are now or may be hereafter allowed by law to the assessor shall be paid by him into the county treasury.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required of the assessor by law, or by

virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

8. The district attorney, three thousand three hundred dollars per annum; he may also appoint an assistant district attorney, which office is hereby created, whose salary shall be two thousand four hundred dollars per annum; and in counties of this class he may also appoint a clerk, who shall be a stenographer, which office clerk to the district attorney is hereby created, whose salary shall be one thousand five hundred dollars per annum; the salaries of said assistant district attorney and clerk shall be payable as the salaries of other county officers. District attorney

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, two thousand dollars per annum until the first Monday in January, 1923, from and after which date the superintendent of schools shall receive as compensation for the services required of him by law, or by virtue of his office, three thousand dollars per annum. The superintendent of schools shall be allowed his actual traveling expenses when visiting the schools of his county; and *provided*, that in counties of this class there shall be and there is hereby allowed the superintendent of schools a deputy superintendent, who shall be appointed by said superintendent of schools and who shall receive a salary of one thousand six hundred eighty dollars per annum and also one clerk, who shall be appointed by said superintendent of schools and who shall receive a salary of one thousand five hundred dollars per annum, which salaries of said deputies herein provided for shall be paid out of the same fund, at the same time and in the same manner as the salaries of other county officers are paid. Superintendent of schools

12. The surveyor, one thousand five hundred dollars per annum for all work performed for the county; *provided*, that in counties of this class there shall be and hereby is allowed to the surveyor one assistant to be appointed by the surveyor, whose salary shall be nine hundred dollars per annum, payable at the same time, out of the same fund and in the same manner as the salary of the surveyor is paid; and in addition thereto the surveyor shall be allowed actual traveling and other necessary expenses, incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats, or block book for the use of the county assessor he shall be allowed only the actual cost of preparing the same. Surveyor

13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for Justices of the peace

all services rendered by them. In townships having a population of more than five thousand, two hundred dollars per month; in townships having a population of more than seventeen hundred and less than five thousand, one hundred twenty-five dollars per month; in townships having a population of more than one thousand five hundred and less than seventeen hundred, seventy-five dollars per month; in townships having a population of more than one thousand and less than fifteen hundred, fifty dollars per month; in townships having a population of less than one thousand, thirty-five dollars per month. The board of supervisors of such counties shall furnish and maintain for the use of justices of the peace in townships having a population of two thousand five hundred or more, an office suitable for use as a courtroom, equipped with the necessary furniture for the proper and convenient conduct of business therein. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of this state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business.

Constables

14. The constables shall receive the following salaries to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases, and in all other criminal matters: In townships having a population of more than five thousand, one hundred fifty-five dollars per month; in townships having a population of more than seventeen hundred and less than five thousand, one hundred twenty-five dollars per month; in townships having a population of more than fifteen hundred and less than seventeen hundred, seventy-five dollars per month; in townships having a population of more than one thousand and less than fifteen hundred, fifty dollars per month; in townships having a population of less than one thousand, thirty-five dollars per month; *provided*, that each constable shall be allowed and paid out of the treasury of the county for traveling expenses in his own district, for the service of a warrant of arrest or any other process in a criminal case, or other criminal matters (when such service is in fact made) both going and returning, twenty cents per mile; and shall also be allowed and paid mileage at the rate of twenty cents per mile for every mile actually traveled within his county, both going and returning, in making an arrest or conveying prisoners to prison or to court, and also all other necessary expenses incurred in the performance of any of his duties other than in civil cases; said mileage and other expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury. In addition to the monthly salary allowed him herein each constable shall receive for his own use, the fees in civil cases, which are now or may hereafter be allowed by law, and shall also be allowed mileage at the

rate of fifteen cents per mile for every mile actually traveled within his county.

15. Each member of the board of supervisors, one thousand ^{Supervisors} two hundred dollars per annum, payable in monthly installments, and for serving as road commissioner two hundred dollars per annum; also each shall be allowed and paid his actual necessary traveling expenses incurred by him while engaged in the county business outside of his district whether within or without the boundaries of his county; also his actual necessary expenses in attending the annual state convention of members of county boards of supervisors; *provided*, that the expense of each member attending such convention shall not exceed forty dollars in any one year; also each supervisor shall be allowed and paid his traveling expenses, while supervising the roads of his district, at the rate of twenty cents per mile for each mile so traveled; *provided*, that the amount so allowed and paid shall not exceed the sum of one hundred dollars in any one month.

16. In counties of this class the official phonographic ^{Superior court reporter.} reporter of the superior court shall receive as compensation for his services the fees and compensation now or hereafter provided by law, and in addition thereto shall receive ten dollars per day when not actually engaged in reporting in said court, but when in attendance on said court in compliance with and as provided by section 271 of the Code of Civil Procedure, the said per diem of ten dollars to be paid in the same manner as provided in criminal cases.

17. Grand and trial jurors in the superior court shall ^{Jurors.} receive for each day's attendance per day the sum of three dollars. In justices' courts in civil cases the jurors sworn to try the cases shall receive for each day's attendance per day the sum of two dollars. All jurors shall receive for each mile actually and necessarily traveled from their residence to the place of service the sum of ten cents per mile; *provided*, that in the justices' courts mileage shall be allowed only to those sworn to try the case.

18. Witnesses subpoenaed in criminal cases and in cases of ^{Witnesses} dependent and delinquent persons shall receive two dollars per day and ten cents per mile for every mile actually traveled. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

19. Sealer of weights and measures, two thousand four hundred ^{Sealer.} dollars per annum; *provided*, that the salary of the sealer of weights and measures herein provided for shall be paid at the same time and in the same manner as the salary of other county officers are paid; *and provided, further*, that the sealer of weights and measures shall be allowed the necessary expenses incurred in the discharge of his official duties.

CHAPTER 793.

An act to amend section 653c of the Penal Code, relating to the hours of labor on public works, the keeping of records of hours worked and the definition of public works.

[Approved by the Governor June 13, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats. 1927,
p. 475,
amended.

Hours of
labor on
public
works

Report on
emergency
work.

Record of
employees
and sub-
contractors.

Stipulation
for
forfeiture.

SECTION 1. Section 653c of the Penal Code is hereby amended to read as follows:

653c. The time of service of any laborer, workman, or mechanic employed upon any of the public works of the State of California, or of any political subdivision or district thereof, or upon work done for or by the authority of said state, or any county, city and county, city, town, township, district, or any other political subdivision thereof, whether said work is done by contract or otherwise, is hereby limited and restricted to eight hours during any one calendar day; and it shall be unlawful for any officer or agent of said state, or of any political subdivision or district thereof, or for any contractor or subcontractor doing work under contract upon any public works aforesaid, who employs, or who directs or controls the work of any laborer, workman, or mechanic, employed as herein aforesaid, to require or permit such laborer, workman, or mechanic, to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property or except to work upon public military or naval defenses or works in time of war; *provided, however,* that within thirty days after any employee is permitted to work over eight hours in one calendar day due to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file with the officer, board or commission awarding the contract a report, verified by his oath, setting forth the nature of the said emergency, which report shall contain the name of the said worker and the hours worked by him on the said day, and failure to file the said report within the said time shall be prima facie evidence that no extraordinary emergency existed. Such contractor shall also keep an accurate record showing the names and actual hours worked of all workers employed by him, or by any subcontractor under him, in connection with the said public work, which record shall be open at all reasonable hours to the inspection of the officer, board or commission awarding the contract, or their deputies or agents, and to the chief of the division of labor statistics and law enforcement of the department of industrial relations, his deputies or agents.

Any officer or agent of the State of California, or of any political subdivision or district thereof, making or awarding, as such officer or agent, any contract, the execution of

which involves or may involve the employment of any laborer, workman, or mechanic upon any of the public works, or upon any work herein mentioned, shall cause to be inserted therein a stipulation which shall provide that the contractor to whom said contract is awarded shall forfeit as a penalty, to the state or political subdivision or district in whose behalf the contract is made and awarded, ten dollars for each laborer, workman, or mechanic employed, in the execution of said contract, by him, or by any subcontractor under him, upon any of the public works, or upon any work herein mentioned, for each calendar day during which such laborer, workman or mechanic is required or permitted to labor more than eight hours in violation of the provisions of this section, and it shall be the duty of such officer or agent to take cognizance of all violations of the provisions of this section committed in the course of the execution of said contract, and to report the same to the representative of the state or political subdivision or district, party to the contract, authorized to pay to the contractor moneys becoming due to him under said contract, and said representative, when making payments of moneys thus due, shall withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation.

Collection of
forfeiture

Any officer, agent, or representative of the State of California or of any political subdivision or district thereof, who shall violate, or omit to comply with, any of the provisions of this section, and any contractor, or agent or representative of any contractor doing public work as aforesaid, who shall neglect to keep an accurate record of the names and actual hours worked by the workers employed by him, or by any subcontractor under him, in connection with the said public work, or who shall refuse to allow access to same at any reasonable hour by any person authorized to inspect same under this section, shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Penalties

Work done for irrigation, utility, reclamation and improvement districts, and other districts of this type, as well as street, sewer or other improvement work done under the direction and supervision of the state, or of any political subdivision or district thereof, whether such political subdivision or district operates under a freeholder's charter or not, shall be held to come under the provisions of this section; *provided, however*, that nothing in this section shall apply to the operation of the irrigation or drainage system of any irrigation or reclamation district.

Scope of
section

CHAPTER 794.

An act to amend section 4260 of the Political Code, relating to the salaries, fees and expenses of officers, their clerks, deputies, stenographers and assistants, in counties of the thirty-first class.

[Approved by the Governor June 13, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1927,
p 1659,
amended

Counties of
31st class
(Napa):
officers and
employees.

Clerk.

SECTION 1. Section 4260 of the Political Code is hereby amended to read as follows:

4260. In counties of the thirty-first class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and five hundred dollars additional per annum for compiling the great register of the county. In counties of this class the county clerk may appoint a deputy county clerk at a salary of one thousand eight hundred dollars per annum, and a copyist and stenographer at a salary of nine hundred dollars per annum, which offices are hereby created and said salaries fixed, to be paid out of the county treasury in equal monthly installments, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. The county clerk may appoint such number of deputies as may be necessary for the convenient registration of electors in their respective precincts or townships, and each such registration deputy shall receive as compensation for all services performed as such the sum of ten cents per name for each elector registered by him to be paid monthly, at the same time, in the same manner and out of the same fund as salaries of county officers are paid; *provided*, that each such registration deputy, when so appointed, shall, prior to the drawing of any warrant for such compensation, first file with the auditor a statement, verified by the oath of such registration deputy, and approved in writing by the county clerk, showing the number of electors so registered by him during the period covered by such statement. The county clerk shall also receive and retain for his own use such fees as are now or may hereafter be allowed by law for issuing hunting and fishing licenses, for the naturalization of persons desiring to become citizens, and such other fees of similar character as are now or may hereafter be allowed by law for the performance of any service rendered by the county clerk other than in his official character as county clerk. All other fees or commissions shall be collected by the county clerk and shall be by him paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

2. The sheriff, four thousand five hundred dollars per annum. In counties of this class the sheriff may appoint an undersheriff, which office of undersheriff is hereby created, and said undersheriff shall receive as compensation for all services performed as such the sum of two thousand four hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. In counties of this class the sheriff may appoint a deputy sheriff, which office of deputy sheriff is hereby created for a period of six days in each month. Said deputy sheriff shall receive as compensation for all services performed as such a sum not to exceed six dollars per day, to be paid out of the county treasury monthly, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. In counties of this class the sheriff shall be allowed such sum as the board of supervisors shall fix for the board of prisoners confined in the county jail, and his actual necessary expenses for pursuing, searching for and arresting criminals and persons charged with being insane and for conveying prisoners and persons charged with being insane to court and to prison or other place of confinement or detention and to and from state prisons, state hospitals and other institutions, and his actual necessary expenses for keeping, preserving and selling property seized, held or sold on attachment, execution or other process, and for the service and posting of all process papers and notices required by law to be served or posted by the sheriff. All such actual necessary expenses and said sum for the board of prisoners shall be a proper legal charge against the county and shall be allowed, audited and paid out of the county treasury in the same manner as other county charges are allowed, audited and paid. The sheriff shall collect from the state all per diem and expenses incurred in conveying prisoners and persons adjudged insane, to and from state prisons, state hospitals and other institutions and pay the same, when so collected, into the county treasury, and the same and all other fees, commissions and compensations other than as hereinabove provided, which, in other counties of other classes, are allowed by law to the sheriff, as a part of his compensation, shall be paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

3. The recorder, two thousand dollars per annum; *provided*, that in counties of this class the recorder may appoint a deputy which office is hereby created, and said deputy county recorder, shall receive as compensation for all services performed as such the sum of one thousand two hundred dollars per annum, payable out of the county treasury in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. The recorder may employ as many copyists as may be required, who shall receive as compensation, the sum of five

cents per folio for recording any instrument or notice, except maps or plats, and for making copies of any records or papers, five cents per folio. The salaries of such copyists shall be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *provided*, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as copyists and the amount due to each for such copying. All fees, commissions or other compensation allowed by law to the recorder in other counties of other classes, as a part of his compensation, shall be paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

Auditor

4. The auditor, two thousand four hundred dollars per annum; *provided*, that in counties of this class the auditor may appoint two deputies, which offices are hereby created. One deputy auditor shall receive as compensation for all services performed as such, the sum of one thousand five hundred dollars per annum, and one deputy auditor shall receive as compensation for all services performed as such, the sum of nine hundred dollars per annum, the above salaries to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. In counties of this class the auditor may appoint additional deputies, to serve during the month that installments of taxes on real property are due and payable but not delinquent, and such deputy auditor shall receive as compensation for all services performed as such the sum of four dollars per day for each day actually employed, and the total compensation, in the aggregate, shall not exceed the sum of two hundred twenty-five dollars per annum for all additional deputies employed. Such compensation shall be paid out of the county treasury, at the same time and out of the same fund as salaries of county officers are paid.

Treasurer.

5. The county treasurer, three thousand dollars per annum. All fees, commissions or other compensation allowed by law to the treasurer in other counties of other classes shall be collected by the treasurer and be by him paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

Tax collector.

6. The tax collector, two thousand four hundred dollars per annum; *provided*, that in counties of this class the tax collector may appoint a deputy tax collector, which office of deputy tax collector is hereby created, and said deputy tax collector shall receive as compensation for all services performed as such, the sum of nine hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. In counties of this class the tax collector may appoint one or more cashiers, which offices are hereby created, and said cashiers shall receive

as compensation for all services performed as such, a sum not to exceed five dollars per day for each day actually employed as such, to be paid out of the county treasury in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *provided*, that such cashiers shall not be paid a total of more than three hundred dollars in any one calendar year.

All fees, commissions or compensation allowed by law to the tax collector in other counties of other classes shall be collected by the tax collector and be by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

7. The assessor, three thousand six hundred dollars per annum; *provided*, in counties of this class the assessor may appoint a chief deputy assessor, which office of chief deputy assessor is hereby created, and said chief deputy assessor shall receive as compensation for all services performed as such the sum of two thousand one hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner, and out of the same fund as salaries of county officers are paid. The assessor may also appoint an additional deputy assessor, which office of additional deputy is hereby created, and said additional deputy assessor shall be employed for a period not to exceed ninety days in any one year from January first to December thirty-first, and who shall receive as compensation seven dollars per diem for the time so employed, to be paid in the same manner, at the same time and out of the same funds as salaries of county officers are paid. The assessor may also appoint one copyist, which office of copyist is hereby created, to serve for not more than two hundred fifty days in any one year, and said copyist shall receive as compensation for all services performed as such, the sum of five dollars per day for each day actually and necessarily employed as such. The assessor may also appoint four field deputies, which offices of field deputies are hereby created, to serve for not exceeding ninety days in any one year, and said field deputy assessors shall each receive as compensation for all services performed as such the sum of seven dollars per day for each day actually and necessarily employed as such, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *providing*, that each field deputy, when so employed, shall file with the auditor a statement verified by the oath of such field deputy and approved by the assessor, showing the number of days actually and necessarily employed in the performance of the duties of such employment during the period covered by said statement before any warrant for the payment of such compensation shall be drawn by the auditor. All commissions, fees or compensation for the collection of taxes on personal property, for the collection of poll taxes and road poll taxes, and for services in making out the roll of persons subject to military duty, and all

other fees or commissions shall be collected by the assessor and by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

District
attorney.

8. The district attorney, two thousand five hundred dollars per annum. In counties of this class the district attorney may appoint a deputy district attorney, which office of deputy district attorney is hereby created, and said deputy district attorney shall receive as compensation for all services performed as such the sum of one thousand five hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid. The district attorney may also appoint a stenographer for service in his office, which office of stenographer to the district attorney is hereby created, and said stenographer shall receive as compensation for all services performed as such the sum of one thousand eighty dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid.

Coroner

9. The coroner, nine hundred dollars per annum. In counties of this class the coroner shall be allowed his actual traveling expenses in the performance of his official duties in the county when called away from the county seat, which are hereby declared to be a proper legal charge against the county, and shall be allowed, audited and paid out of the county treasury in the same manner as other county charges are allowed, audited and paid. All fees, commissions or other compensations allowed by law to the coroner in other counties of other classes as a part of his compensation shall be paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

Public ad-
ministrator.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

Superin-
tendent of
schools.

11. The superintendent of schools, two thousand dollars per annum and actual necessary traveling expenses when visiting schools of the county. The superintendent of schools may appoint a deputy superintendent of schools, which office of deputy superintendent of schools is hereby created, and said deputy superintendent of schools shall receive as compensation for all services performed as such the sum of one thousand two hundred dollars per annum, to be paid out of the county treasury in the same manner, at the same time and out of the same fund as salaries of county officers are paid.

Surveyor

12. The surveyor, one thousand dollars per annum, for all work performed for the county and in addition thereto his actual necessary traveling expenses incurred in connection with field work, and also actual necessary expenses incurred in such field work and actual necessary expenses and costs of supplies in preparing maps, tracings, plats and diagrams for the county assessor or other county officers, when directed by him or them

to prepare the same; *provided*, that in counties of this class, the surveyor may appoint:

(a) A chief assistant surveyor who shall act as highway engineer, which office of chief assistant surveyor is hereby created, who shall receive a salary of three thousand dollars per annum;

(b) An assistant surveyor who shall act as assistant highway engineer which office of assistant surveyor is hereby created at a salary of twenty-two hundred dollars per annum;

(c) A stenographer at a salary of nine hundred dollars per annum. The salaries of the above officers to be paid out of the county treasury in equal monthly installments, at the same time, in the same manner, and out of the same fund as salaries of county officers are paid; *provided, further*, that the surveyor may employ such other assistants as shall be ordered and required by the board of supervisors from time to time. Appointment and salaries of such assistants to be under the control of the board of supervisors to be known as ordinary employees to be discharged at will; *provided*, that whenever it is necessary to furnish, or otherwise make the county assessor a new and complete set of block books, the board of supervisors may employ a competent draftsman for the purpose of making such block books, who shall receive a salary of eight dollars per day for each day actually and necessarily employed, or contract with some other competent person for the making thereof. All of such expenses and costs shall be proper legal charges against the county and shall be allowed, audited and paid out of the county treasury in the same manner that other county charges are allowed, audited and paid. All fees, commissions or other compensations allowed to the surveyor in other counties of other classes, except fees or charges for surveys made for private persons and not directed by the board of supervisors or county officers for county uses or purposes, shall be collected by the surveyor and by him paid into the county treasury and no part thereof, except such fees or charges for such private surveys shall be retained by him as a part of his compensation.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in counties of this class are hereby classified according to their population, as shown by the federal census of 1920 as follows: Townships having a population of five thousand, or more, shall belong to and be known as townships of the first class; townships having a population of three thousand, and less than five thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand, and less than three thousand, shall belong to and be known as townships of the third class, and townships having a population of less than one thousand shall belong to and be known as townships of the fourth class; *provided*, each township shall have not more than one justice of the peace and one constable after December 31, 1930.

Classifica-
tion of
townships

Justices of
the peace

14. Justices of the peace shall receive the following salaries, which shall be paid monthly, out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid, to wit:

1. In townships of the first class the sum of one hundred fifty dollars per month;

2. In townships of the second class, seventy dollars per month;

3. In townships of the third class, forty dollars per month;

4. In townships of the fourth class, twenty-five dollars per month.

In addition to the said monthly salaries herein provided for, each justice of the peace may receive and retain for his own use fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions or proceedings.

Justices of the peace in townships of the first and second classes shall be allowed their office rent not to exceed twenty-five dollars per month, and necessary incidental expenses.

Constables.

15. Constables shall receive the following salaries, which shall be paid monthly, out of the county treasury, at the same time, in the same manner and out of the same fund that salaries of county officers are paid, and which shall be in full of all services rendered by them in criminal cases, to wit:

1. In townships of the first class, one hundred dollars per month;

2. In townships of the second class, fifty-five dollars per month;

3. In townships of the third class, thirty dollars per month;

4. In townships of the fourth class, twenty dollars per month.

In addition to said monthly salaries each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions or proceedings, and shall also be allowed all necessary expenses actually incurred in arresting and pursuing criminals and in conveying prisoners to court or to prison, which said actual necessary expense shall be allowed, audited and paid out of the county treasury, in the same manner other county charges are allowed, audited and paid.

16. Each member of the board of supervisors shall receive one thousand two hundred dollars per annum, payable in equal monthly installments and which shall be in full for all services rendered as supervisors.

17. In counties of this class the fees of grand jurors and trial jurors, in the superior court, in civil and criminal actions and in all special proceedings, shall be three dollars a day for each day's attendance, and mileage, to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, or in attending sessions of the grand jury, in going only.

In criminal actions such fees and mileage of such trial jurors shall be paid by the treasurer, out of the general funds of the

county, upon warrants drawn by the auditor, who shall draw such warrants upon the written order of the judge of the superior court in which said juror was in attendance, and the treasurer shall pay all such warrants.

18. The salaries herein provided in this act for deputies, assistants and stenographers, shall take effect and be in force from and after the approval of this act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Construction of act.

CHAPTER 795.

An act to prescribe a procedure for the acquisition by the state, counties, cities and cities and counties of property under the provisions of section 14½ of article one of the constitution of California; also providing for the sale or other disposition and conveyance of lands so acquired, and providing for the disposition of the proceeds of the sale of such lands.

[Approved by the Governor June 13, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Whenever the State of California or any of its cities or counties may acquire land in connection with the establishing, laying out, widening, enlarging, extending or maintaining of memorial grounds, streets, squares, parkways or reservations in excess of the land actually needed or used for public purposes, the acquisition of such land and the maintenance and use thereof and the sale, disposition and conveyance thereof together with the establishment in connection therewith of any reservations concerning the future use and occupation of such land so as to protect the public works or improvements which it adjoins and the environs of such public works and improvements and so as to preserve the view, appearance, light, air and usefulness of such public works, shall be conducted and maintained in accordance with the provisions of this act. Acquisition of public land how governed

SEC. 2. Each and every act of the State of California authorizing the state or any city or county, or city and county, to acquire land for the purposes of establishing, laying out, widening, enlarging, extending or maintaining memorial grounds, streets, squares, parkways, or other public places, shall be deemed and construed as including among the purposes for which land may be acquired under the provisions Acquisition in excess of land actually needed

thereof, the acquisition of land in excess of the land actually needed or used for such public purposes or of an interest, easement or reservation in land in excess of the land actually needed or used for public purposes.

Sale of
excess land

SEC. 3. In the event that the State of California or any city, county, or city and county, shall acquire any land under the provisions of section 14½ of article one of the constitution of California or of this act, which land is in excess of the land actually needed or used for public purposes, or shall acquire any interest, easement or reservation in any land in excess of the land actually needed or used for public purposes, said state, cities, counties or cities and counties, may sell such land or any interest therein. In any such sale the public body making such sale may reserve in the said land any reservation, easement, interest or right which it may deem that public interest, necessity or convenience require to be reserved so as to preserve the view, appearance, light, air and usefulness of any public memorial grounds, streets, squares, parkways, places or works. No such sale in the case of any city or county, or city and county, shall be made except by the legislative body thereof, nor shall any such sale be made until after at least thirty (30) days' notice thereof, and the publication in a newspaper of general circulation, published within the jurisdiction of such legislative body, at least once a week for four (4) successive weeks, of a notice describing the land or lands to be sold, or the interest therein to be sold, setting forth in general terms at least the interests, easements or reservations to be reserved by the public, stating the time and place of the proposed sale and calling for sealed bids in writing therefor.

Reservation
of ease-
ments

Sale
how made.

At the time and place set for the making of said proposed sale the said legislative body shall open, or cause to be opened, any bids received in response to the notice herein provided for, and shall sell the land to the highest bidder therefor; *provided*, the said legislative body may at said time, or at any time to which such sale is continued, receive any higher bids; *and provided, further*, that any such legislative body shall have the right to reject all bids or any bid failing to comply with the terms of purchase which the said body may have set forth in the notice calling for bids.

Disposal of
proceeds
of sale.

SEC. 4. In the event of any sale of any property or any interest therein, under the provisions of this act any money derived from the sale thereof shall be by the public body receiving the same immediately paid in to the fund out of which payment was made for the acquisition of such land. In the event that such land was purchased with funds derived from the levy of any assessment or tax upon property benefited, then the money derived from the sale of such land shall be distributed as refunds to the persons paying such assessments or taxes in proportion to the amounts levied or assessed against them or thereafter to be levied or assessed against them to meet any bonds as yet unpaid by them; *provided*, that any money to be refunded to any person under the provisions

of this act shall first be applied to any indebtedness of any such person or his successor in interest on account of any tax or assessment levied or any bond issued to pay the cost of any public improvement done or performed by the said public body, the cost of which or portion thereof is levied against or taxes against the land of said person.

CHAPTER 796.

An act to amend sections 4, 6, 8, 9, 12 and to add certain new sections to be numbered 13½ and 13¾ to an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties, providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927.

[Approved by the Governor June 13, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 4 of an act entitled "An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance of certain functions relating thereto by officers of counties, providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts," approved May 10, 1927, is hereby amended to read as follows:

Stats 1927,
p. 695,
amended

Sec. 4. Such metropolitan water district shall be organized and incorporated in the following manner:

Organiza-
tion

(a) The legislative body of any municipality may pass an ordinance declaring that the public convenience and necessity require the incorporation of a metropolitan water district, which ordinance shall state: (a) that it is proposed to incorporate a metropolitan water district under the provisions of this act; (b) the names of the cities proposed to be included within the district to be incorporated; (c) the name of the proposed district; and (d) an estimate of the preliminary costs and expenses of incorporating and organizing the proposed district and an apportionment of such costs and expenses among the several municipalities proposed to be included within such

Ordinance.

district. Such apportionment shall be substantially in accordance with population as shown by the most recent federal census.

Copies to
be mailed

(b) It shall be the duty of the clerk of the legislative body, upon the taking effect of such ordinance to forthwith transmit a certified copy thereof by registered mail to the chief executive officer of each of the other municipalities named therein.

Approval or
rejection

(c) Within sixty days after the receipt by any municipality named therein of a certified copy of such ordinance, the legislative body of such municipality shall by order either approve or reject such ordinance without alteration or amendment. In the event that the legislative body of any municipality shall fail to act upon such ordinance as herein provided within such period of sixty days after receipt of a certified copy thereof, such municipality shall be deemed to have rejected said ordinance.

Certified
copy of
order.

(d) Immediately upon the approval or rejection of said ordinance by the legislative body of any municipality, the clerk thereof shall forward to the clerk of the municipality initiating the proceedings a certified copy of the order approving or rejecting such ordinance, as the case may be. Each municipality thus approving such ordinance shall promptly pay over to the municipality initiating the procedure hereunder, the sum of money apportioned to it by the municipality initiating the proceedings as its share of the preliminary costs and expenses of the incorporation and organization of such district, and the money so paid shall constitute a fund for the purpose of defraying such costs and expenses of conducting the election herein provided for as are not met by the respective municipalities, and such incidental expenses as may be properly incurred in connection therewith. Each municipality contributing money as herein provided shall be entitled to credit with the district for the amount contributed.

Preliminary
expense.

Call for
election.

(e) Within one hundred twenty days after the transmission of said original ordinance, as provided in subdivision (b) of this section, but not until each municipality named therein shall have acted thereon or said sixty day periods shall have expired, the legislative body of the initiating city shall call and provide for the holding of a special election in all of the municipalities, the legislative bodies of which shall have approved said original ordinance as herein provided, including the initiating city, at which election the proposition of the incorporation of such metropolitan water district shall be submitted to the electors residing within such municipalities for ratification or rejection. Such election may be held separately or may be consolidated or held concurrently with any other election or elections authorized by law at which the electors residing in all of the cities wherein such election is called to be held are entitled to vote.

(f) Such election shall be called by ordinance by the governing body of the initiating city. Such ordinance shall contain, (1) the names of all cities, the governing bodies of which shall have approved the original ordinance as provided in subdivision (c) of this section, in which cities such election shall be called to be held, (2) the day upon which such election shall be held, (3) the time for opening and closing polls, and (4) the manner of voting for or against the proposition. (5) Such ordinance shall also designate the precincts and polling places and shall appoint the officers of such election, which officers shall consist of one inspector, one judge and two clerks in each precinct. The description of precincts may be made by reference to any order or orders of the board of supervisors of the county or counties in which the proposed metropolitan water district, or any part thereof, shall be situated, or by reference to any provisions, order or ordinance of the legislative body of any municipality proposed to be included in the incorporation of such metropolitan water district, or by detailed description of such precincts. Precincts established by the boards of supervisors of the various counties to a number of not exceeding six may be consolidated for special elections held hereunder.

Whenever any election held hereunder shall be held concurrently with or shall be consolidated with any primary or general election, the precincts, polling places and officers of election shall be those designated and appointed for such primary or general election, and the ordinance calling the election hereunder need not designate precincts or polling places or name the election officers, but shall refer to the order or orders, or act or acts, by which such other election shall have been called, and by which the precincts and polling places thereof shall have been fixed and the officers of election appointed.

(g) The ordinance calling such election shall be published once at least ten days before the date of the election therein called in a newspaper of general circulation printed and published in each county within the proposed metropolitan water district, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made.

(h) The ballot used at such election shall contain the words "Shall the territory embraced within the corporate boundaries of the city of _____ become a part of the _____ metropolitan water district" (inserting the name of the city or water district as the case may be wherein such ballot shall be used and the name of the metropolitan water district as stated in the initiating ordinance) and the words "Yes" and "No" accompanied by voting squares set opposite thereto so that any elector may record his vote either for or against the propositions.

(i) When such election shall be held separately or shall be conducted concurrently with any other election but by the use of separate ballots, such ballots shall be counted by the respec-

Same.

Elections held with primary or general elections

Publication of ordinance calling election.

Ballots.

Counting and canvass of ballots.

tive election boards and the returns thereof shall be made to the governing board of the initiating city, which body, at its first regular meeting occurring five days after such election, shall canvass the returns and declare the result thereof.

In the event that any election held hereunder shall be consolidated with any primary or general election and the proposition herein provided for shall be printed upon a ballot containing other propositions, the returns of the election held hereunder shall be made with the returns of the primary or general election to the boards of supervisors or other bodies whose duty it shall be to canvass the returns thereof, and the results of the election held hereunder shall be canvassed at the time and in the manner provided by law for the canvass of the returns of such primary or general election. It shall be the duty of such canvassing body or bodies to promptly certify and transmit to the governing body of the initiating city a statement of the result of the vote upon the proposition submitted hereunder in each of the respective cities, the returns for which shall have been made to such canvassing bodies. Upon the receipt of such certificates it shall be the duty of the governing body of the initiating city to tabulate and declare the result thereof.

Certificate
to secretary
of state

The governing body of the initiating city shall certify to the secretary of state the proceedings had together with the result of the election, separately stating the names of the cities in which a majority of the electors voting upon the proposition shall have voted affirmatively; *provided, however*, that the total assessed valuation in such approving municipalities as shown by county assessment records, shall be not less than two-thirds of the total assessed valuation within the district as proposed in the original ordinance according to the records of the county or counties.

Limitation

Certificate
of incorpora-
tion.

The secretary of state shall within ten days after the receipt of such certificate of election issue a certificate of incorporation reciting that the district named in such certificate of election has been duly incorporated according to the laws of the State of California, and naming the municipalities of which said district shall be composed as shown by such certificate of election, which municipalities shall be those in which the majority of electors voting on the proposition of incorporation shall have voted affirmatively. The secretary of state shall transmit to each such municipality a copy of said certificate of incorporation. The incorporation of any metropolitan water district shall be and become effective from and after the date of the issuance of such certificate of incorporation, and such district shall thereupon and thereafter become vested with all of the rights, privileges, and powers in this act provided.

Validity
of incorpora-
tion

(j) The validity of the incorporation of any such district shall be incontestable in any suit or proceeding which shall not have been commenced within three months from the date of the issuance of the certificate of incorporation thereof; and no invalidity or irregularity in any proceeding which does

not substantially and adversely affect the interests of the electors or citizens of the district, or any municipality therein, shall be held to invalidate the incorporation of any such district.

SEC. 2. Section 6 of said act approved May 10, 1927, is hereby amended to read as follows:

Stats 1927,
p 701,
amended
Directors

Sec. 6. All powers, privileges and duties vested in or imposed upon any district incorporated hereunder shall be exercised and performed by and through a board of directors; *provided, however,* that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the offices created hereby or by the board of directors acting hereunder.

The board of directors herein referred to shall consist of at least one representative from each municipality, the area of which shall lie within the metropolitan water district. Such representatives shall serve without compensation from the district and shall be designated and appointed by the chief executive officers of municipalities, respectively, with the consent and approval of the governing bodies of the municipalities, respectively. As a member of the board of directors, each representative shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board, and shall be entitled to cast one vote for each ten million dollars, or major fractional part thereof, of assessed valuation of property taxable for district purposes in the city represented by him as shown by the assessment records of the county and evidenced by the certificate of the county auditor; *provided,* that each representative shall have at least one vote and no municipality shall have votes exceeding in number fifty (50) per cent of the total number of votes of all members. In lieu of one representative any city may at its option designate and appoint several representatives not exceeding one additional representative for each two hundred million dollars of assessed valuation, but such representatives shall cast the vote to which such city would otherwise be entitled as a unit and as a majority of such representatives present shall determine. The affirmative votes of members representing more than fifty (50) per cent of the total number of votes of all the members shall be necessary and, except as otherwise herein provided, shall be sufficient to carry any order, resolution or ordinance coming before the board of directors. The affirmative vote of members representing more than fifty per cent (50%) of the total number of votes of all the members shall be necessary, and except as otherwise herein provided, shall be sufficient to carry any order, resolution or ordinance coming before the board of directors. For the purposes of this section, the term "major fractional part" shall be deemed to mean a fractional part larger than one-half. Members of the board of directors so constituted shall convene at the time and place fixed by the chief executive officer of the municipality initiating the proceedings hereunder, and immediately upon convening, such

Representa-
tion

Voting.

Organization
meeting.

board of directors shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve for a period of two years, or until their successors shall be elected and qualified.

Powers of directors.

The board of directors shall have power:

(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.

(2) To make and pass ordinances, resolutions and orders not repugnant to the constitution of the United States or of the State of California, or to the provisions of this act necessary for the government and management of the affairs of the district, for the execution of the powers vested in the district and for carrying into effect the provisions of this act. On all ordinances and resolutions the roll shall be called and the ayes and noes recorded. Orders may be adopted by viva voce, but on demand of any member the roll shall be called. No ordinance shall be adopted unless it shall have been introduced on a day previous to the time of such adoption except by unanimous vote of all the members of the board of directors present, provided there shall be present directors from not less than three-fourths of all cities composing said metropolitan water district and representing not less than three-fourths of the total votes of said district; *provided*, that in lieu of such previous introduction or unanimous vote any ordinance may be mailed by registered mail, postage prepaid to each member of the board of directors at least five (5) days prior to the day upon which such ordinance shall be presented for adoption.

Ordinances: when effective.

No ordinance adopted by the board of directors shall take effect until the expiration of thirty days following the adoption thereof, except an ordinance ordering or otherwise relating to an election or to the levying or collection of taxes or the fixing of water rates; and an ordinance necessary for the immediate preservation or protection of the property, interests or welfare of the district, which shall contain a specific statement showing its urgency, and is passed by three-fourths of the total vote of the board of directors but all ordinances of any of the classes heretofore excepted by this section shall take effect upon their adoption. All ordinances except those which shall take effect upon their adoption as provided in this section shall be subject to referendum in the manner provided by law for the legislative acts of boards of supervisors of counties.

(3) To fix the location of the principal place of business of the district and the location of all offices and departments maintained hereunder.

(4) To prescribe by ordinance a system of business administration and to create any and all necessary offices which shall include the offices of controller and of treasurer and to establish and reestablish the powers and duties and compensation of all officers and employees and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the district.

(5) To prescribe by ordinance a system of civil service.

(6) To delegate and redelegate by ordinance to officers of the district power to employ clerical, legal and engineering assistants and labor, and under such conditions and restrictions as shall be fixed by the directors power to bind the district by contract.

(7) To prescribe a method of auditing and allowing or rejecting claims and demands and for the letting of contracts, which method shall provide for the publication of notices inviting bids on all contracts for the construction of buildings or works or for supplies or materials, the consideration of which shall be ten thousand dollars (\$10,000) or more.

(8) To fix the rates at which water shall be sold; *provided, however,* that rates shall be uniform for like classes of service throughout the district.

SEC. 3. Section 8 of said act, approved May 10, 1927, is hereby amended to read as follows: Stats 1927.
p 707,
amended.

Sec. 8. (a) Immediately after equalization and not later than the fifteenth day of August of each year, it shall be the duty of the auditor of each county wherein such district or any part thereof shall lie, to prepare and deliver to the controller of the district a certificate showing the assessed valuation of all property within the district lying in the county, and also such assessed valuation segregated according to cities, the area of which lie within the district. Assessed
valuation

(b) On or before the twentieth day of August the board of directors of the district shall by resolution determine the amount of money necessary to be raised by taxation during the fiscal year beginning the first day of July next preceding and shall fix the rate of taxation of the district, designating the number of cents upon each one hundred dollars assessed valuation of taxable property in each county and shall levy a tax accordingly: Rate of
taxation

(1) Sufficient to meet interest and sinking fund requirements on all outstanding bonded indebtedness of said district; and

(2) For all other district purposes.

(c) The board of directors shall also cause to be computed and shall declare in said resolution the amount of money to be derived from the area of the district lying within each separate municipality by virtue of the tax levy. In such resolution the board shall also fix and determine the times and proportional amounts of installments in which any city may elect to make payment in lieu of taxes as hereinafter provided. The board shall immediately cause certified copies of such resolution to be transmitted to the presiding officer of the governing body of each such city. Amounts
and install-
ments for
cities.

(d) On or before the twenty-fifth day of August of each year the governing body of each such city may elect to pay out of the municipal funds all or any portion of the amount of tax which would otherwise be levied upon property within such city. Such election shall be made by order upon motion, Payments
by cities.

which order shall recite that such payment shall be made in cash concurrently with the certification of such order to the controller of the district, or that such payment shall be made in installments and the times wherein such installments shall be payable and the amounts thereof, which amounts shall be in accordance with the requirements of the board of directors of the district as approved by resolution. In the event that any city shall elect to pay in cash, or by deferred installments, money or any part thereof which would otherwise be levied upon property within the city, it shall immediately certify to the controller of the district a copy of such order and a statement showing its financial condition, the funds from which such payments shall be made and the sources of revenue to be used therefor. *Provided, however,* that in the event any city shall elect to pay in cash all or any portion of the amount of tax which would otherwise be levied upon property within such city to meet interest and sinking fund requirements on the outstanding bonded indebtedness of said district, such amount so elected to be paid shall be deposited with the treasurer of said district on or before the twenty-seventh day of August next following such election; *and provided, also,* that unless such payment is so made in the case of interest and sinking fund requirements, and unless such election, as to all other taxes, shall provide for payments in accordance with the resolution of the board of directors as hereinbefore provided for, then such election shall be ineffective for any purpose.

Payment
by cities
in cash.

Tax rates
for cities

(e) Before the first day of September the controller of the district shall cause to be prepared and transmitted to the auditor of each county in which the district shall lie, a statement showing the tax rate to be applied to assessed property in each city, which rate shall be the rate fixed by resolution of the board of directors modified to the extent necessary to produce from each city only the amount of money apportioned thereto in said resolution, less any amount paid or undertaken to be paid by such city, or credited thereto as herein provided, but if any fraction of a cent occur, it must be taken as a full cent on each one hundred dollars.

Alternative
procedure.

(f) As an alternative procedure to that set out in subdivisions (b), (c), (d), and (e), hereof, the board of directors may, by ordinance, elect to proceed in accordance with subdivisions (f), (g), (h), (i), and (j) of this section in the manner following:

On or before the first day of July of each year the controller of the district shall prepare a statement showing (1) the amount of money estimated to be required for district purposes during the ensuing fiscal year, (2) the amount of revenue anticipated to be received from the sale of water, (3) the amount of revenue to be derived from taxation, (4) the amount of money to be derived from taxation of property assessable for district purposes within each city. The apportionment of money to be derived by taxation from each city

shall be so made as to require the owners of taxable property within each city to contribute equitably to the funds of the district and shall be made with reference to the assessed valuation in each city as shown by the county assessment records for the preceding year, the estimated amount which the utility or utilities serving water in each city, respectively, will pay into the treasury of the district for water delivered by the district, and the amount of money theretofore contributed to the district by each city, and the amount with which each city stands credited by the district as herein provided.

(g) On or before the fifteenth day of July of each year certified copies of such statement shall be transmitted to the governing board of each city within the district, together with a notice that at a place and on a day and at an hour named therein, which day shall be between the fifteenth and twenty-fifth days of August, both inclusive, the board of directors of the district will hear any protest or objections to the apportionment which shall have been regularly filed. A similar notice together with a copy of said statement shall be published once in a newspaper of general circulation printed, published and circulated within the district. It shall also be competent for the board of directors to order and provide for the publication or posting of such additional notices as may be deemed desirable or necessary to fully apprise all persons affected thereby of the contents of the statement and the time and place of hearing thereon. Failure to give such additional notice shall not affect the regularity of proceedings hereunder.

Notice of
hearing of
objections

(h) At any time not later than one week before the time noticed for hearing, any city or the owner or owners of any property assessable for district purposes within the district may file a protest against the apportionment. At the time and place set for hearing or at any time or place to which such hearing may be continued, the board of directors shall hear and pass upon all protests and objections regularly filed, and may confirm or modify and confirm the apportionment as contained in said statement of the controller, and its decision thereon shall be final and conclusive. No action shall be taken upon any protest filed later than one week preceding such hearing.

Filing and
hearing of
objections

(i) When the assessed valuations of property assessable for district purposes within the respective cities within the district shall have been received and the apportionment of money to be derived from taxation shall have been finally determined, the board of directors shall cause to be computed and shall levy upon property taxable for district purposes in each city, a tax sufficient to raise the amount of money apportioned to each city respectively, designating the rate of taxation in each city, and designating the number of cents upon each one hundred dollars assessed valuation of property taxable for district purposes in each city. Certified copies of the ordinance levying such tax and fixing the rate of taxation in each city shall,

Tax levy.

on or before the thirtieth day of August of each year, be transmitted to the auditor of each county wherein said district or any part thereof shall lie.

Notice of
intention of
city to pay
in cash.

(j) On or before the fifteenth day of August of each year, it shall be competent for any city within any metropolitan water district incorporated hereunder to file with the controller of the district a copy of its ordinance duly certified electing to pay at a time or times therein set out the amount or any part or percentage thereof which would otherwise be raised by taxes levied upon property within the city as such amount shall be determined. Such ordinance shall be presented to the board of directors at the time of said hearing and if approved by the board the rate of taxation for district purposes in the city filing such ordinance shall be so fixed that the aggregate of moneys derived from payments to be made pursuant to such ordinance and the money to be derived from the taxation of property within such city for district purposes shall not exceed the amount finally apportioned thereto as herein provided but if any fraction of a cent occur, it must be taken as a full cent on each one hundred dollars.

Collection
of taxes.

(k) Upon receipt by the auditor of each county wherein such district or any part thereof shall lie of a certified copy of the controller's statement or the ordinance of the board of directors as the case may be fixing the tax rate upon the various cities and a statement of the cities to be exempted therefrom, if any, it shall be the duty of the county officers to collect taxes for the benefit of the district at the rates specified as herein provided. The taxes so levied shall be computed and collected at the time and in the manner required by law for the computation and collection of taxes for county purposes, and the property subject to such tax shall be subject to the same penalties for delinquency and the same provisions of law relating to the sale of property for nonpayment of county taxes and redemption thereof shall apply to the tax herein authorized. When so collected, such taxes shall be paid over to the treasury of the district, subject to the deduction herein authorized.

In consideration of services rendered hereunder, any county shall annually be entitled to deduct and withhold an amount not exceeding one per cent on the first twenty-five thousand dollars collected hereunder, and one-fourth of one per cent of any amount in excess of twenty-five thousand dollars collected hereunder. The board of supervisors of each such county may provide such extra help as in their judgment may be necessary for the proper performance of duties hereunder.

Lien of
taxes

(l) Whenever any real property situated in any district organized hereunder and upon which a tax shall have been levied, as herein provided, shall be sold for taxes and shall be redeemed, the money paid for such redemption, except advertising costs, shall be apportioned and paid in part to such district in the proportion which the tax due to such district shall bear to the total tax for which such property shall have been

sold. All taxes levied under the provisions of this act shall be a lien upon the property upon which levied, and the enforcement of the collection of such tax shall be had in the same manner and by the same means as is or shall be provided by law for the enforcement of liens for state and county taxes, and all of the provisions of law relating to the enforcement of such taxes are hereby made a part of this act so far as applicable.

(m) Cities, the areas of which are included within water districts incorporated hereunder, are hereby authorized to pay to such districts, out of funds derived from the sale of water or other funds not appropriated to some other use, such amounts as may be determined upon by the governing bodies, or other bodies, boards, commissioners or officers having control of such funds, thereof, respectively. Such payments may be made in avoidance of taxes as herein provided, or otherwise, and shall not be deemed gratuitous or in the nature of gifts, but shall be deemed payments for water or services in connection with the distribution of water. Any city making any such payment to any district incorporated hereunder, whether in avoidance of taxes or otherwise, shall receive credit therefor and the amount of the payment so made by any city shall be deducted from the amount of taxes which would otherwise be levied against property lying therein as herein provided. In the event that payment so made by any city shall exceed the amount of taxes which would otherwise have been levied against property within such city, the amount of such excess without interest shall be carried over and apply in reduction of taxes levied, or which would otherwise have been levied during the ensuing year or years. Any city which shall have incurred expenses in preliminary work in preparing for the incorporation of or in the incorporation of any district hereunder, or in the investigation of or preliminary work upon any works or project taken over by the district may certify, the amount thereof without interest to the board of directors of said district at any time within two years from the date of the incorporation of such district, or the incurring of such expenses if such district be already incorporated, and if allowed by the board such amount shall be credited to the city incurring the same and shall be considered as a payment of money made as herein provided; *provided, however*, that no such payments of money made in avoidance of taxes or otherwise, or such credit allowed by such board shall apply to reduce the amount of tax which would otherwise be levied against the property within such cities respectively to meet interest and sinking fund requirements on outstanding bonded indebtedness of such district. Such certification and allowance shall be made on or before the first Monday in July, and the amount of money to be raised by taxation shall be computed with reference to the credit to be allowed as herein provided, but such credit may, in the discretion of the board, be considered in connection with the

Payments
by cities
in cash.

Credits to
cities for
expenses

Not ap-
plicable to
bonded in-
debtedness.

amount of money to be raised by the next tax levy, or may be spread over subsequent years, not to exceed five.

Failure of
city to pay

(*n*) If any city shall fail to comply with the terms of the order relating to payments to be made to the district in lieu of taxation, the amount of the delinquency, plus a penalty of ten per cent shall be added to the taxes to be collected during the ensuing fiscal year, and thereafter for a period of two (2) years no order or ordinance shall be sufficient to exempt the property in said city from taxation hereunder unless it be accompanied by payment in cash of the amount which would otherwise be collected from owners of property within the city, together with all moneys due but unpaid under any previous order.

Stats 1927,
p 711,
amended
Annexation
of territory

SEC. 4. Section 9 of said act, approved May 10, 1927, is hereby amended to read as follows:

Sec. 9. Annexation to the territory of any district organized hereunder may be effected by either of the following methods:

(*a*) Whenever any area shall be annexed to or consolidated with any city, the area of which shall be a part of any district organized hereunder, such annexed or consolidated area shall by virtue of its annexation or consolidation to such city become and be a part of such district and shall be taxable equally with other parts of such district to pay the indebtedness of the district outstanding at the time of such annexation or consolidation.

(*b*) The governing or legislative body of any municipality may apply to the controller of any metropolitan water district for a statement showing the amount of the bonded and other indebtedness of the district, the assessed value of the taxable property therein according to the most recent assessment, and the names of all municipalities, the areas of which are included within the district, and it shall thereupon be the duty of the controller to furnish such information to the applicant. After consideration of such statement the governing body of such municipality may apply to the board of directors of such metropolitan water district for consent to annex such municipality to the metropolitan water district. The board of directors may grant or deny such application and in granting the same may fix the terms and conditions upon which such city may be annexed to and become a part of the metropolitan water district, to the end that burdens, including the bonded debt, shall be equitably distributed over all parts of the district, having due regard to benefits. The action of the board of directors evidenced by order made on motion shall be promptly transmitted to the governing body of such applying city, which governing body may thereupon submit to the qualified electors of such city, at any general or special election held therein, the proposition of such annexation subject to the terms and conditions fixed as herein provided. Notice of such election shall be given by posting or publication; when given by posting such notice shall be posted at least ten days

and in three public places in the city; when given by publication such notice shall be published once at least ten days before the date fixed for the election in a newspaper of general circulation published in the city. Such notice shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. Such election shall be conducted and the returns thereof canvassed in the manner provided by law for municipal elections in such city. If such proposition shall receive the affirmative vote of a majority of electors of such city voting thereon at such election, the governing body of such municipality shall certify the result of such election on said proposition to the board of directors of said district and a certificate of proceedings hereunder shall be made by the secretary of the district and filed with the secretary of state. Upon the filing thereof in the office of the secretary of state, such municipality shall become and be an integral part of such water district, and the taxable property therein shall become taxable for the payment of bonds and other obligations of such district in accordance with the terms and conditions fixed by the board of directors as herein provided.

SEC. 5. Section 12 of said act, approved May 10, 1927, is hereby amended to read as follows:

Stats 1927,
p. 713,
amended
Recall of
directors

Sec. 12. Every member of the board of directors of a metropolitan water district formed hereunder shall be subject to recall by the voters of the municipality from which such member is appointed in accordance with the recall provisions of the freeholders' charter, or other law applicable to such municipality.

SEC. 6. A new section is hereby added to said act to be numbered 13 $\frac{1}{2}$ to read as follows:

New section

Sec. 13 $\frac{1}{2}$. Any action required by this act to be done by resolution may be done, with equal validity, by ordinance.

Resolution
or ordinance

SEC. 7. A new section is hereby added to said act to be numbered 13 $\frac{3}{4}$ to read as follows:

New section

Sec. 13 $\frac{3}{4}$. The treasurer of any district organized under the provisions of this act is hereby expressly authorized to deposit funds of such district in banks pursuant to the terms and provisions of an act entitled: "An act to authorize and control the deposit in banks of money belonging to or in custody of any county, city and county, city, town, municipality or other political subdivision within this state, and to repeal all acts or parts of acts in conflict with this act," approved May 24, 1927.

Care and
custody of
funds.

CHAPTER 797.

An act to amend sections 2, 4, 7, 8, 10, 11, 12, and 46 of an act entitled "An act to provide for the establishment and change of grade of public streets, lanes, alleys, courts, places and rights of way, and of any of the following avenues of

public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways in municipalities and providing for the construction or improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvement, and for the payment and effect of such bonds," approved June 16, 1913, as amended.

[Approved by the Governor June 14, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1925,
p. 452,
amended.

SECTION 1. Section 2 of an act entitled "An act to provide for the establishment and change of grade of public streets, lanes, alleys, courts, places and rights of way, and of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways in municipalities and providing for the construction or improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvement, and for the payment and effect of such bonds," approved June 16, 1913, as amended, is hereby amended to read as follows:

Resolution
of intention

Sec. 2. Before ordering any establishment, change or modification of grade, or any work done or improvement made which is authorized by this act, the said legislative body shall pass a resolution of intention so to do, referring to the street by its lawful or official name, or the name by which it is commonly known; when the work is not upon a public street or public way, then by briefly describing the property or right of way on which the same is to be constructed, and briefly describing the work. Said resolution shall declare that in the opinion of the legislative body damage to private property will result from such improvement. The said resolution of intention shall be sufficient if it states in general terms the class or kinds of work contemplated such as grading or regrading, paving or repaving, sewerage or resewerage or other work or improvements, and gives in general the location of the proposed improvement and refers to plans, profiles, detailed drawings and specifications or such of them as may be suitable or proper for the full and detailed description of said proposed work or improvement. Said resolution shall contain also a notice of the day, hour and place when and where any and all persons having any objections to the proposed work or improvement may appear before the legislative body and show cause why

said proposed improvement should not be carried out in accordance with said resolution; said time shall not be less than thirty nor more than sixty days from the date of the passage of said resolution. Said resolution shall describe the exterior boundaries of the district of land to be benefited by said improvement, and to be specially assessed to pay the costs and expenses of said work or improvement, and the damages caused thereby, which shall be known as the assessment district, or said district may be described by giving a description according to any official or recorded map or maps or by referring to a plat or map which shall be on file in the office of the city clerk or city engineer at the time of passing the resolution of intention, which shall indicate by a boundary line the extent of the territory included in the proposed district, which map or plat shall govern for all details as to the extent of the said assessment district. The said district need not be described in any of the notices or resolutions provided for herein other than the resolution of intention. The grade to which any work shall be done or improvement made shall be such as may be shown on the plans or profiles therefor or it may be done on such a grade as may have been formally established by the legislative body. If any official grade has already been adopted or established for any of the streets, avenues, or other places or property, proposed to be improved, it shall be lawful for the resolution of intention to provide that said work shall be done to new grades or grades different from those so established or adopted, and shall refer to plans, profiles or specifications for the description of the grade at which the work is to be done.

Such legislative body may include in one improvement, under one ordinance or resolution of intention and order and under one contract, the grade of all or any portion of one or more streets, avenues, lanes, alleys, courts, places, rights of way or other land of the city, or land in which and where the city has an easement or right of way, established, changed, or modified, and the grade of the roadway of any of the following avenues of public travel, namely tunnels, subways, viaducts, bridges, or independent subterranean ways, in, on, under, over or through any portion of any of said streets, avenues, lanes, alleys, courts, places, right of way or other land of the city, or land in which and where the city has an easement or right of way, established, changed or modified, and the construction of any one or more or all of the different kinds of work enumerated in section 1 hereof, upon the same or any part or portion thereof, and may exclude therefrom any of such work already done.

Work that
may be
included

SEC. 2. Section 4 of said act is hereby amended to read as follows:

Stats. 1915,
p. 1230,
amended.

Sec. 4. At or before the time fixed for the hearing, any person interested, objecting to the proposed improvement or to the extent of the assessment district described in the ordinance or resolution of intention, may file a written protest

Written
protests

Notices of
hearings

Hearings

with the clerk of said legislative body. Such protest must be in writing and no other protest or objection shall be considered. The clerk shall endorse on every such protest the date of its reception by him, and at the time fixed for the hearing, or at any other time to which the hearing may be adjourned, he shall present to said legislative body all protests so filed with him. Before the hearing of any protest there shall be filed with such legislative body affidavits showing that the said notices have been posted and published as hereinbefore required, and the said legislative body shall thereupon cause to be entered in its minutes an order reciting that notice of said hearing has been posted and published as required by law, and such order shall be prima facie evidence of the truth of the facts therein recited. The legislative body shall hear said protests at said meeting, or at any time to which the hearing thereof may be continued, and pass upon the same, and its decision shall be final and conclusive; *provided, however*, if such protests are against the proposed improvement, and the legislative body finds that such protests are signed by the owners of a majority of the frontage of the property fronting on the streets or parts of streets within the assessment district for such improvements, all further proceedings shall be stayed and barred for six months from and after the filing of such majority protests, unless the owners of a majority of such frontage shall in the meantime petition for the said improvement to be made. If such protests are not signed by a majority of the owners of such property, and such protests are sustained, no further proceedings shall be had under said ordinance or resolution of intention, but a new ordinance or resolution of intention for the same improvement may be passed at any time. If such protests are denied, the proceedings shall continue as if such protests had not been made.

Stats 1913,
p. 957,
amended

Hearings of
petitioners for
damages

SEC. 3. Section 7 of said act is hereby amended to read as follows:

Sec. 7. Upon the passage of the final ordinance or resolution referred to in section 5 hereof, said commission shall appoint a time and place for the hearing of petitions for damages caused by said improvement, and shall cause notice of such time and place to be published for at least five days in a daily newspaper, or three times in a weekly newspaper, published in said city, or if no such newspaper is so published and circulated, then by posting for two days in three public places in said city. Said commission shall also cause a similar notice to be mailed to each owner of property, abutting upon the work or improvement where any change of grade is proposed to be made, at his last known address as the same appears on the tax rolls of the city, or as known to the clerk; *provided*, that the failure of said commission to cause said notices to be mailed, or the failure of property owners or any of them, to receive the same, shall in no wise affect the validity of the proceeding or the jurisdiction of the legislative body to pro-

ceed with the same. The time set for hearing such petitions shall be not less than thirty days from the first publication or posting of such notice. Before said hearing said commission shall view the location of the proposed improvement, and the property affected thereby. Said hearing may be continued from time to time by said commission.

SEC. 4. Section 8 of said act is hereby amended to read as follows:

Stats. 1915, p. 1221, amended.

Sec. 8. At or before the time set for the hearing of petitions for damages any person owning property, and claiming that the same will be damaged by said proposed improvement, shall file with the superintendent of streets, who shall transmit the same to the commission, a petition showing the fact of such ownership, a description of the property claimed to be damaged, its market value, and the amount of damages which it is claimed such property will sustain by the proposed improvement, and the post-office address of such petitioner, or his agent. Every such petition shall be verified by the oath of the petitioner or his agent. After considering the petitions filed as herein provided, and after hearing the petitioners who may appear, and after viewing the location of the proposed improvement and the property affected thereby, said commission shall proceed to determine the amount of damages, if any, which will accrue to each parcel of property and to each separate estate or interest therein because of the proposed improvement. Any property owner who fails to file any such petition shall be deemed to have waived his right to a hearing with respect to any damages to any property owned by him, and to object to the amount of such damages fixed by said commission. Benefits to be received from the making of the improvement shall not be considered in computing damages.

Petition showing ownership

Amount of damages

SEC. 4½. Section 10 of said act is hereby amended to read as follows:

Stats. 1913, p. 960, amended

Sec. 10. The commission shall, as soon as practicable, after determining what damage will be caused by said improvement, and, after the signing of the contract for the work, assess the total amount of all the incidental expenses of such improvement, which shall include the necessary expenses and disbursements of the commission, the cost of making the assessment, and all expenses necessarily incurred by the city in connection with the proposed improvement for maps, diagrams, plans, surveys and other matters incident thereto, upon the respective lots or parcels of land in the assessment district described in the ordinance or resolution of intention, in proportion to the benefits to be received by such lots or parcels of land, respectively, from the said improvement, and shall make and file with the clerk of the legislative body a report in writing containing the following:

Assessment for incidental expenses

Report.

1. A schedule describing the lots or parcels of property belonging to each petitioner for damages and which will be damaged by said proposed improvement, stating the amount of damage to each lot or parcel and to each separate estate

Lots or parcels damaged

or interest therein as determined by the commission, and the name of the owner of each such lot or parcel of property or of any interest or estate therein so damaged.

Diagram of district.

2. A diagram showing the assessment district, and also the boundaries and dimensions of the respective lots or parcels of land within said district, and each of such lots or parcels of land shall be given a separate number in red ink upon said diagram.

Proposed assessment.

3. A proposed assessment of the total amount of damages that will be caused by said improvement, as determined by the commission, the total amount of the contract price for the work and the total amount of the incidental expenses thereof as above specified, upon the respective lots or parcels of land in said district in proportion to the benefits to be received by such lots or parcels of land, respectively, from said improvement. Said assessment shall refer to such lots or parcels of land upon said diagram by the red ink numbers thereof, and need contain no other description thereof, and shall show the names of the owners, if known, otherwise designating them as unknown; but no mistake in the name of the owner of any lot or parcel of land shall affect the validity of the assessment thereon.

In case the commissioners do not all agree, a majority of the whole number may make such report.

Stats. 1913,
p. 961,
amended

SEC. 5. Section 11 of said act is hereby amended to read as follows:

Time for hearing on report and notice thereof.

Sec. 11. Upon the filing of the report provided for in section 10 hereof, the clerk of the legislative body shall present such report to the legislative body, which shall fix a day for the hearing thereof by such legislative body, which day shall not be less than twenty days from the date of filing such report, and shall cause a notice of such hearing to be published by the clerk thereof, by three insertions in a daily newspaper published and circulated in said city, or if there be no daily newspaper in said city, then by two successive insertions in a weekly newspaper so published and circulated; or if no newspaper is so published and circulated, then by posting for two days in three public places in said city. Such publication shall be completed at least ten days before the date fixed for the hearing. Said notice shall state the fact that such report has been filed, and the date set for the hearing thereof, and require all persons interested to file with the clerk their objections, if any they have, to the confirmation of said report at or before the time fixed for the hearing. Such notice shall also be given by mailing a post card to each owner of property abutting upon said improvement at his last known address as the same appears on the tax rolls of the city, or as known to the clerk, provided that a failure of the clerk to give such notice by mailing or of the person addressed to receive same shall not affect the jurisdiction of the council to proceed with the hearing noticed.

SEC. 6. Section 12 of said act is hereby amended to read as follows:

Stats 1921, p. 268, amended

Sec. 12. The owners and all other persons interested in said report having any objection thereto shall prior to the date fixed for the hearing thereof, appeal to the city council by briefly stating in writing the grounds of appeal. At the time fixed, or at any other time to which the hearing may be continued, the legislative body shall hear said report and any objections thereto. The legislative body, upon such appeal, may remedy and correct any error or informality in the proceedings; may confirm, amend, alter, modify or correct said report in such manner as to them shall seem just; and may instruct and direct said commission to correct said report in any particular. All the decisions and determinations of said legislative body upon notice and hearing as aforesaid, shall be final and conclusive, except as to the damages to be caused by said proposed improvement, upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities and irregularities which said legislative body might have avoided, or have remedied, during the progress of the proceeding, or which it can at that time remedy. Neither said report, nor any proceedings prior thereto, shall be held invalid by any court for any error, informality or other defect in the same, where the resolution of intention of the legislative body to do the work, has been actually published as herein provided. When no appeal is taken or when the orders and determinations of the legislative body upon appeal have been complied with, and the legislative body is satisfied with the correctness of said report the clerk of the legislative body shall transmit the diagram and assessment provided for in section 10 hereof, as finally confirmed, to the superintendent of streets. The superintendent of streets shall thereupon record such assessment and diagram in his office, in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such record shall be the assessment roll. From the date of such recording all persons shall be deemed to have notice of the contents of such assessment roll. Immediately upon such recording the several assessments contained in such assessment roll shall become due and payable, and each of such assessments shall be a lien upon the property against which it is made, paramount to all other liens, except liens for state, county and municipal taxes; *provided, however*, that such lien shall be subordinate to all special assessment liens previously imposed upon the said property, but it shall have priority over all special assessment liens which may thereafter be created against the same property; and such liens shall only be discharged by payment of the assessment or by redemption of the land after sale for delinquency. The superintendent of streets shall, upon the recording of said assessment, give notice by publication for five days in a daily newspaper published and circulated in said city, or by two insertions in a weekly

Appeal to city council

Powers of council.

Decisions effect.

Superintendent of streets.

Assessments when due and liens thereof.

Notice of recording of assessment roll.

newspaper so published and circulated; or in case no such daily or weekly newspaper is so published and circulated in said city, then by posting such notice for four days in three public places in said city, that said assessment has been recorded in his office and that all sums assessed therein are due and payable immediately, and that payment of said sums must be made to him within thirty days after the date of the first publication or posting, which date shall be stated in the notice. Said notice shall also contain a statement that all assessments not paid before the expiration of the said thirty days shall become delinquent, and that thereupon five per cent upon the amount of each such assessment will be added thereto. When payment of any assessment is made the superintendent of streets shall mark opposite such assessment the word "paid," the date of payment, and the name of the person by or for whom the same is paid, and shall give a receipt therefor. Upon the expiration of said period of thirty days, all assessments then unpaid shall become delinquent, and the superintendent of streets shall mark each such assessment "delinquent" on said assessment roll, and add five per cent to the amount thereof.

Payment of assessments

Delinquent payments

Stats 1917,
p 975,
amended
Definitions

SEC. 7. Section 46 of said act is hereby amended to read as follows:

Sec. 46. The following words and phrases shall, where used in this act, have the following meaning:

"Improvement."

1. The term "improvement" includes all work, construction, reconstruction and improvements mentioned in section 1 of this act.

"City "

2. The term "city" includes every incorporated city, city and county, or other corporation organized for municipal purposes.

"City treasurer "

3. The term "city treasurer" includes an officer who has charge and makes payment of the city funds.

"Superintendent of streets "

4. The term "superintendent of streets" includes any officer or board whose duty it is by law to have the care or charge of streets, or the improvement thereof in any city. In any city where there is no superintendent of streets, or such board, the legislative body is hereby authorized to designate some other officer of the city, or other person, to perform the duties imposed by this act on the superintendent of streets, and all of the provisions hereof applicable to the superintendent of streets shall apply to the officer so designated.

"Owner,"
etc

5. The terms "owner," "any person interested," "property owner," "owner of property," or "person owning property," wherever used in this act shall be construed to include the person owning the fee, or the person in whom the legal title to real property appears, by deeds duly recorded in the county recorder's office of the county in which said city is situated, or any person in possession of real property, as the executor, administrator, trustee under an express trust, guardian or other legal representative of the owner, or any person in possession of real property under a written contract of purchase thereof duly recorded, or any person in possession of real property, as lessee thereof under a lease duly recorded.

6. The term "incidental expenses" shall be held to mean and include all the necessary expenses and disbursements of the commission, the cost of making the assessment, and all expenses necessarily incurred by the city in connection with the proposed improvement for maps, diagrams, plans, surveys, the mailing of any notices, and other matters incident thereto.

"Incidental expenses"

7. The term "delinquency" as herein used shall mean delinquency in the payment of an assessment made under the provisions of this act, and the expression "time of delinquency" shall mean the time in this act fixed when assessments become delinquent.

"Delinquency"

CHAPTER 798.

An act to amend section 3480a of the Political Code, providing a method of refunding reclamation district bonds now or hereafter issued or outstanding and to add a new section to the Political Code to be designated section 3457a thereof providing for the cancellation of warrants or reclamation districts and for the issuance of warrants in lesser dcmoniations in lieu thereof.

[Approved by the Governor June 14, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 3480a of the Political Code is hereby amended to read as follows:

Stats 1927,
p. 1460,
amended

3480a. Any reclamation district now existing or hereafter created may refund the whole or any part of any installment or installments of the principal of any bond issue now or hereafter outstanding in manner as follows:

Refunding
installments
of outstanding
bonds

Whenever in the judgment and opinion of the board of trustees of said district it would be for the best interest of said district or the landowners therein to refund any installment or installments of the principal of any outstanding bonds of the said district or any portion of said installment or installments, the board of trustees of said district may, by order enter upon the records thereof, order a special election to be held at some place in said district to be designated by the board at which said election shall be submitted to the owners of land in said district the question of whether or not any installment or installments of the principal of the outstanding bonds of said district or any part of any such installment or installments, shall be refunded. Said order for said special election shall set forth the maturities and rate of interest of said refunding bonds and the total amount of the principal thereof, and shall designate the bonds which are to be refunded. The principal of the refunding bonds shall not exceed one hundred ten per cent of the principal amount of the bonds which is to be refunded.

Special
election

Notice of election.

Notice of such special election shall be given by the board of trustees by posting notices thereof in at least three public places in the district at least twenty-one days prior thereto, and, also, by publication for the same length of time in some newspaper of general circulation published in each county in which any portion of the district may be situate, and such notices shall be substantially in the following form:

“Notice of special election to determine whether or not refunding bonds shall be issued.

Notice is hereby given that at a meeting of the board of trustees of reclamation district No. _____ held on the _____ day of _____, 19____, a resolution and order was duly adopted by the said board calling a special election of the landowners of this district, for _____ the _____ day of _____, 19____, at _____ in the county of _____ in said district, to determine whether or not \$_____ of the principal amount of the outstanding bonds of this district, dated the _____ day of _____, 19____, and maturing as follows, to wit: _____ shall be refunded by the issuance of refunding bonds of said district of the aggregate principal amount of \$_____ and maturing as follows, to wit: _____

And notice is hereby further given that _____ and _____ and _____ three landowners of said district, are hereby appointed to act as the board of election for said election.

The polls at said election will be open from ten a.m. of said day until four p.m.

Witness the name and the seal of the said district this _____ day of _____, 19____.

Reclamation District No. _____

By _____
President.

[Seal]

By _____
Secretary.”

Affidavits to be filed

Affidavits of publication and posting of such notices shall be filed with the county clerk of the county within which the said district or the greater part thereof is situate, together with a copy of the said order calling said election, certified by the president of the board of trustees, and attested by the secretary thereof, with the seal of the district affixed.

Who may vote

At such election each owner of lands in the district shall be entitled to vote in person or by proxy and shall have the right to cast one vote for each dollar’s worth of real estate owned by him in the district, such value and ownership thereof to be determined from the next preceding assessment roll of the county or counties in which the lands of said district are situate, and the board of trustees of the district shall, prior to the election, cause to be prepared and certified by the proper

officer and furnished to the board of election, a true and correct copy of the said next preceding assessment roll of the said county or counties, which said certificate roll shall be used by the said board of election in determining the number of votes each voter is entitled to cast. Executors, administrators, special administrators and guardians may cast the votes of the estates represented by them.

In the event that ownership of any property in the district is changed after the making of the last assessment roll for the district, the owner thereof shall be entitled to vote thereon upon production of the original or of certified copy of the record thereof in the office of the county recorder of the county in which the property is situate. Any person not legally qualified to vote who shall make any false statement in respect to his right to vote shall incur all of the penalties provided in the Penal Code of the State of California for persons illegally voting at elections.

No person shall vote by proxy at such election unless authorized to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. The ballots cast at such election shall contain the words: "Refunding Bonds—Yes," or the words "Refunding Bonds—No," and also the name of the person casting the ballot with the number of votes cast by him. A list of the ballots cast shall be made by the board of election, containing the name of each voter, and, if the ballot be cast by proxy, the name of the person casting it, and the number of votes cast by each, and whether the same be cast for or against the issuing of the bonds.

If any person appointed as a member of the board of election shall fail to attend at the opening of the polls, the voters then present may appoint in his place any landholder of the district. Each member of such board of election, must, before entering upon his duties take and subscribe an official oath, which oath may be administered by an officer authorized to administer oaths or by any landholder in the district. The polls shall be kept open from ten o'clock a.m. of the day of election until four o'clock p.m. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall forward a certificate showing such result and the number of votes cast for and against the issuing of said refunding bonds, to the county clerk of the main county, and shall deliver a duplicate thereof to the board of trustees of the district, and shall also deliver to the said county clerk of the main county all ballots cast at such election and all documents and papers used at such election. Any person interested may contest such election within twenty days after such filing of said certificate with the said county clerk by bringing suit in the superior court of the main county; otherwise the declaration of the result by the board of election shall be final and conclusive.

Changed
ownership

Illegal
voting

Proxies.

Ballots

Election
officers.

Canvass
of votes

Contest

Issue of bonds

Denomination.

Interest

Payment

Form

If a majority of the votes cast at such election are in favor of the issuance of such refunding bonds, the board of trustees of the district shall prescribe the date and rate of interest of the refunding bonds authorized at such election and shall cause the same to be executed and delivered, together with a copy of said order of election, certified as aforesaid, to the treasurer of the said main county. Said refunding bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the board of trustees of the district and attested by the county auditor of the said main county, and shall be numbered consecutively in the order of their maturity and said refunding bonds shall bear interest at a rate not to exceed six per cent per annum from their dates, respectively, and such interest shall be payable semiannually on the first day of January and the first day of July of each year at the office of said county treasurer upon the presentation of the proper coupons therefor. Coupons for each installment of said interest shall be attached to said refunding bonds and shall bear the facsimile signature of the county auditor. The principal of said refunding bonds shall be made payable on the first day of July, or the first day of January, and in such years as the trustees may prescribe, but said bonds shall, in any event, be payable serially within at least fifty years from and after their date.

Said bonds may be in substantially the following form:

United States of America

State of California.

County of -----

No. -----

\$-----

Reclamation District No. -----

Reclamation district No. ----- for value received, hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the treasurer of said ----- county, in the State of California, on the ----- day of ----- 19--, the sum of \$----- in gold coin of the United States of America, with interest thereon in like gold coin from the date hereof until paid at the rate of ---- per cent per annum, payable at the office of said treasurer semiannually on the first day of January, and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of refunding bonds of like tenor and effect, except as to denomination and maturity, numbered from ----- to ----- inclusive, amounting in the aggregate to the sum of ----- dollars, issued in accordance with section 3480a of the Political Code of the State of California pursuant to an election held in said reclamation district on the ----- day of -----, 19--, authorizing their issuance, and are issued for the purpose of

refunding -----\$----- of the principal amount of the bonds of this district dated the ----- day of -----, 19--, and outstanding on the ----- day of -----, 19--, and this bond is based upon and secured by an assessment levied on the lands in said district, and filed in the office of the county treasurer of said county of ----- on the ----- day of -----, and the said reclamation district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all of the acts and conditions and things required by law to be done, precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of reclamation bonds.

This bond is one of the bonds issued to refund \$----- principal amount of bonds of this district numbered ----- dated the said ----- day of -----, 19--, and maturing -----, 19--.

In testimony whereof, the said district, by its board of trustees, has caused this bond to be signed by the president of said board and attested by the auditor of said county of ----- with his seal of office affixed this ----- day of -----, 19--.

 President of said board.

Attest: -----

Auditor of the county of -----, State of California.

And the interest coupons may be substantially in the following form:

No. ----- \$-----

The county treasurer of ----- county, California, will pay to the holder hereof on the ----- day of -----, 19--, at his office in said county of ----- the sum of \$----- in gold coin of the United States out of the funds of Reclamation District No. ----- for interest on refunding bond of said district numbered -----.

 County auditor.

At any time within thirty days after said refunding bonds shall have been delivered to the treasurer of the county, an action may be commenced in the superior court of said main county by the trustees of said reclamation district in its name against the lands in said district and all persons owning the same or interested therein, to have it determined that said refunding bonds are a legal obligation of such reclamation district, and in the event no such action is brought then the same may be commenced by any landowner in the district within thirty days thereafter. It shall be sufficient to describe

Legality of bonds proceedings to determine.

said lands as all lands in the district (naming it) without a more specific description. The summons shall be published once a week for two weeks in some newspaper of general circulation published in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such district, or any person interested, may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said refunding bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court, and judgment rendered declaring such matters so contested either valid or invalid. Any party not in default may have the right to appeal to the supreme court within thirty days after entry of judgment. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein and all owners thereof and other interested persons.

Exchange
of bonds

The board of trustees of any reclamation district, with the consent of the holders of any or all of the outstanding bonds of such district to be refunded as hereinabove provided, may direct the county treasurer to deliver to such holders at any time in exchange therefor bonds issued pursuant to this section and having such maturities as may be agreed upon by and between said board of trustees and the holders of said bonds to be refunded; *provided*, that the aggregate principal amount of the bonds issued pursuant to this section and delivered to such holders shall not exceed the aggregate principal amount of the bonds exchanged therefor and that the bonds delivered to the district shall be immediately canceled by the county treasurer. Such outstanding bonds may be so refunded pursuant to the consent of the holders thereof at any time, either before or after the final maturity date of said bonds.

Sale
proceedings

In lieu of exchanging said refunding bonds, or any thereof, as hereinabove provided, the board of trustees may declare by resolution that it will be for the best interests of the district to sell all or any specific portion of said refunding bonds; and thereafter and on or before February first or August first of any year as the case may be prior to the date of maturity of the outstanding bonds of the district next maturing and to be so refunded, either in whole or in part, the board of trustees of the said district may declare by resolution that any portion of the said refunding bonds available for the refunding of the said outstanding bonds so next maturing shall be sold as herein provided. The board of trustees shall sell or exchange said refunding bonds only of such maturities as shall have been declared available for the refunding of particular maturities of the outstanding bonds of the district as set forth in the notice of the election for the issuance of said refunding bonds; *provided*, that if any district has heretofore authorized the issuance of refunding bonds and the same or any part

Election.

thereof are in the hands of the county treasurer unsold the board of trustees of the district may call an election in the manner and upon the notice prescribed in this section for the issuance of refunding bonds, at which election there shall be submitted the question of whether or not such refunding bonds of any maturity shall be sold or exchanged to refund any maturity of said outstanding bonds of the district as the board of trustees in their discretion shall determine or as may otherwise be specified in the notice of such election.

Said resolution shall direct the treasurer of the county to sell said refunding bonds on a date which shall not be less than five days nor more than ten days, prior to April first or October first of such year, as the case may be. Said resolution also shall declare whether or not, in the judgment of the board of trustees, said refunding bonds can be sold for not less than the par value thereof, plus accrued interest, and also whether or not, in the judgment of said board, it is necessary or advisable that provision be made for payment of interest upon said refunding bonds to the date of maturity of the bonds to be refunded, and whether or not a supplemental assessment should be levied for either or both of said purposes; and if said resolution shall declare either that said refunding bonds can not be sold for as much as the par value, thereof, plus accrued interest, or that it is necessary or advisable that provision be made for payment of interest upon said refunding bonds to the date of maturity of the bonds to be refunded and that a sufficient assessment should be levied for either or both said purposes, such supplemental assessment shall be levied and collected in the following manner, to wit:

The board of trustees shall prepare and certify an assessment list for said supplemental assessment in the form prescribed by section 3461 of this code. The amount of said supplemental assessment shall not exceed ten per cent of the principal of the refunding bonds to be sold, plus the amount if any to be raised by such supplemental assessment to pay interest on said refunding bonds to the date of maturity of the bonds to be refunded as aforesaid. The amount of said supplemental assessment shall be spread only upon the tracts of land in the district upon which an assessment is then outstanding for payment of the bonds to be refunded and shall be spread on said tracts in proportion to the amounts then assessed against said tracts under said outstanding assessment.

Said list when completed shall be filed with the clerk of the board of supervisors of the county. The board of supervisors shall appoint a time when it shall meet for the purpose of hearing objections to said supplemental assessment and notice of such hearing shall be given by publication for two weeks in some newspaper of general circulation published in said county. At any time before the date of such hearing any person interested may file written objections to such supplemental assessment stating the ground of such objections, which statement shall be verified by affidavit of such person or some

Resolution
of trustees.

Supple-
mental
assessment

Assessment
list.

Objections:
hearing.

other person who is familiar with the facts. At said hearing the board of supervisors may correct any errors appearing in said supplemental assessment and shall then make an order approving said supplemental assessment and shall endorse such order upon said assessment list, which said endorsement shall be signed by the chairman of the board of supervisors and attested by the clerk thereof. Such decision of said board of supervisors except as hereinafter provided, shall be final and thereafter said assessment list shall be conclusive evidence that the said supplemental assessment has been made and levied according to law. The list shall then be filed with the county treasurer, or if the district is situated in more than one county then the original list must be filed in the county where the greater portion of the lands of said district is situated and copies thereof certified by the treasurer must be filed with the treasurer of each of the other counties. No objection to such supplemental assessment shall be considered by the board of supervisors or allowed in any other action or proceeding unless such objection shall be made in writing to the board of supervisors as above specified.

Decision
of board

Filing
of list.

Actions to
modify or
annul.

Any person aggrieved by the decision of the board of supervisors may commence an action in the superior court of the county in which the greater part of such district is situated to have said supplemental assessment corrected, modified or annulled. Such action must be commenced within five (5) days after said assessment list has been filed in the office of the county treasurer. If said action shall not be commenced within five (5) days, no action or defense shall thereafter be maintained attacking the legality of said supplemental assessment in any respect.

Lien

Payment
interest

Notice.

After said approved assessment list has been so filed the charges therein specified shall be a lien upon the parcels of land so assessed and shall impart notice thereof to all persons. Said supplemental assessment shall be called for immediate payment and shall become delinquent by declaration made in said resolution at a specified date at least five days prior to the date fixed for the sale of said refunding bonds; and at least thirty days time to pay said supplemental assessment shall be given to the landowners between the date of call and the date of delinquency. Said supplemental assessment shall not bear interest and shall be payable only in gold coin of the United States. Notice of said supplemental assessment and of said call thereon must be personally served upon each owner of land in said district or in lieu of personal service must be sent through the mail addressed to said owner at his place of residence if known, or entered upon the assessment roll of the county and if not known, at the place where the principal office of the district is situated or be published once a week for two weeks successively in some newspaper of general circulation and devoted to the publication of general news within the district and if no such newspaper be published within the district then publication may be made in some news-

paper published in the county seat of the county where the greater portion of said district is situated. Upon delinquency a penalty of ten per cent shall be added. If the landowners in any district shall voluntarily pay to the treasurer of the county, on the call of the board of trustees without the levy of such supplemental assessment, the amount required by the board of trustees for the aforesaid purposes as prorated on the lands in the district as herein provided then no such supplemental assessment shall be levied.

Voluntary
payment

If a sale of said refunding bonds is consummated by payment of the purchase price thereof and the delivery of the bonds then the board of trustees of the district shall proceed to enforce payment of any delinquencies in the said supplemental assessment in the manner set forth in section 3466 of this code, and the provisions of said section 3466 shall apply to all subsequent proceedings in enforcing collection of said supplemental assessment. For the sale of said bonds the said treasurer shall give notice by publication at least once a week for at least two weeks in a newspaper of general circulation published in the main county, that he will sell a specified amount of said refunding bonds, and stating the day, hour and place of said sale, and asking for sealed proposals for the purchase of said refunding bonds, or any part thereof. At the time appointed for said sale, which shall be in any event at least ninety-five days prior to the date of maturity of the principal of said outstanding bonds to be so refunded by the sale of said refunding bonds, the county treasurer shall open the bids and award the said refunding bonds, or any designated number thereof, to the highest responsible bidder, but at a price in no event less than ninety per cent of the full face value of said refunding bonds. The county treasurer may, and upon written request of a majority of the trustees, must, reject any and all bids. Any sale by the county treasurer shall be conclusive evidence in favor of the purchaser and all subsequent holders of said refunding bonds that such sale was made upon due authority and notice. A proper record of such transaction shall be made upon the books of the county treasurer and the proceeds of the sale of the said refunding bonds shall be placed in the county treasury to the credit of the bond fund of the district, and the said proceeds shall be used and applied only in payment, in whole or in part, of the principal of the outstanding bonds to be refunded by the said refunding bonds so sold.

Delin-
quencies.

Sale.

If the refunding bonds so offered for sale shall not be sold the same may again be offered for sale from time to time prior to their fixed maturity or may be exchanged for outstanding bonds as hereinbefore provided. All refunding bonds, which remain in the hands of the county treasurer after the outstanding bonds to be refunded thereby have been paid in full and discharged, shall be forthwith canceled by said county treasurer and shall never be an obligation of the district.

Unsold
bonds.

Payment
of bonds.

If the amount for which any portion of said refunding bonds shall be sold exclusive of accrued interest shall be less than the face value thereof then to the extent necessary for the purpose the county treasurer shall use the proceeds of said supplemental assessment together with the proceeds from the sale of said refunding bonds to meet the principal of said bonds so next maturing. Interest on said refunding bonds from date of sale to the first interest payment date shall be paid from the proceeds of said supplemental assessment. Thereafter any surplus of said supplemental assessment shall be returned by the county treasurer pro rata to those who paid it.

The principal and interest of refunding bonds shall be based on and payable out of the assessment or assessments upon which the bonds so refunded were payable, in accordance with the provisions of section 3480 of this code.

Bonds issued
by district
later con-
solidated

Any refunding bonds heretofore or hereafter issued pursuant to the provisions of this section are hereby expressly declared to be issued as a step in the process of liquidating the original bond issue that is to be paid and discharged out of the proceeds of the sale of such refunding bonds. In the event any reclamation district shall have heretofore caused its bonds to be issued and thereafter, shall have been consolidated so as to become a part of a new district, the original district issuing such bonds shall be deemed as still in existence for the purpose of liquidating such original bond issue, either by making calls on the assessment securing said bond issue, from time to time as required, or by causing refunding bonds to be issued and sold pursuant to the provisions of this section. Any refunding bonds heretofore authorized or issued by any such original reclamation district, if authorized and issued pursuant to the provisions of this section, as in force at the time, are hereby expressly declared to be valid and subsisting obligations of such original reclamation district, and to be secured by the assessments against the lands of said district that secured the bonds to be discharged out of the proceeds of the sale of said refunding bonds.

Not
retroactive.

No act done or proceeding taken under the section of the Political Code of which this act is amendatory prior to the effective date hereof shall be invalidated hereby, and all proceedings commenced prior to the effective date hereof shall be completed in accordance with the provisions of this act, and all acts and proceedings taken after the effective date of this act whether relating to the authorization, issuance, exchange, sale, or delivery of bonds, or other thing, shall be valid and legally binding if taken in accordance with the provisions of this act.

New
section

SEC. 2. A new section is hereby added to the Political Code to be numbered section 3457a, and to read as follows:

Cancellation
of warrants
and issuance
of new ones
in lieu
thereof.

3457a. The board of trustees, at the request of the holder of any warrant, may cancel it and issue two or more warrants in lieu thereof. If the canceled warrant has been registered each new warrant shall state that it is issued partly in lieu of

such registered warrant, giving the dates of issuance and registration thereof, and upon registration of any such new warrant it shall be considered as registered upon the date of registration of the canceled warrant. Such new warrants shall be issued for the principal only of the old warrant, but, upon registration, shall bear interest from the date of registration of the canceled warrant.

CHAPTER 799.

An act to amend the improvement act of 1911, approved April 7, 1911, by repealing section 10½, relating to alternative specifications for sewer construction.

[Approved by the Governor June 14, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. The improvement act of 1911, approved April 7, 1911, is hereby amended by repealing all of section 10½ thereof.

Stats 1925,
p 454,
repealed.

CHAPTER 800.

An act to amend section 1 of an act entitled "An act to make available for the use of the United States government suitable places in this state for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the state to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed," approved May 27, 1921, by conferring on any county or municipal corporation now or hereafter organized, the power to improve any lands so acquired, or any lands owned or held by such county or municipal corporation, and for such purposes to incur indebtedness, issue negotiable bonds and levy taxes to pay the principal and interest thereof; and to convey to the United States any lands so acquired and improved, or any lands owned or held by such county or municipal corporation, whether improved or not; and to add a new section to said act, to be

numbered 1a, validating all proceedings heretofore conducted for or relating to the incurring of bonded indebtedness, and all bonds heretofore issued, for such purposes, by any county or municipal corporation.

[Approved by the Governor June 14, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats. 1921,
p. 682,
amended

SECTION 1. Section 1 of an act entitled "An act to make available for the use of the United States government suitable places in this state for the public defense, and for that purpose authorizing any county or municipal corporation now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county or municipal corporation and in consideration of the benefits to be derived therefrom by such county or municipal corporation to convey the same to the United States; conferring on such counties and municipal corporations the power of eminent domain for the purposes of this act and providing the procedure therefor; granting the consent of the state to such conveyance and ceding exclusive jurisdiction to the United States over the land so conveyed," approved May 27, 1921, is hereby amended to read as follows:

County or
city may
acquire
and/or
tender lands
to United
States for
public
defense.

Section 1. Whenever the board of supervisors of any county or the legislative body of any municipal corporation now or hereafter organized in this state shall consider it desirable or expedient to tender to the United States for the use of the war department or the navy department, any lands within any such county or municipal corporation which may be determined upon by the said board of supervisors or legislative body, such board of supervisors or legislative body may, by four-fifths vote, acquire and pay for out of the general fund such lands as it may determine upon and may improve such lands or improve any lands owned or held by such county or municipal corporation and convey them, or may convey any lands owned or held by such county or municipal corporation, to the United States for the use of the war department or navy department thereof, or if such board of supervisors or legislative body shall determine that it is desirable for the general welfare and benefit of the people of such county or municipal corporation and for the interests of the county or municipal corporation to incur an indebtedness in an amount sufficient to acquire or improve, or both, any such lands, and in consideration of the benefits to be derived therefrom by such county or municipal corporation, to convey all such lands, to the United States to be used by the war department or the navy department of the United States for its use, such county or municipal corporation is hereby authorized and empowered by and through its said board of supervisors or legislative body to incur an indebtedness evidenced by

negotiable bonds of such county or municipal corporation for such purposes, in any amount not exceeding, for a county, the limitation now or hereafter contained in section 4088 of the Political Code; and not exceeding, for a municipal corporation, the limitation now or hereafter contained in an act entitled "An act authorizing the incurring of indebtedness by cities, townships and municipal corporations, for municipal improvements, regulating the acquisition, construction and completion thereof," which became a law on February 25, 1901, whenever two-thirds of the qualified electors of the county or municipal corporation, voting thereon, shall vote therefor, at any election at which the proposal to incur such bonded indebtedness may be submitted to such electors in the manner provided by law.

SEC. 2. A new section is hereby added to said act to be numbered 1a, to read as follows: New section

Sec. 1a. All proceedings conducted prior to the taking effect of this act for incurring indebtedness, issuing negotiable bonds, and levying taxes to pay the principal and interest thereof, and all indebtedness incurred, negotiable bonds issued and taxes levied, by any such county or municipal corporation for any of the purposes set forth in section 1 hereof, are hereby confirmed, legalized and declared to be valid; *provided*, such proceedings, or the proceedings by which any such indebtedness was incurred, negotiable bonds issued or taxes levied, were conducted by such county or municipal corporation in accordance with the provisions of section 2 hereof, and such bonds were approved by the vote of two-thirds of the electors of such county or municipal corporation voting on the question of issuing such bonds. Proceedings validated

CHAPTER 801.

An act regulating the practice of civil engineering.

[Approved by the Governor June 14, 1929 In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. In order to safeguard life, health, and property, any person practicing civil engineering in this state shall hereafter be required to submit evidence that he is qualified so to practice, and shall be registered as hereinafter provided, and from and after twelve months after this act becomes effective, it shall be unlawful for any person to practice as a civil engineer in this state, unless such person has been duly registered or specifically exempted as required by the provisions of this act. Registration required.

SEC. 2. There is hereby created a state board of registration for civil engineers, hereinafter called the "board," consisting of three (3) members to be appointed by the governor within sixty (60) days after the date upon which this act Board of registration, membership

becomes effective. All members of the board shall be civil engineers. Of the members of the board first appointed hereunder, one (1) shall hold office for a term of two (2) years, one (1) shall hold office for a term of three (3) years and one (1) shall hold office for a term of four (4) years, such terms in each case to commence on the first day of July, 1929. Upon the expiration of such terms the term of office of each member thereafter appointed shall be for four (4) years. Each member shall continue to hold office after the expiration of his term until his successor shall be duly appointed and qualified. The governor may remove any member of the board for misconduct, incompetency, or neglect of duty. Vacancies on the board, however created, shall be filled by appointment by the governor for the unexpired term. Each member of the board shall be a citizen of the United States and a civil engineer of at least twelve (12) years active experience and of good standing in his profession and shall be at least thirty (30) years of age, and shall have been a resident of this state for at least five (5) years immediately preceding his appointment. Each member of said board, except the members first appointed hereunder, shall be registered as a civil engineer under this act. Each member of the board shall receive twenty-five dollars (\$25) per day for the time actually spent in traveling to and from and in attending sessions of the board and its committees, and each member shall receive all necessary expenses incident to the performance of his duties under this act.

Powers.

SEC. 3. Each member of the board shall receive a certificate of appointment from the governor, and before beginning his term of office he shall file with the secretary of state an oath of office. Each member of the board first created shall receive a certificate of registration from the board without payment of fees. Any member may administer oaths and may take testimony and proofs concerning all matters within the board's jurisdiction. The board shall adopt and have an official seal which shall be affixed to all certificates of registration granted.

Meetings,
officers.

SEC. 4. The board shall hold a meeting within thirty (30) days after its members are first appointed, and shall organize by electing one of its members as president, and one as vice president, and shall within sixty (60) days after its first meeting adopt rules and by-laws not inconsistent with law, needed to govern its action. Thereafter said board shall hold at least two (2) regular meetings each year and shall elect annually from its members a president and a vice president. The board shall appoint a secretary, who may or may not be a member of the board, and who shall hold office during its pleasure, and shall fix a salary for such position not to exceed three thousand six hundred dollars (\$3,600) per year. Examinations hereinafter provided for shall be given by the board as often as it deems necessary. Special meetings shall be held at such times as the by-laws of the board shall provide. Notice of all meetings shall be given in such

manner as the by-laws shall provide. A majority of the board shall constitute a quorum.

SEC. 5. The secretary of the board shall receive and account for all moneys derived from the operation of this act, and shall at the end of each month, report to the state controller such moneys and shall pay them to the state treasurer, who shall keep such moneys in a separate fund to be known as the "civil engineer's fund" which said fund is hereby created. Said fund shall be expended in accordance with law for the payment of all actual and necessary expenses incurred in carrying out the provisions hereof. The secretary of the board shall give a surety bond satisfactory to the board conditioned upon the faithful performance of his duties. The premium on said bond shall be paid from the fund of the board hereinbefore mentioned.

"Civil
engineer's
fund"

SEC. 6. The secretary shall keep a complete record of all applications for registration and the board's action thereon and shall prepare annually a roster showing the names, places of business and residence of all registered civil engineers; a copy of such roster to be filed with the secretary of state, a copy to be filed with the clerk of each county in the state, and a copy to be furnished to each civil engineer registered under the provisions of this act. Copies of such roster shall be available on application to the secretary, at such price per copy as may be fixed by the board. The board shall within thirty (30) days prior to the meeting of the regular session of the Legislature submit to the governor a full and true report of its transactions during the preceding biennium including a complete statement of the receipts and expenditures of the board during the period, attested to by the president and secretary of the board. A copy of said report shall be filed with the secretary of state. All records shall be public records. The board shall be empowered and authorized to employ such clerical assistance under civil service regulation as may be necessary to properly carry out and enforce the provisions of this act.

Records.

SEC. 7. Application for examination for registration as a civil engineer shall be made to the board on its prescribed form, accompanied with a fee of fifteen dollars (\$15), said fee to be retained by the board. The application shall contain satisfactory evidence under oath that applicant

Applications
for ex-
amination.

(a) Is at least twenty-five (25) years of age.

(b) Is of good character, and

(c) Has been engaged in the practice of civil engineering for at least six (6) years, and during that period had responsible charge of engineering work as a subordinate to a civil engineer for at least one (1) year. Graduation from an engineering school or college, approved by the board shall count as four (4) years of practice and each year of study completed without graduation, in an engineering school or college, approved by the board, shall count as one-half year of practice.

SEC. 8. Examinations for registration shall be held at regular or special meetings of the board, at such times and

Examina-
tions.

at such places within the state as the board shall determine. The examinations shall be conducted by at least two (2) members of the board. The scope of examinations and the methods of procedure shall be prescribed by the board. In determining the qualifications of applicant for registration, a majority vote of the board shall be required. A candidate failing on examination may, after an interval of not less than one (1) year, be examined again.

Certificate of registration.

SEC. 9. (a) Any applicant who has passed the examination prescribed by the board shall, upon payment of an additional fee of ten dollars (\$10.00), the amount to be retained by the board, have issued to him a certificate of registration, signed by the president and the secretary of the board under the seal of the board, authorizing him to practice as a civil engineer, as defined herein.

(b) A new certificate of registration to replace any certificate, lost, destroyed, or mutilated, may be issued subject to the rules and regulations of the board. A charge of one dollar (\$1) shall be made for such reissue.

Certificates issued prior to June 30, 1930

SEC. 10. At any time on or before June 30, 1930, upon due application therefor and the payment of a fee of fifteen dollars (\$15) to be retained by the board, the secretary shall issue a certificate of registration, as provided by section nine (9), to any civil engineer who shall submit to the board evidence under oath that he is at least twenty-five (25) years of age, of good character, and has been a resident of the State of California for at least one (1) year immediately preceding the date of his application and has practiced civil engineering, as a professional business, for at least six (6) years preceding the date of his application, and during that period has had responsible charge of engineering work as principal or assistant for at least one (1) year. Graduation from an engineering school or college, approved by the board shall count as four (4) years of practice and each year of study completed without graduation, in an engineering school or college, approved by the board, shall count as one-half year of practice. After June 30, 1930, the board shall issue certificates of registration only as prescribed in this act.

Engineers from other states.

SEC. 11. The board shall, from time to time, examine the requirements for the registration of civil engineers in other states, territories and countries and shall record those in which, in the judgment of the board, standards not lower than those provided by this act, are maintained. The board is hereby empowered to arrange for reciprocal registration in this state of civil engineers from other states, territories or countries so recorded under terms mutually agreed upon. The board, upon the presentation to it by any person, of satisfactory evidence that such person holds an unexpired certificate of registration issued such person by proper authorities in any state, territory, or country, recorded as herein provided, which state, territory or country grants full and equal reciprocal registration rights and privileges to registrants of this

board, shall, upon the payment of a fee of ten dollars (\$10.00) to be retained by the board issue to such person a certificate of registration under this act.

SEC. 12. (a) It shall be the duty of the board to inquire into the identity of any person not registered as provided in this act and practicing as or claiming to be a civil engineer. The board shall have the power by a two-thirds (2/3) vote to revoke the certificate of any civil engineer registered hereunder found guilty of any fraud or gross incompetency in his practice, or guilty of any fraud or deceit in obtaining his certificate.

Revocation
and reissu-
ance of
certificates

(b) Proceedings for the revocation of certificate of registration shall be begun by filing with the secretary of the board written charges against the accused, such charges shall be in detail, and sworn to under oath by the complainant. The board shall designate a time and place for a hearing and shall notify the accused of this action and furnish him a copy of all charges at least thirty (30) days prior to the date of hearing. The accused shall have the right to appear personally or by counsel, to cross-examine witnesses or to produce witnesses in his defense. The board shall have the power to compel the attendance of witnesses and the production of necessary papers and documents.

The board may reissue a certificate of registration to any person whose certificate has been revoked; *provided*, two (2) or more members of the board vote in favor of such reissue for reasons the board may deem sufficient.

SEC. 13. (a) Any certificate issued under the provisions of this act shall remain in effect until the thirtieth (30th) day of June following the date of issuance.

Renewal

(b) Every civil engineer registered under this act who desires to continue the practice of his profession beyond the thirtieth (30th) day of June following the date of issuance of his original certificate shall on or before the thirtieth (30th) day of June of each year pay to the secretary of the board a fee of five dollars (\$5) to be retained by the board, for which fee a renewal certificate of registration for the current year shall be issued. Certificates of registration which have expired for failure to pay renewal fee may be reinstated within one year under rules and regulations prescribed by the board. An unrevoked or unexpired certificate and endorsement of registry, made as provided in this act, shall be presumptive evidence in all courts and places that the person named therein is legally registered.

SEC. 14. Each registrant hereunder may, upon registration, obtain a seal of the design authorized by the board, bearing the registrant's name, number of certificate, and the legend "Registered civil engineer." Plans, specifications, plats, reports and other documents issued by a registrant may be stamped with the said seal during the life of the registrant's certificate, but it shall be unlawful for anyone to stamp or seal any plans, specifications, plats, reports, or other documents with

Registrant's
seal

said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or reissued.

Registration
not required,
when.

SEC. 15. Nothing in this act shall be construed as prohibiting a civil engineer from practicing his profession through the medium of or as employee of a partnership or a corporation, provided that the plans, specifications, and reports of such partnership or corporation be signed and be stamped with the seal of each registered civil engineer in specific and responsible charge of the preparation of the same. The same exemptions shall apply to partnerships and corporations as apply to individuals under this act; *provided, however*, that nothing in this act shall be construed as requiring registration for the purpose of practicing civil engineering, by an individual, firm, partnership or corporation on or in connection with property owned or leased by said individual, firm, partnership or corporation, unless the same involves the public health or safety or the health and safety of employees of said individual, firm, partnership or corporation; *provided, however*, no one shall represent himself as, or use the title of registered civil engineer, unless he is qualified by registration under this act. Nothing in this act shall be construed as in any way repealing or abrogating any provision of that certain act entitled "An act to regulate the practice of architecture," approved March 23, 1901, as amended, or in any way repealing or abrogating any amendments to said act.

Persons
exempted.

SEC. 16. The following shall be exempt from the provisions of this act:

(a) Officers and employees of the United States of America practicing solely as such officers or employees.

(b) A subordinate to a civil engineer registered under this act or a subordinate to a civil engineer exempted under this act, in so far as he is acting in such capacity.

(c) Any architect registered in this state under the provisions of any act to regulate the practice of architecture, in so far as he practices architecture, in its various branches.

(d) Any person, firm of persons, or corporation furnishing, either alone or with subcontractors, labor and materials, (with or without plans, drawings, specifications, instruments of service or other data covering such labor and materials), for store fronts, interior alterations or additions, fixtures, cabinet work, furniture or other appliances or equipment, or for any work necessary to provide for their installation, or for any alterations or additions to any building necessary to or attendant upon the installation of such store fronts, interior alterations or additions, fixtures, cabinet work, furniture, appliances or equipment.

Penalties.

SEC. 17. (a) Any person, who is not legally authorized to practice civil engineering in this state according to the provisions of this act and shall so practice, except he be exempt under this act, and any person presenting or attempting to file as his own the certificate of registration of another,

or who shall give false evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration, or who shall falsely impersonate or use the seal of any other practitioner, of like or different name, or who shall use an expired or revoked certificate of registration, shall be deemed guilty of a misdemeanor and shall for each such offense of which he is convicted be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment not to exceed three months, or by both fine and imprisonment.

(b) It shall be the duty of the respective officers charged with the enforcement of laws and ordinances to prosecute all persons charged with the violation of any of the provisions of this act. It shall be the duty of the secretary of the board, under the direction of the board, to aid such officers in the enforcement of this act.

SEC. 18. If a state department of professional and vocational standards is created by a statute adopted by the Legislature of California at the forty-eighth session thereof, said department shall succeed to and become vested with all the duties, powers, purposes, responsibilities and jurisdiction of the state board of registration for civil engineers hereinbefore proposed and described and of the several officers, deputies, and employees of said board which duties, powers, purposes, responsibilities and jurisdiction shall be administered by said department through the director thereof; *provided, however*, that nothing herein contained shall be construed as abolishing said board of registration for civil engineers which said board shall be established and continued as hereinbefore provided for and shall retain the functions of setting standards, holding meetings, issuing certificates, passing upon the qualifications of applicants, conducting investigations, issuing citations, holding hearings for the revocation of certificates and imposing penalties as hereinbefore proposed and described, and the decisions of said board with respect thereto shall not be subject to review by the director of the department of professional and vocational standards. Except as to said powers, duties, and functions so expressly reserved to said board, the director of the department of professional and vocational standards shall have full authority to employ and appoint all employees necessary to properly administer the work of the board and the work of the department in accordance with civil service regulations, and upon recommendation of said board, with the approval of the director of the department of finance, the director of the department of professional and vocational standards shall employ investigators and attorneys to assist said board in prosecuting violations of this act. All moneys collected by the department of professional and vocational standards for and on behalf of the activities of the board of registration for civil engineers shall be remitted to the state treasurer in accordance with law and credited to the "civil engineer's fund," herein created; *provided, however*, that with the approval of the director of the department of finance a charge not exceeding

Enforce-
ment

State de-
partment of
professional
and voca-
tional
standards

Powers and
duties

Dispos-
al
of moneys

the amount of the available balance in the "civil engineer's fund" may at any time be levied by the director of the department of professional and vocational standards in advance against said fund to cover the aforesaid board's pro rata share of the estimated administration expenses of the department of professional and vocational standards; *provided, further*, that none of the moneys in said fund shall be used to pay the general expenses of any other board in the department. Upon proper presentation of claims by said department to the state controller, the latter shall draw his warrant or warrants against said fund to cover such estimated administration expenses.

CHAPTER 802.

An act to amend sections 3, 10, 19, 20, 21, 25, 27, 40, 41, 79b and 79c and to add certain new sections thereto to be numbered 20a, 20b, 20c, 20d, 20e, 20f, 20g, 20h, 20i and 20j to an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article one of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to street improvements.

[Approved by the Governor June 14, 1929. In effect August 14, 1929]

The people of the State of California do enact as follows:

Stats 1921,
p 310,
amended

SECTION 1. Section 3 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article one of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, is hereby amended to read as follows:

Resolution
of intention
to improve

Sec. 3. Before ordering any work done or improvement made which is authorized by this act, the city council shall pass a resolution of intention to do so, referring to the street

by its lawful or official name, or the name by which it is commonly known; when the work is not upon a public street or public way, then by briefly describing the property or right of way on which same is to be constructed, and briefly describing the work. The said resolution of intention shall be sufficient if it states in general terms the class or kinds of work contemplated such as grading, paving, sewerage or other work or improvements, and gives in general the location of the proposed improvement and refers to plans, profiles, detailed drawings and specifications or such of them as may be suitable or proper for the full and detailed description of the said proposed work or improvement. Said resolution shall contain also a notice of the day, hour and place when and where any and all persons having any objections to the proposed work or improvement may appear before the legislative body and show cause why said proposed improvement should not be carried out in accordance with said resolution; said time shall not be less than fifteen nor more than sixty days from the date of the passage of said resolution. The city clerk shall cause said resolution of intention to be published twice in one or more newspapers published and circulated in said city. If no newspaper be published in said city, then the publication shall be made twice in some newspaper published in the county in which said city is located. The city council may include in one proceeding, under one resolution of intention and in one contract, any of the different kinds of work mentioned in this act on any number of streets, properties and rights of way or portions thereof, contiguous or otherwise, and it may except therefrom any of said work already done.

Publication

The grade to which any work shall be done or improvement made shall be such as may be shown on the plans or profiles therefor or it may be done on such a grade as may have been formally established by the city council. If any official grade has already been adopted or established for any of the streets, avenues, or other places or property, proposed to be improved, it shall be lawful for the resolution of intention to provide that said work shall be done to new grades or grades different from those so established or adopted, and shall refer to plans, profiles or specifications for the description of the grade at which the work is to be done. Any property owner whose property is to be assessed to pay the costs and expenses of the proposed improvement may at the time fixed in the resolution of intention for hearing of objections to the proposed work and improvement, appear before the city council and make objection to the proposed grade or proposed modification of grade. A failure to make objection at such time shall be deemed to be a waiver of all objections to the proposed grade or proposed change or modification of grade and shall operate as a bar to any claim for damages or any subsequent action looking to the prevention of the work or the recovery of damages on account of the performance of the work to such grade or changed grade. The provisions of this section relative to

Grade.

Objections

grades are alternative and shall not repeal other provisions of this act or other statutes relative to change of grade.

Stats 1911,
p. 735,
amended.
Inviting
sealed bids

SEC. 2. Section 10 of said act is hereby amended to read as follows:

Sec. 10. Before the awarding of any contract by the city council for doing any work authorized by this act, the city council shall pass a resolution ordering the work. Notice shall be posted conspicuously for five days on or near the council chamber door of said council inviting sealed proposals or bids for doing the work ordered. Notice inviting such proposals, and referring to the specifications on file, shall be published twice in a daily, semiweekly, or weekly newspaper published and circulated in said city, designated by the council for that purpose, and in case there is no newspaper published in said city, then it shall only be posted as hereinbefore provided.

Opening
bids.

The time fixed for the opening of bids shall be not less than ten days from the time of the first publication or posting of said notice. All proposals or bids offered shall be accompanied by a check payable to the city certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal, or by a bond for the said amount and so payable, signed by the bidder and two sureties, who shall justify, before any officer competent to administer an oath, in double the said amount, and over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of the said city council, and said council shall, in open session publicly open, examine and declare the same; *provided, however*, that no proposal or bid shall be considered unless accompanied by said check or bond satisfactory to the council. The city council may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent or unfaithful in any former contract with the municipality, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid. If the bids are rejected or no bids are received the city council may within six months thereafter readvertise for proposals or bids for the performance of the work as in the first instance, without further proceedings, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bid so rejected. But the checks accompanying such accepted proposals or bids shall be held by the city clerk of said city until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest bidder or by the owners of three-fourths part of the frontage, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects or refuses to enter into the contract to perform said work or improvement, as hereinafter provided, then the certified check accompanying his bid and the amount therein

Rejection
of bids.

mentioned, shall be declared to be forfeited to said city and shall be collected by it and paid into the general fund, and any bond forfeited may be prosecuted, and the amount due thereon collected and paid into said fund.

SEC. 3. Section 19 of said act is hereby amended to read as follows:

Sec. 19. Every contractor, person, company or corporation, including contracting owners, to whom is awarded any contract for street work under this act, shall at the time of signing and executing the said contract, file with the superintendent of streets, a good and sufficient bond, approved by the street superintendent in a sum not less than one-half of the total amount payable by the terms of said contract; such bond shall be executed either by two or more good and sufficient sureties who have each qualified before an officer competent to administer an oath, in an amount not less than the sum specified in the bond and over and above all statutory exemptions, or by one or more duly authorized corporate sureties, able to justify in the manner provided by law, and must provide that if the contractor, person, company or corporation, or his or its subcontractor fails to pay for any materials, provisions, provender, or other supplies or use of implements or machinery used in, upon, for or about the performance of the work contracted to be done, or for any work or labor done thereon of any kind, that the sureties will pay the same, to an amount not exceeding the sum specified in said bond. Any laborer, materialman, person, company or corporation, furnishing materials, provisions, provender or other supplies used in, upon, for or about the performance of the work contracted to be executed or performed, or any person, company or corporation renting or hiring teams or implements, or machinery for, or contributing to, said work to be done, or any person who performs work or labor upon the same, or any person who supplies both work and materials and whose claim has not been paid by the contractor, company or corporation to whom the contract has been awarded, or by the subcontractors of said contractor, company or corporation may, at any time within thirty days from the date of the recordation of the assessment file with the superintendent of streets a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. Any laborer, materialman, person, company or corporation entitled to the benefit of this act as hereinbefore set forth, whose claim has not been paid by the said contractor, company or corporation, or his or its subcontractors, shall severally have a first lien upon and against the assessment, any partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment, which lien may be enforced by action in the superior court of the county or city and county in which such work is done according to the custom and practice of such court, and which action must be brought within three months from the date of the filing of such verified statement.

Stats 1927.
p 632,
amended.
Bond for
labor and
material.

Liens for
labor, ma-
terials, etc

Priority
of liens

No assignment by the contractor of the whole or any part of the money, assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment, due him or to be due him under the contract, or for "extras" in connection therewith, whether made before a verified claim is filed as provided for herein, or after said claim is filed, shall be held to take priority over claims filed under this section, and such assignment shall have no binding force in so far as the rights of the claimants who file claims hereunder, or their assigns, are concerned.

Bonds.

If any contractor, subcontractor or other person against whom any claim is filed as provided in this act shall dispute the correctness or validity or any claim so filed, it shall be lawful for the municipality or superintendent of streets by whom the contract for the improvement was awarded, in its or his discretion to permit the contractor to whom said contract was awarded to deliver to such municipality or superintendent of streets a bond executed by some corporation authorized to issue surety bonds in the State of California, in a penal sum equal to one and one-fourth times the amount of said claim, which said bond shall guarantee the payment of any sum which said claimant may recover on said claim together with his costs of suit in said action, if he shall recover therein, and upon filing of said bond and by and with the consent of such municipality or superintendent of streets, then such municipality or superintendent of streets shall not withhold any funds, assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment from said contractor on account of said claim. The sureties upon said bond shall be jointly and severally liable to said claimant with the sureties upon the original bond inuring to the benefit of the persons, firms or corporations entitled to file claims under this act and given in accordance with the provisions of this act.

Suit on
bonds.

Suit against the surety or sureties on the bond of the contractor required hereunder may be brought by any claimant, or his assigns, at any time after the claimant has ceased to perform labor or furnish materials or both and until the expiration of six months after the period in which verified claims may be filed as provided herein. The filing of a verified claim shall not be a condition precedent to the maintenance of such action against the surety or sureties on the bond and an action on such bond may be maintained separately from and without the filing of and action against the municipality or officer by whom such contract was awarded. And upon the trial of any such action, the court shall award to the prevailing party a reasonable attorney's fee, to be taxed as costs, and to be included in the judgment therein rendered.

Sec. 4. Section 20 of said act is hereby amended to read as follows:

Stats 1925,
p 465,
amended.

Assessment
for street
improvement

Sec. 20. The expenses incurred for any work authorized by this act (which expense shall not include the cost of any

work done in such portion of any street as is required by law to be kept in order or repair by any person or company having railroad tracks thereon, nor include work which shall have been declared in the resolution of intention to be assessed on a district benefited) shall be assessed upon the lots and lands fronting thereon, except as otherwise in this act specifically provided; each lot or portion of a lot being separately assessed, in proportion to the frontage, at a rate per front foot sufficient to cover the total expense of the work.

SEC. 5. A new section to be numbered section 20a is hereby added to said act to read as follows: New section

Sec. 20a. The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot of the quarter blocks and irregular blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, or to the end of such street if it does not meet another, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks. Main street crossings

SEC. 6. A new section to be numbered section 20b is hereby added to said act to read as follows: New section

Sec. 20b. Where a main street terminates in another main street, the expenses of the work done one-half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on that side, according to the frontage of such lots on said main streets, and the expenses of the work on the other half of the width of said street when the work is sewerage of the terminating street only, shall be assessed upon the lots fronting on the termination and the lots adjacent to said lots on each side half way from the termination to the next terminating or intersecting street, according to the frontage of such lots on that side, and in all other work done on the termination, the property fronting on the termination shall be considered frontage and be assessed as set forth in section 20 of this act. When main street terminates in another main street.

SEC. 7. A new section to be numbered section 20c is hereby added to said act to read as follows: New section

Sec. 20c. Where any alley or subdivision street crosses a main street, the expenses of all work done on said crossing shall be assessed on all lots or portions of lots half way on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street, if it does not meet another. When a subdivision street or alley crosses a main street

SEC. 8. A new section to be numbered section 20d is hereby added to said act to read as follows: New section

Sec. 20d. The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half way to the next street, place or court, on Alley or subdivision street crossings

either side, respectively, or to the end of such alley or subdivision street if it does not meet another.

New section SEC. 9. A new section to be numbered section 20e is hereby added to said act to read as follows:

Where one alley or subdivision street terminates in another SEC. 20e. Where a subdivision street, avenue, lane, alley, place or court terminates in another street, avenue, lane, alley, place or court, the expense of work done on one-half of the width of the subdivision street, avenue, lane, alley, place or court opposite the termination, shall be assessed upon the lot or lots fronting on such subdivision street, avenue, lane, alley, place or court so terminating, according to its frontage thereon, half way, on each side respectively, to the next street, avenue, lane, alley, place or court, or to the end of such street, avenue, lane, alley, place or court, if it does not meet another, and the expense of the work on the other half of the width when the work is sewerage of the terminating subdivision street, avenue, lane, alley, place or court, shall be assessed upon the lots fronting on the termination and the lots adjacent to said lots on each side half way from the termination to the next terminating or intersecting street, according to the frontage of such lots on that side, and in all other work done on the termination the property fronting on the termination shall be considered frontage and be assessed as set forth in section 20 of this act.

New section SEC. 10. A new section to be numbered section 20f is hereby added to said act to read as follows:

Work done on one side of center line of street. SEC. 20f. Where any work mentioned in this act (manholes, sewers, cesspools, culverts, crosswalks, piling and capping excepted) is done on one side of the center line of any street, or sewerage or resewerage is ordered to be done under the sidewalk on only one side of any street for any length thereof, the assessment for the expenses thereof shall be made only upon the lots and lands fronting nearest upon that side of the street and for intervening intersections only upon the two quarter blocks adjoining and cornering upon that side.

New section SEC. 11. A new section to be numbered section 20g is hereby added to said act to read as follows:

When land belongs to United States, California, county, city, etc. SEC. 20g. Whenever any lot, piece or parcel of land belonging to the United States, or to the State of California, or any lot, piece or parcel of land belonging to any county, city, public agent, mandatory of the government, school board, educational, penal or reform institution or institution for the feeble minded or the insane, and being in use in the performance of any public function, shall front upon the proposed work or improvement, or be included within the district declared by the city council in its resolution of intention to be the district to be assessed to pay the costs and expenses thereof, said city council may, in the resolution of intention, declare that said lots, pieces or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the costs and expenses of said work or improvement. In the event that said lots, pieces or parcels of land, or any of them, shall by

said resolution be omitted from the assessment, then the total expense of all work done shall be assessed on the remaining lots fronting on the work or improvement, or lying within the limits of the assessment district, without regard to such omitted lots, pieces or parcels of land. In the event that the council shall, in such resolution of intention, declare that said lots, pieces or parcels of land so owned as aforesaid, or any of them, shall be included in the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, or any of them, then said city shall be liable for such sum or sums as may thereafter be assessed against any such lots, pieces or parcels of land so owned and used, and so included in the assessment by reason of the aforesaid declarations, or such lots, pieces or parcels of land so owned and used respecting which the resolution of intention makes no declaration, which shall be payable by the said city out of the general fund unless the legislative body shall in its resolution of intention designate another fund; *provided, however*, that any such sum or sums which may be assessed against any such lots, pieces or parcels of land so owned and used, shall not be payable by the city when such sum or sums are paid by the owner of or the governing body controlling such lots, pieces or parcels of land.

SEC. 12. A new section to be numbered section 20h is hereby added to said act to read as follows: New section

Sec. 20h. It shall be lawful for the owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the city council, to perform, at his or their own expense (after obtaining permission from the council so to do, but before said council has passed its resolution of intention to order grading inclusive of this), any grading upon said street, to its full width, or to the center line thereof, and to its grade as then established, and thereupon to procure, at his or their own expense, a certificate from the city engineer, setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter to file said certificate with the superintendent of streets, which certificate the superintendent shall record in a book kept for that purpose in his office, properly indexed. Whenever thereafter the city council orders the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contracts must express the price by the cubic yard for cutting and filling in grading; and the said owner or owners and his or their successor in interest, shall be entitled to credit, on the assessment upon his or their lots and lands fronting on said streets for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been duly altered, only for

Work done by adjoining owner, credit for.

City engineer's certificate.

so much of said certified work as would be required for grading to the altered grade; *provided, however*, that such owner or owners shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him or them, and proportionately assessed for the whole of said grading; and the superintendent of streets shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the duly altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned, respectively, by said certified owners and their successors in interest; *provided, however*, that he shall not so include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners or their successors in interest. Whenever any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do any work (except grading) on such street, in front of any block, at his or their own expense and the city council shall subsequently order any work to be done of the same class in front of the same block, said work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done; *provided*, that the work so done at the expense of such owner or owners shall be upon the official grade, and in condition satisfactory to the street superintendent at the time said order is passed.

New section.

SEC. 13. A new section to be numbered section 20i is hereby added to said act to read as follows:

Diagram of
property
affected

Sec. 20i. Whenever the resolution of intention declares that the cost and expenses of the work and improvement are to be assessed upon a district, the city engineer shall prior to completion of the contract make a diagram of the property affected or benefited by the proposed work or improvement, as described in the resolution of intention, and to be assessed to pay the expenses thereof. Such diagram shall show each separate lot, piece or parcel of land, and the dimensions of each such lot, piece or parcel of land, and the relative location of the same to the work proposed to be done, all within the limits of the assessment district; and when said diagram shall have been approved by the city council, the clerk shall certify the fact and date thereof. Immediately thereafter the said diagram shall be delivered to the superintendent of streets of said city, who shall immediately, after the contractor of any street work has fulfilled his contract to the satisfaction of said superintendent of streets or city council on appeal, proceed to estimate upon the lands, lots or portions of lots within said assessment district, as shown by said diagram, the benefits arising from such work, and to be received by each such lot,

portion of such lot, piece or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the costs and expenses of such work, and in so doing shall assess said total sum upon the several pieces, parcels, lots or portions of lots, and subdivisions of land in said assessment district, benefited thereby, to wit: Upon each respectively, in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in the next section, and the provisions of sections 20, 20*a*, 20*b*, 20*c*, 20*d*, 20*e* and 20*f* of this act shall not be applicable to the work or improvement provided for in this section.

SEC. 14. A new section to be numbered section 20*j* is hereby added to said act to read as follows: New section

Sec. 20*j*. The terms, lot, lots, lands, piece or parcel of land wherever mentioned in this act shall be deemed to include and shall include property owned or controlled by any person, firm or corporation as a railroad, street or interurban railroad right of way, and whenever a railroad, street or interurban railroad right of way shall front on or abut or parallel or be included with or divide longitudinally any street improved under the provisions of this act or shall be included within any district to be assessed for the cost of any improvement provided in this act, such railroad right of way (whether the same is owned in fee or as an easement) shall be included in the warrant, assessment and diagram and shall be assessed in the manner and with the same effect as other lots, lands or pieces or parcels of land are assessed as provided in this act, and such railroad, street or interurban railroad right of way shall be subject to sale for nonpayment of assessments as in this act provided. Definitions

SEC. 15. Section 21 of said act is hereby amended to read as follows: Stats 1915,
p 1467,
amended.

Sec. 21. After the contractor of any street work has fulfilled his contract to the satisfaction of the street superintendent of said city, or the city engineer, if such power has been delegated to him, as hereinbefore provided, the superintendent or city engineer, if the power and duty to do so has been delegated to him as hereinbefore provided, shall forthwith make an assessment to cover the sum due for the work performed and specified in said contract (including all incidental expenses), in conformity with the provisions of the preceding section according to the character of the work done. The assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with all incidental expenses, the amount of each assessment against each lot or portion of a lot, the number of each lot or portion or portions of a lot so assessed, and shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place or court, property or rights of way on which any work has been done, Assessment
to cover
work.

showing the relative location of each lot, or portion of lot to the work done, numbered to correspond with the numbers of the assessments. The said assessment shall then be filed with the city clerk. Said clerk shall then give notice of the filing of said assessment and of a time to be therein fixed by said clerk when all persons interested in the work done, or in the assessment will be heard by the city council. Such notice shall be posted for not less than five (5) days on or near the council chamber door, and in addition be published twice in a newspaper published in such city if there be any, and if there be none, then in some newspaper published in the county in which such city is located, the first of which publications shall be not less than fifteen (15) days before the time fixed for such hearing. Such notice shall also be given by mailing a post card to the owner of each lot listed according to the name and address appearing on the last equalized assessment roll for city taxes prior thereto, or as known to the clerk; *provided*, that a failure of the clerk to give such notice by mailing or of the person addressed to receive same shall not affect the jurisdiction of the council to proceed with the hearing noticed. Reference shall therein be made to the resolution of intention and the date of its passage or a description of the work therein mentioned and no other description thereof shall be necessary. The owners, the contractor, or his assigns, and all other persons interested in any work done under this act, or in the assessment, feeling aggrieved by any act or determination of the superintendent of streets, or city engineer in relation thereto, or who claim that the work has not been performed according to the contract in a good and substantial manner or who claim that any portion of the work for any reason was omitted or illegally included in the contract for the same, or having or making any objection to the correctness of the assessment or diagram or other act, determination or proceedings of the superintendent of streets, or city engineer, shall prior to the day fixed for the hearing upon the assessment, appeal to the city council by briefly stating in writing the grounds of appeal. Upon such appeal, the said city council may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the street superintendent or city engineer, relative to said work; may confirm, amend, alter, modify or correct the assessment or diagram in such manner as to them shall seem just, and require the work to be completed according to the directions of the city council; and may instruct and direct the street superintendent to correct the warrant, assessment, or diagram in any particular. All the decisions and determinations of said city council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities, and irregularities which said city council might have avoided, or have remedied during the progress of the

Notice.

Protests.

Action of
city council.

proceedings or which it can at that time remedy. No assessment, warrant, or diagram, and no proceedings prior to the assessment, shall be held invalid by any court for any error, informality, or other defect in the same, where the resolution of intention of the council to do the work, has been actually published as herein provided. When no appeal is taken or when the orders and determinations of the council upon appeal have been complied with, and the council is satisfied with the correctness of the assessment, thereupon the council shall forthwith confirm the proceedings and the assessment and the street superintendent shall attach thereto a warrant bearing the date of said order of said city council.

SEC. 16. Section 25 of said act is hereby amended to read as follows:

Stats 1927,
p. 1407,
amended.
Contractor's
return.

Sec. 25. The warrant shall be returned to the superintendent of streets on or after thirty (30) days after the date of recording same, with the written statement of all payments received upon the assessment, signed by the contractor, or his assigns. Thereupon the superintendent of streets shall file the statement so made with the record of the warrant and assessment by attaching it in the same book and immediately following the record of the assessment. Upon such filing the warrant shall be redelivered to the contractor, or his assigns.

The said superintendent of streets is authorized at any time to receive the amount due upon any assessment and warrant issued by him and give a good and sufficient discharge therefor; *provided*, a bond has not issued to represent said assessment; *provided, further*, that when suit shall have been brought to collect the amount due upon any assessment as herein provided, the plaintiff shall file with the superintendent of streets a written notice of the pendency of said action showing the particular assessments affected by said action or actions; and after the filing of said notice the said superintendent of streets shall not receive any money on account of said assessment, and thereafter he shall have no authority to cancel said assessment or give a discharge thereof without the written consent of the owner of said assessment until judgment has been rendered in said action or the same has been dismissed and the street superintendent shall omit from the list of properties provided to be sent to the tax collector in section 27 hereof any property upon which the assessment described in said notice is a lien. In case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which collections may be made, with the same effect as on the original. After the filing of the written statement of payments as aforesaid, all amounts remaining due thereon shall draw interest at the rate of one per cent per month until paid, said interest to be computed from the date of the filing of the contractor's statement and if such amount be not paid within six months thereafter, there shall be added thereto a penalty of five per cent of the principal amounts then due thereon.

Payment to
superintendent
of
streets.

Unpaid
assessments

SEC. 17. Section 27 of said act is hereby amended to read as follows:

Stats. 1927,
p. 1408,
amended.

Contractor
may sue

Sec. 27. It shall be the duty of the superintendent of streets on or before the fourth Monday of September of each year to certify to the city tax collector, or in case the city taxes are collected by the county, to the county tax collector, a list of the properties within said city upon which there is a lien for delinquent assessments, as shown by the records of the street superintendent.

In cases where the county collects city taxes the notice herein provided to be attached to or pasted to or printed or stamped upon the tax bill shall, if the county tax collector so requires, be prepared by the superintendent of streets and shall be forwarded to the county tax collector on or before the dates herein provided for forwarding said list. Such tax collector shall cause to be pasted or attached to or printed or stamped upon the tax bill or tax receipt, a notice which shall, in substance be as follows:

“Notice of Assessments.”

“There is an assessment lien on this property which must be paid to city street superintendent (or bureau of assessments in cities where such bureau exists) to avoid foreclosure.”

At any time after the first day of July next succeeding nine months following the date of recording of such assessment, the contractor or his assignee may sue in his own name the owner of the land, lots or portions of lots assessed on the day of the date of the recording of the warrant, assessment and diagram, and recover the amount of any assessment remaining unpaid together with interest and any penalties allowed hereunder; *provided*, that if any state, county or municipal taxes or other special assessment or assessments be delinquent on said property then such action may be brought at any time after ninety days after the recording of such assessment.

Attorney's
fees

When suit has been brought in accordance with the provisions of this section, the plaintiff shall be entitled to have and recover five dollars attorney fees on each assessment sued on in the event that said suit be settled or a tender made prior to the trial of said action, or in the event that judgment be taken on default; if said suit proceeds to trial then in that event the court having jurisdiction of said cause shall fix and allow a reasonable attorney fee for the prosecution of said suit which fee in either case shall be in addition to all taxable costs and the plaintiff may have judgment therefor; *provided*, that if the court finds an unnecessary number of actions have been brought, where the parties are identical, it may allow the costs of one action only. Suit may be brought in the superior court within whose jurisdiction the city is, in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands, the service of process may be had in said action, in such manner as is prescribed in the codes and laws of this state. It shall be competent to bring a single action under any such assessment

Service of
process.

irrespective of the number of lots assessed where the parties defendant are identical, and where separate actions are brought, the same may be consolidated by order of the court. The said warrant, assessment and diagram, with proof of nonpayment shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the superintendent of streets, and city council upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The plaintiff in such action may recover the cost of any abstract or report of search of title procured in good faith in order to determine ownership, such search to be by a reputable abstractor or title company and such cost not to exceed five dollars per lot, and such abstract or report of search with affidavit of payment to be filed in the action. The provisions hereof shall not be applicable to assessments represented by the issuance of bonds nor to assessments collected on the tax rolls but shall be applicable only to cash assessments levied pursuant to part one of this act.

Consolidation of actions

Evidence

In a complaint in any such action it shall be held sufficient to allege briefly that the city council ordered the work, the performance of the work under the contract, the making of the assessment, the issuing of said warrant and the making of said diagram; that an assessment (naming the amount) was levied against that certain lot or parcel of land (describing the same) which, according to the information and belief of the plaintiff, is owned by the defendant; that payment of said assessment has not been made. Upon the entry of judgment or dismissal of said suit the county clerk shall forthwith mail to the street superintendent of the city having jurisdiction over the proceeding in which said assessment was levied, a certified copy of said judgment or evidence sufficient to advise the street superintendent of the judgment of the court in said action.

Complaint.

In describing said lot or parcel of land in said complaint it shall be sufficient to refer to the same by its number upon said diagram, provided a certified copy of said warrant, assessment and diagram shall have been previously filed in the office of the recorder of the county or city and county in which the same is situated. It shall be the duty of such recorder to so file any such certified copy presented to him upon payment of the filing fee therefor, which fee is hereby fixed at fifty (50) cents.

Description of lots

If the contractor or his agent or any person acting in behalf of the contractor shall, prior to the filing of a complaint for the recovery of any assessment as herein provided or subsequent to the filing of suit and prior to the allowance of attorney fees and costs as herein provided, make any written demand upon or present any bill or notice in writing to such owner, demanding, requesting or notifying such owner to pay or that there is due, attorney's fees or court costs in connection with the collection of such assessment, then, the superintendent of

streets is authorized, upon written demand of such owner, accompanied by the affidavit of such owner, that such written demand, bill or notice for the payment of attorney's fees and costs, or either thereof, was made upon or presented to such owner prior to the commencement of suit, or subsequent to the filing of suit and prior to the allowance of attorney's fees and costs, together with such written demand, bill or notice to mark said assessment "paid" and such assessment shall thereby be deemed to be paid and the lien thereof released; *provided*, that this clause shall not be held to apply to the service of summons and complaint in a civil action.

Should suit be brought for the recovery of any assessment prior to the time permitted for bringing same as herein provided, then in such action, so brought, the plaintiff shall not recover and defendant shall be entitled to have and recover such attorney's fees as the court may deem reasonable in addition to all taxable costs and he may have judgment therefor.

Stats 1911,
p. 751,
amended
Partial ex-
pense from
treasury

SEC. 18. Section 40 of said act is hereby amended to read as follows:

Sec. 40. The city council may, in its discretion, provide, by resolution that the whole or any part of the cost and expenses of any of the work mentioned in this act be paid out of the treasury of the municipality from such fund as the council may designate, in which case it shall be so stated in the resolution of intention and the liability and obligation to pay any sum so provided for shall accrue and become fixed upon the date of the confirmation of the assessment by said council, and thereupon said council shall order said amount to be forthwith paid. Whenever a part of such cost and expenses is so provided to be paid, the superintendent of streets, in making up the assessment heretofore provided for such cost and expenses, shall first deduct from the whole cost and expenses such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said costs and expenses proportionately upon the lots, parts of lots and lands fronting on the streets where said work was done, or liable to be assessed for such work, and in the manner heretofore provided.

Stats 1911,
p. 751,
amended
Engineer
of work.

SEC. 19. Section 41 of said act is hereby amended to read as follows:

Sec. 41. The city engineer or where there is no city engineer, the county or city and county surveyor or engineer of work hereinafter mentioned, shall be the proper officer to do the surveying and other engineering work necessary to be done under this act, and to survey and measure the work to be done under contracts for grading, macadamizing, or improving streets and other work done hereunder, and to estimate the costs and expenses thereof, and perform such other duties hereunder as may be directed by the city council; and every certificate signed by him in his official character shall be prima facie evidence in all courts in this state of the

truth of the contents. He shall also keep a record of all surveys made under the provisions of this act, as in other cases. In its discretion, the city council may appoint an engineer of work, other than the city engineer or in place of the city engineer, and all provisions of this act applicable to the city engineer shall apply to such engineer of work. The city council shall initially fix or if not thereafter confirm the compensation of such city engineer, surveyor or engineer of work.

SEC. 19 $\frac{1}{2}$. Section 79 b of said act is hereby amended to read as follows:

Stats 1927,
p 635,
amended.
Incidental
expenses

Sec. 79 b . The term "incidental expenses," as used in this act, shall include the compensation of the city engineer for work done by him; also, the cost of printing and advertising as provided in this act, including the estimated cost of printing any bonds to be issued to represent or be secured by unpaid assessments; also the compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work mentioned in this act; also the expenses of making the assessment and of typing and preparing the resolutions, notices and other papers and proceedings for any work authorized by this act; also the expenses of making any analysis and tests to determine that the work and any materials or appliances incorporated therein comply with the specifications; and any other expenses incidental to the construction, completion, and inspection of the work in the manner herein provided for. All demands for incidental expenses mentioned in this subdivision shall be presented to the street superintendent, by an itemized bill, duly verified by oath of the demandant.

SEC. 20. Section 79 c of said act is hereby amended to read as follows:

Stats 1927,
p 636,
amended
Publication
of notices,
ete

Sec. 79 c . The notices, resolutions, orders or other matter required to be published by the provisions of this act, shall be published in a newspaper published in such city, to be selected by the council of such city, or by the city clerk or other officer issuing the notice or giving the publication where the council has not selected any newspaper therefor, as often as the same is issued, and no other statute shall govern or be applicable to the publications herein provided for, nor shall the provisions of part four, title five, of the Political Code of the State of California have any application thereto; *provided, however,* that in case there is no newspaper printed and circulated in any such city, then such notices, resolutions, orders or other matters as are herein required to be published in a newspaper, shall either be posted and kept posted for the same length of time as required herein for the publication of the same in a newspaper, in three of the most public places in such city, or published in some newspaper published in the county in which such city is located, except where otherwise required by or where specific provision therefor is made in this act. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner,

publisher, printer, foreman or clerk of the newspaper, or of the poster of the notice or of a person having knowledge of the facts. No publication, or notice, other than that provided for in this act, shall be necessary to give validity to any of the proceedings provided for therein. The word "twice" as used in this act, referring to the number of times notices, resolutions or other matter shall be published, shall be held to mean the publication of the same in two entire issues of a newspaper, one being on one day and the other issue being on a subsequent day of the same or a subsequent week.

CHAPTER 803.

An act to amend section 4270 of the Political Code, relating to the salaries, fees and expenses of officers of counties of the forty-first class.

[Approved by the Governor June 14, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 253,
amended.
Counties of
41st class
(Sutter)
salaries and
fees of
officers.

SECTION 1. Section 4270 of the Political Code is hereby amended to read as follows:

4270. In counties of the forty-first class the county officers shall receive, as compensation of the services required of them by law or by virtue of their offices, the following compensation and salaries, to wit:

Clerk

1. County clerk, three thousand dollars per annum; and in counties of this class there shall be one deputy clerk who shall be appointed by the county clerk, and who shall receive a salary of one thousand eight hundred dollars per annum, payable out of the treasury of the county at the same time and in the same manner as the salaries of county officers are paid.

Sheriff

2. Sheriff, three thousand dollars per annum and actual traveling expenses in the pursuit or arrest of criminals, either in or out of his county; *provided*, that in counties of this class there shall be one deputy sheriff who shall be appointed by the sheriff, and who shall receive a salary of one thousand eight hundred dollars per annum, payable out of the treasury of the county at the same time and in the same manner as the salaries of county officers are paid.

Recorder.

3. Recorder, three thousand dollars per annum; and in counties of this class there shall be one chief deputy recorder who shall be appointed by the recorder and who shall receive a salary of one thousand eight hundred dollars per annum, and two deputy recorders who shall be appointed by the recorder and who shall receive a salary of one thousand two hundred dollars per annum each, payable out of the county treasury at the same time and in the same manner as the salaries of county officers are paid.

4. Auditor, three thousand dollars per annum.

Auditor.

5. Treasurer, two thousand two hundred dollars per annum; and in counties of this class the treasurer shall appoint such assistants, as may be necessary for the transaction of the business of this office, whose salaries shall not in any one calendar year exceed the sum of three thousand dollars. Said salaries to be paid upon verified claims filed with and allowed by the board of supervisors.

Treasurer.

6. Tax collector, eight hundred dollars per annum; and in counties of this class there shall be one deputy tax collector, who shall be appointed by the tax collector, and who shall receive a salary of one thousand eight hundred dollars per annum, said salary to be paid at the same time and in the same manner as the salaries of county officers are paid.

Tax collector.

7. Assessor, three thousand dollars per annum; and in counties of this class there shall be one chief deputy assessor, who shall be appointed by the assessor, and who shall receive a salary of one thousand eight hundred dollars per annum, and the assessor may appoint such other deputies, as may be necessary for the proper discharge of the duties of his office, whose compensation shall not for any one calendar year exceed the sum of one thousand five hundred dollars. The salary of said chief deputy assessor shall be paid at the same time and in the same manner as the salaries of county officers are paid, and the salaries of other deputies shall be paid upon verified claims filed and allowed by the board of supervisors.

Assessor.

8. District attorney, two thousand four hundred dollars per annum; and in counties of this class the district attorney shall appoint a clerk or stenographer who shall receive a salary of one thousand two hundred dollars per annum, said salary to be paid at the same time and in the same manner as the salaries of county officers are paid.

Attorney

9. Coroner, five hundred dollars per annum and the actual traveling and other expenses that he incurs while discharging the duties of his office.

Coroner.

10. Public administrator, such fees as are now or may be hereafter allowed by law.

Public administrator

11. Surveyor, two thousand one hundred dollars per annum, and his actual traveling and other expenses while engaged in the performance of the duties of his office and while on the business of the county by order of the board of supervisors; and provided, that whenever the board of supervisors shall direct the surveyor to perform engineering or surveying work for the county he shall have the power to employ such office and field assistants as shall be necessary for the performance of such work, such office and field assistants to be paid upon verified claims filed with and allowed by the board of supervisors. The surveyor shall also be allowed his actual and necessary expenses incurred while traveling to and from and while attending the annual convention of the association of county surveyors; provided, that in no event shall such expense exceed the sum of fifty dollars in any one calendar year.

Surveyor

Superintendent
of
schools

12. Superintendent of schools, two thousand four hundred dollars per annum and his actual traveling expenses in visiting the schools of his county; and in counties of this class there shall be one deputy superintendent of schools who shall be appointed by the superintendent of schools, and who shall receive a salary of one thousand five hundred dollars per annum, payable at the same time and in the same manner as the salaries of county officers are paid. The salary hereby fixed for the superintendent of schools includes compensation for his services as secretary of the board of education as provided in section one thousand seven hundred seventy of the Political Code and is in lieu of the compensation provided for his services as such secretary of the board of education.

Supervisor.

13. Supervisor. Each supervisor shall receive one hundred dollars per month and his actual expenses when attending to the business of the county by the order of the board of supervisors and mileage at the rate of twenty cents per mile, one way, for traveling from his residence to the county seat to attend regular, special and adjourned sessions of the board of supervisors, and mileage at the rate of twenty cents per mile, one way, for all actual distances traveled by him in the performance of his duties as road commissioner.

Classification
of townships

14. Classification of townships. In counties of this class the township officers shall receive the following compensation. For the purpose of fixing their compensation according to their duties, townships in counties of this class are hereby classified according to their population as follows: Townships having a population of eight thousand or more shall belong to and be known as townships of the first class; townships having a population of two thousand five hundred or more and less than eight thousand shall be known as townships of the second class; and townships having a population of less than two thousand five hundred shall belong to and be known as townships of the third class. For the purpose of determining the population of townships, the population shall be determined by the United States census taken in the year 1920.

Justices of
the peace.

15. Justices of the peace shall receive the following salaries: In townships of the first class one hundred dollars per month; in townships of the second class forty dollars per month; and in townships of the third class twenty dollars per month. Such salaries shall be paid at the same time and in the same manner as the salaries of county officers are paid. All fees received by justices of the peace shall be paid into the county treasury each month.

Constables

16. Constables shall receive the following salaries: In townships of the first class one hundred dollars per month; in townships of the second class forty dollars per month; and in townships of the third class twenty dollars per month; and constables shall also receive their actual traveling and other necessary expenses incurred in the performance of the duties of their offices and in pursuit and arrest of criminals and in

the investigation of criminal offenses; *and provided*, that said constables, for their services in civil cases, shall be entitled to retain for their own use the mileage fee in civil cases, and all other fees received by them shall be paid into the county treasury each month.

17. Grand jurors and jurors in the superior court shall receive for each day's attendance three dollars; for each mile actually traveled in attending court as a juror, one way, twenty-five cents. Mileage shall be paid for each time a regular empaneled jury or grand jury shall be called in separate session. Jurors.

18. Librarian, two thousand dollars; *and provided*, said librarian may appoint such assistants as shall be necessary for the expeditious transaction of the duties of his office, and the compensation of such assistants shall be paid out of the county library fund and upon verified claims filed with and allowed by the board of supervisors, and shall not exceed in any one calendar year the sum of five thousand dollars. Librarian.

19. The compensation provided in this section shall be in full compensation, exclusive of expenses, for all services of every kind and nature rendered by the assessor, clerk, treasurer, tax collector, superintendent of schools, auditor, and recorder, their deputies and assistants, either as officers or ex officio officers, unless in this section otherwise expressly provided; and all fees provided by section 4290 of the Political Code, all fees paid to the county clerk for the issuance of fishing or hunting licenses, all naturalization fees provided to be retained by the county clerk, all inheritance tax fees provided to be retained by the treasurer, all fees for the registration of birth or death certificates, any compensation paid to any of said officers by any reclamation or drainage district, and any and all other compensation or fees provided to be retained for their own use by any of the officers in this subdivision named, shall not be so retained, but shall be received by them, and then paid into the county treasury to the credit of the salary fund; *provided, however*, that any salary, compensation or fee provided by law to be paid to any county officer as officers or ex officio officers of levee district number one in said county of Sutter, shall be retained by such officer for his own use and not be paid into the county treasury. Compensation in full.
Disposition of fees

The compensation provided in this section for the treasurer and his assistants is in place of the clerk or clerks employed by reclamation or swamp land districts and working under the direction of the treasurer as provided in section 3480½ of the Political Code, or any other provision of law, and it is hereby provided that the treasurer and his assistants hereby provided, shall do the work of such clerk or clerks and shall not receive any compensation therefor other than the compensation in this section provided for said treasurer.

CHAPTER 804.

An act to amend an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the state, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, as amended, by amending sections 2, 3, 4, 7, 8 and 9 thereof, and adding new sections thereto to be numbered 3a, 3b, 3c, 7a, 7b, 7c, 7d, 7e, 12, 13 and 14, relating to the formation, government, operation, consolidation and dissolution of such districts, whether situate in one or in more than one county, and providing for the annexation of territory thereto.

[Approved by the Governor June 14, 1929. In effect August 14, 1929]

The people of the State of California do enact as follows:

Stats 1915,
p 1011,
amended.

SECTION 1. Section 2 of the act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the state, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, as amended is hereby amended to read as follows:

District
with one
hundred per-
sons may
form.

Sec. 2. Any county or counties, or portion thereof, in this state, whether including incorporated territory or not, having a population of not less than one hundred inhabitants, may be created a mosquito abatement district under the provisions of this act by proceeding as herein provided.

Stats 1915,
p 1011,
amended.

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Petition.

Sec. 3. A petition, which may consist of any number of separate instruments, shall be presented at a regular meeting of the board of supervisors of the county in which the proposed mosquito abatement district, or the greater portion thereof, is located, signed by the registered voters within the boundaries of the proposed district, equal in number to at least ten per cent of the number of votes cast in said proposed district for the office of governor of the state at the last general election prior to the presenting of the petition; *provided*, that if one or more municipal corporations, or part thereof, be included in such proposed mosquito abatement district, such petition must be signed by registered voters of each municipality, or part thereof, and of the unincorporated territory, if any, equal in number in each, respectively, to ten per cent of the votes cast therein for governor at said last general election, and in addition thereto the common council, board of trustees or other governing body of each such municipality, shall by resolution duly authenticated, request the inclusion of such incorporated territory in such district; *provided, further*,

that if said proposed district includes two or more counties, or portions thereof, the petition must be signed by registered voters of each such county, or portion thereof, equal in number in each county, or portion thereof, respectively, to ten per cent of the votes cast therein for governor at said last general election.

SEC. 3. A new section is hereby added to said act to be numbered 3a and to read as follows: New section

Sec. 3a. Such petition shall set forth and describe the proposed boundary of such district, and shall pray that the same be created under the provisions of this act, and the text of such petition shall be published for at least two weeks before the time at which the same is to be presented in a newspaper printed and published in the county where the petition is presented, and also a newspaper printed and published in each municipality or part thereof included in such proposed district, and if there be no newspaper published in any such municipality the text of such petition shall be posted for the same length of time as required to be published, in three public places within such municipality or part thereof included in such proposed district, and the text of such petition so published or posted shall have annexed thereto a notice stating the time of the meeting of the board of supervisors at which the same will be presented. If any portion of the proposed district lies within another county or counties, then said petition and notice shall be likewise published in a newspaper printed and published in each of such other counties. When contained upon more than one instrument, one copy only of such petition need be published and posted. No more than five of the names attached to said petition need appear in such publication or posting of said petition and notice, but the number of signers shall be stated. Petition.
Boundaries.

Publication

With such publication there shall also be published, and if posted, there shall also be posted, a notice of the time of the meeting of the board when such petition will be considered, and that all persons interested therein may then appear and be heard. At such time the board of supervisors shall hear the petition and those appearing thereon, and also all protests and objections to the same. and may adjourn such hearing from time to time, not exceeding two months in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures thereto, shall vitiate any proceedings thereon; *provided*, such petition or petitions have a sufficient number of qualified signatures attached thereto.

SEC. 4. A new section is hereby added to said act to be numbered 3b and to read as follows: New section

Sec. 3b. On the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable and shall define and establish such boundaries; *provided*, that if said board deems it proper to include therein any territory not included within the said proposed boundaries, they Hearing

Inclusion of
territory not
within
proposed
boundaries.

shall first cause notice of their intention so to do, to be mailed to each owner of land within said territory proposed to be included whose name appears as such on the last completed assessment roll of the county wherein said territory lies, addressed to such owner at his address given on such assessment roll, or if no address is so given, then to his last known address; or if it be not known, then at the county seat of the county in which his land lies, which said notice shall describe the territory so proposed to be included, and shall fix a time, not less than two weeks from the date of mailing thereof, when all persons interested may appear before said board and be heard; *and further, provided*, that the boundaries lying within a municipality shall not be altered unless the municipal board of such municipality shall, by resolution, assent to the alteration of such boundaries therein.

New section. SEC. 5. A new section is hereby added to said act to be numbered 3c and to read as follows:

Finding Sec. 3c. Upon such hearing of such petition the board shall determine whether or not the public necessity or welfare of the proposed territory and of the inhabitants thereof requires the formation of such district, and shall also determine whether or not said petition complies with the provisions of this act, and for that purpose must hear all competent and relevant testimony offered in support of or in opposition thereto. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of California, upon suit commenced by the attorney general. If, from the testimony adduced before said board, it appears to said board that the public necessity or welfare requires the formation of such district, the said board shall, by an order entered on its minutes, declare such to be its finding, and shall further declare and order that the territory within the boundaries so fixed and determined, be created a mosquito abatement district, under an appropriate name to be selected by said board, which name shall contain the words "mosquito abatement district." The county clerk shall immediately cause to be filed for record in the office of the county recorder of each county in which any portion of the lands embraced in such district is situated, and must also forward to each board of supervisors of each of the other counties, if any, in which any portion of the district is situated, and also must cause to be filed with the secretary of state a certified copy of such order of the board of supervisors, and from and after the date of the filing of such certified copy with the secretary of state, the district named therein shall be deemed incorporated as a mosquito abatement district, with all the rights, privileges and powers set forth in this act, or necessarily incident thereto.

Order.

Stats 1915,
p 1013,
amended.

SEC. 6. Section 4 of said act is hereby amended to read as follows:

Board of
trustees

SEC. 4. Within thirty days after the said filing with the secretary of state of the certificate of incorporation of said

district, a governing board of trustees for said district shall be appointed. Said board shall be appointed as follows:

(a) If the district is situate within one county only and consists wholly of unincorporated territory, five trustees therefor shall be appointed by the board of supervisors of the county;

District in one county comprising unincorporated territory.

(b) If the district is situate entirely within one county and includes incorporated and unincorporated territory one trustee shall be appointed from the district at large by the board of supervisors of the county and one trustee from each municipality, the whole or part of which is situate in the district, by the governing body of such municipality; *provided*, that if the board of trustees thereby created consists of less than five members then the board of supervisors shall appoint from the district at large enough additional members to make a board of five trustees;

District in one county comprising incorporated and unincorporated territory.

(c) If the district is situate in two or more counties and is comprised wholly of unincorporated territory, one trustee shall be appointed from each county or portion of a county situate in the district, by the board of supervisors; *provided*, that if the board of trustees thereby created consists of less than five members then the board of supervisors of the county in which the greater portion of the district is situate shall appoint from such district at large enough additional members to make a board of five trustees;

District in two or more counties comprising unincorporated territory

(d) If the district is situate in two or more counties and consists both of incorporated and unincorporated territory one trustee shall be appointed by the board of supervisors of each of said counties from that portion of the district lying in each of such counties respectively, and one trustee from each municipality or portion thereof situate within the district, by the governing body of such municipalities respectively; *provided*, that if the board of trustees thereby created shall consist of less than five members, then the board of supervisors in which the greater portion of the district is situated shall appoint from the district at large enough additional members to make a board of five trustees. The governing board of such district shall be called "The board of trustees of ----- mosquito abatement district." Each trustee appointed by a municipal board shall be an elector of the municipality from which he is appointed, and a resident of that portion of the municipality which is situate within the district. Each trustee appointed from a county or portion of a county shall be an elector thereof and a resident of that portion of the county which is situate within the district. Each trustee appointed at large shall be an elector of the district.

District in two or more counties comprising incorporated and unincorporated territory

All such trustees shall hold office for the term of two years from and after the second day of the calendar year succeeding their appointment; *provided, however*, that the first board of trustees appointed in any district under the provisions of this act shall at their first meeting so classify themselves by lot that one-half of their number, if the total membership is an

Term of office.

even number, and if uneven then that a bare majority of their number shall go out of office at the expiration of one year and the remainder at the expiration of two years from the second day of the calendar year next succeeding their appointment.

Stats 1915,
p. 1015,
amended
Estimate of
expenses.

SEC. 7. Section 7 of said act is hereby amended to read as follows:

Sec. 7. The board of trustees of each mosquito abatement district shall at least fifteen days before the first day of the month in which the board of supervisors of the county in which such district is situate, is required by law to levy the amount of taxes required for county purposes, furnish to the board of supervisors and to the county auditor, respectively, or if the district is not entirely within one county then as herein-after provided to the board of supervisors and auditor of each county in which any portion of the district is situated, an estimate in writing of the amount of money necessary for all purposes required under the provisions of this act during the next ensuing fiscal year.

New section

SEC. 8. A new section is hereby added to said act to be numbered 7a, and to read as follows:

District in
more than
one county
apportion-
ment

Sec. 7a. If the district is in more than one county the total estimate as provided for in the preceding section shall be divided by the board of trustees in proportion to the value of the taxable property of the district in each county. This value must be determined from the values of the last equalized assessment rolls of such counties. When such division of the estimate has been made the board shall furnish the supervisors and auditors of the respective counties a written statement of that part of the estimate apportioned to that county.

New section.

SEC. 9. A new section is hereby added to said act to be numbered 7b and to read as follows:

Tax levy.

Sec. 7b. The board of supervisors of each county wherein is situated a mosquito abatement district or any part thereof must annually, at the time of levying county taxes, levy a tax to be known as the "----- mosquito abatement district tax," sufficient to raise the amount reported to them by the district board of trustees as herein provided. The board of supervisors must determine the rate of such tax by deducting fifteen per cent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to said board of supervisors by the board of trustees as required in that county to be raised, by the remainder of such total assessed value, provided that the maximum rate of the tax must not be greater than ten cents on each one hundred dollars of taxable property of the district in that county.

New section.

SEC. 10. A new section is hereby added to said act to be numbered 7c and to read as follows:

Additional
tax levy.

Sec. 7c. Whenever it appears to the board of trustees of such district that the amount of funds required during the next ensuing fiscal year shall exceed the maximum amount

which the supervisors are authorized to levy for the annual district tax, as hereinabove in this act provided, then said board of trustees may in their judgment call an election and submit to the electors of the district the question whether a tax shall be voted for raising the necessary additional funds, and notice thereof shall be published for at least four weeks prior to such election in a newspaper printed and published in such district; *provided*, that no particular form of ballot shall be required nor shall any informalities in conducting such election invalidate the same, if the election shall have otherwise been fairly conducted. At such election the ballots must contain the words "Shall the district vote a tax to raise the additional sum of \$-----?" The board of trustees shall canvass said votes cast at such election and if a majority of the votes cast are in favor of the imposition of said tax the board of trustees must report the same to the board of supervisors of the county wherein the district is situated, stating the additional amount of money required to be raised; *provided*, that if the district is situated in more than one county said additional amount shall be divided by the board of trustees in proportion to the value of the taxable property of the district in each county, determined from the last equalized assessment rolls of such counties, whereupon the board shall furnish the supervisors and auditors of the respective counties a written statement of that part of said additional amount apportioned to that county. The board of supervisors of each county shall at the time of levying county taxes, levy an additional tax upon all of the taxable property in the county and in the district voting such additional tax sufficient to raise the amount voted, or if the district is situate in more than one county, that portion of the additional amount apportioned to that county.

Election

SEC. 11. A new section is hereby added to said act to be numbered 7d and to read as follows:

New section

Sec. 7d. All taxes levied under the provisions of this act shall be computed and entered on the county assessment roll by the county auditor and collected at the same time and in the same manner as state and county taxes; and when collected shall be paid into the county treasury for the use of the district.

Taxes.

Collection and payment into county treasury.

If the district is in more than one county the treasury of the county wherein the district was organized shall be the depository of all the funds of the district. For this purpose the treasurers of any other counties wherein is situated a portion of the district must, at any time, not oftener than twice each year, upon the order of the board of directors, settle with said board and pay over to the treasurer of the county where the district was organized, all moneys in their possession belonging to the district. Said last named treasurer is authorized and required to receive and receipt for the same and to place the same to the credit of the district.

- New section SEC. 12. A new section is hereby added to said act to be numbered 7e and to read as follows:
- Withdrawal of funds Sec. 7e. The funds shall be withdrawn from the county treasury upon the warrant of the board of trustees of such district signed by the president or acting president of the board, and countersigned by its secretary.
- Stats 1915, p. 1016, amended. SEC. 13. Section 8 of said act is hereby amended to read as follows:
- Annexation of territory. Sec. 8. Any territory, incorporated or unincorporated, lying adjacent and contiguous to a mosquito abatement district, whether in the same county or in different counties, may be added and annexed to such district, at any time, upon proceedings being had and taken as in this act provided. The board of trustees of such district, upon receiving a written petition therefor containing a description of the new territory sought to be annexed to such district, signed by registered voters within the boundaries of the territory proposed to be annexed equal in number to at least ten per cent of the number of votes cast in said territory for the office of governor of the state at the last general election prior to the presentation of the petition, must set the petition for hearing and give notice thereof by publishing a copy of the petition together with notice of the time and place set for the hearing, in one newspaper published in each county in which any part of the district or of the territory proposed to be added to the district is situated, and in one newspaper published in each municipality situate wholly or in part within the territory proposed to be added to the district; *provided*, that if there be no newspaper published in any such municipality then a copy of the petition and of said notice shall be posted for the same length of time in three public places within such municipality or part thereof included in said territory proposed to be annexed. Not more than five of the names attached to said petition need appear in such publication or posting, but the number of signers shall be stated. At the time set for the hearing, or at such time or times to which it may be adjourned by the board of trustees, the board of trustees of the district shall hear the petition and those appearing thereon and also all protests and objections to the same and may adjourn such hearing from time to time not exceeding two months in all. On the final hearing said board shall make such changes as by the board may be deemed advisable in the boundaries of the territory proposed to be annexed, and shall define and establish such boundaries, and shall determine whether or not said petition complies with the provisions of this act and for that purpose must hear all competent and relevant testimony offered in support of or in opposition thereto. The failure of any person interested in said district, or in the matter of the proposed annexation of territory to said district, to protest or object to the said proposed annexation shall be deemed and taken as an assent on his part to the change in the boundaries in the district as prayed for in the petition or to such a change
- Petition
- Hearing

thereof as will include a part of said lands. The filing of such petition with said board as aforesaid shall be deemed and taken as an assent on the part of each and all of such petitioners to such a change in the boundaries in the district as may include the whole or any portion of the lands described in the petition. If upon the hearing before said board it appears that the petition and the proceedings thereon comply with the provisions of this act and that it is desirable and to the interests of the district and of the territory proposed to be annexed that the territory proposed to be annexed with the boundaries as fixed and determined by the board should be annexed to and become a part of the district and the board so finds, the board shall order the boundaries of the district to be changed so that said territory, or such portion or portions thereof as the board shall deem it desirable and for the best interests of the district and of said territory to include, shall be included within the district. The order shall describe the boundaries of the land so included within the district and also that portion of the boundary of the district which coincides with the boundary of the land so included, and for the purposes of said order the board may cause a survey of such portion of said boundaries as may be deemed necessary. If more than one petition for the annexation of territory has been presented the board may in one order include within the district any number of separate tracts of land. Said order shall be entered in the minutes of the board and a certified copy thereof shall be filed with the secretary of state and with the county clerk and with the county recorder of each county in which such mosquito abatement district or any part thereof is situated. From and after the date of the filing and recording of the certified copies of such order the territory named therein shall be deemed added and annexed to and form a part of said mosquito abatement district, with all the rights, privileges and powers set forth in this act and necessarily incident thereto. If the property so proposed to be annexed is included within a municipality, consent to such annexation shall first be obtained from the governing body of such municipality, and an authenticated copy of the resolution or order of such board so consenting to such annexation, shall be attached to the petition, and be made a part thereof.

Order.

Property
in cities

From and after the annexation of territory to a mosquito abatement district the board of trustees shall consist of the number and shall be appointed in the same manner as prescribed by the provisions of section 4 of this act, for a district originally formed with boundaries the same as the boundaries of the district after such annexation; *provided*, that members of the board of trustees in office at the time of such annexation shall continue to serve as trustees during the remainder of the terms for which they have been respectively appointed.

SEC. 14. Section 9 of said act is hereby amended to read as follows:

Stats. 1915,
p. 1016,
amended.

Dissolution
of district

Sec. 9. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors thereof, upon an election called by its board of trustees upon the question of dissolution, and the proposition which shall be submitted to the electors at such election shall be as follows: "Shall the district be dissolved?" Such election must be called and held; and notice thereof shall be published for at least four weeks prior to such election in a newspaper printed and published in such district. If two-thirds of the votes at such election shall be in favor of the dissolution of the district, the board of trustees shall certify such fact to the secretary of state, and upon receipt of such last mentioned certificate, the secretary of state shall thereupon issue his certificate reciting that the mosquito abatement district (naming it) has been dissolved, and a copy of such certificate of the secretary of state shall be transmitted to and filed with the county clerk of each county in which such mosquito abatement district, or any part thereof, is situated. From and after the date of such certificate the district named therein shall be deemed disincorporated, and the property of the district shall thereupon vest in the county, wherein said district is situate; *provided*, that if the district at the time of its dissolution is situate wholly within the boundaries of a single municipality its property shall thereupon vest in such municipality; *provided, further*, that if the district comprises unincorporated territory alone and is situate within two or more counties, then its property shall be ratable apportioned amongst the several counties in proportion to the assessed value of the property included within the district in each county as shown upon the last equalized county assessment rolls; *provided, further*, that if the district comprises incorporated and unincorporated territory whether situate in one or more counties, then, in such event, its property shall be ratable apportioned amongst the municipality or municipalities and the county or counties in proportion to the property in the district within each municipality or county respectively as shown upon the last equalized county assessment rolls; *provided, however*, that any real property, easements or rights of way, belonging to said district shall, in such event, remain the property of the municipality wherein the same is situate, if situated within incorporated territory, otherwise the same shall vest in and remain the property of the county in which situate.

Disposition
of property

Outstanding
indebtedness

It is provided, however, that if at the time of the election to dissolve a mosquito abatement district there be outstanding any indebtedness of the district then in such event the vote to dissolve the district shall dissolve the same for all purposes except only the levy and collection of taxes for the payment of such indebtedness and for the payment of expenses of assessing, levying and collecting the same and from the time such district is thus dissolved and until such indebtedness with the interest thereon, if any, is fully paid, satisfied and discharged the board of supervisors of the county in which the district

or the greater part thereof is situate is constituted, ex officio, the board of trustees of the district, and it is hereby made the duty of such board to levy or cause to be levied such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness and such interest.

SEC. 15. A new section is hereby added to said act to be numbered 12, and to read as follows: New section

Sec. 12. Any two or more mosquito abatement districts having territory lying contiguous may be consolidated as in this act provided. Whenever in the judgment of the board of trustees of a mosquito abatement district it is for the best interest of such district that it be consolidated with one or more other districts organized under the provisions of this act it may by a two-thirds vote of the trustees adopt a resolution reciting such facts, declaring the advisability of such consolidation and the willingness of the board to consolidate, and forward a copy thereof to the board of trustees of each of the other districts with which consolidation is proposed. It shall thereupon be the duty of the board of trustees of each of such other districts to consider said proposal and give notice of its decision thereon to the board making the proposal. If each of such other boards, by two-thirds vote of its membership, adopts a resolution in favor of consolidation and declaring its willingness to consolidate, it shall be the duty of the board of trustees of each district proposed to be consolidated forthwith to call a special election in its district at which shall be submitted to the electors of such district the question whether or not said consolidation shall be effected. The said election shall be called and conducted, and the returns thereof canvassed and declared so far as practicable in accordance with the requirements of this act for submission to the voters of a district of the question whether or not the district shall vote a tax to raise an additional sum of money in any year. The ballot shall contain the words "Consolidated—Yes" and "Consolidated—No" or words equivalent thereto, and if a majority of the votes cast in each district are in favor of consolidation then such districts shall be consolidated. Consolidation of districts.
Election

The returns of the election in each district shall be declared by the board of trustees thereof, whereupon each such board of trustees shall cause the results thereof to be certified to the board of supervisors of the county in which the districts or the greater portion of the land therein, as consolidated, are situated. If upon such returns it appears that a majority of the votes cast in each district are in favor of consolidation, then said board of supervisors shall so find and declare by order entered in its minutes, and cause a certified copy of said order to be transmitted to the board of supervisors of each of the other counties, if any, in which any portion of the district, as consolidated, is situate, and cause a like copy to be recorded in the office of the county recorder of each of the counties in which any portion of the district is situate, and

also cause to be filed a like copy in the office of the secretary of state. From and after the date of such transmission, recording and filing, the territory within such districts shall be deemed merged and consolidated into and form a single consolidated mosquito abatement district with all the rights, privileges and powers set forth in this act and necessarily incident thereto.

Board of trustees

From and after such consolidation the board of trustees of the consolidated district shall consist of the same number and shall be appointed in the same manner as prescribed by the provisions of section 4 of this act for a district originally formed hereunder, and having boundaries the same as the boundaries of said district as consolidated; *provided*, that the members of the boards of trustees of the several districts thus consolidated who are in office at the time of consolidation shall continue to serve as members of the board of trustees of the consolidated district during the remainder of the terms for which they have been respectively appointed.

New section.

SEC. 16. A new section is hereby added to said act, to be numbered 13, and to read as follows:

Consolidated district

Sec. 13. In the original resolution proposing consolidation the board of trustees shall specify the name proposed for the consolidated district, and if such consolidation is effected the consolidated district shall have and exercise all the rights, powers, duties, privileges and obligations of a new district formed under the provisions of this act; *provided*, that if at the time of consolidation there be outstanding any indebtedness of any former districts included in such consolidated district, such indebtedness shall be paid in the same manner as provided in section 9 of this act for the payment of indebtedness upon dissolution of a district, and such consolidated district shall not be liable for any indebtedness of any former districts included therein which was outstanding at the time of consolidation, and no property within any of the former districts shall ever be taxed to pay any portion of any indebtedness of any other of such former districts contracted prior to or existing at the date of such consolidation.

Powers and liabilities

New section.

SEC. 17. A new section is hereby added to said act, to be numbered 14, and to read as follows:

Definitions

Sec. 14. Whenever used in this act the term "county" means and includes any county or city and county, and the term "counties" means and includes any and all "counties" or "cities and counties" in this state.

CHAPTER 805.

An act making an appropriation for the construction and completion, equipment, and furnishing of an addition to the state office building at San Francisco, California.

[Approved by the Governor June 14, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. The sum of three hundred thirty thousand dollars or so much thereof as may be necessary is hereby appropriated out of any money in the state treasury to the credit of the corporation commissioner's fund, to be expended for the construction and completion, equipment and furnishing of an addition to the state office building at San Francisco, California, for the housing of the San Francisco offices of the commissioner of corporations. The director of finance may rent, lease, or allow the use of any portion of said addition, not needed for the use of the San Francisco office of the commissioner of corporations, to any of the agencies of the state government; rentals derived therefrom to be deposited in the corporation commissioner's fund.

Appropriation for housing San Francisco offices of commissioner of corporations

SEC. 2. This appropriation is in addition and supplemental to the funds heretofore provided by the sale of bonds by the State of California for the purposes enumerated in that certain act known as the "San Francisco state building act," approved June 7, 1915, and is in addition and supplemental to the funds heretofore provided in that certain act entitled, "An act appropriating the sum of three hundred fifty thousand dollars for the completion, equipment and furnishing of the state building, or buildings, at San Francisco," approved May 27, 1919.

Supplemental to funds heretofore provided for

CHAPTER 806.

An act to amend section 10 of an act entitled "An act authorizing the board of supervisors or other governing body of any incorporated city, or city and county, having a population of more than one hundred thousand persons, to order the disinterment and removal of all human bodies interred in any cemetery of more than five acres in extent, or from a part thereof, situate within the boundaries of such city, or city and county, and directing the reinterment of such bodies in cemeteries outside the limits of such city, or city and county, or the depositing of the same in a mausoleum or columbarium, whenever the further maintenace of such cemetery or part thereof as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public, and providing a mode of procedure under and by which such removals may, when so ordered,

be made by the cemetery corporation, association, corporation sole or other person governing or controlling such cemetery lands, or by the relatives or friends of those whose bodies are buried therein, and providing for the sale, mortgage or pledge of cemetery lands from which the human bodies are removed," approved June 5, 1923.

[Approved by the Governor June 14, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1923,
p 646,
amended

SECTION 1. Section 10 of an act entitled "An act authorizing the board of supervisors or other governing body of any incorporated city, or city and county, having a population of more than one hundred thousand persons, to order the disinterment and removal of all human bodies interred in any cemetery of more than five acres in extent, or from a part thereof, situate within the boundaries of such city, or city and county, and directing the reinterment of such bodies in cemeteries outside the limits of such city, or city and county, or the depositing of the same in a mausoleum or columbarium, whenever the further maintenance of such cemetery or part thereof as a burial place for the human dead threatens or endangers the health, safety, comfort or welfare of the public, and providing a mode of procedure under and by which such removals may, when so ordered, be made by the cemetery corporation, association, corporation sole or other person governing or controlling such cemetery lands, or by the relatives or friends of those whose bodies are buried therein, and providing for the sale, mortgage or pledge of cemetery lands from which the human bodies are removed," approved June 5, 1923, is hereby amended to read as follows:

Sale of lands
after removal
of remains

Sec. 10. Whenever the human bodies interred in any cemetery within the limits of any incorporated city, or city and county have been ordered removed by ordinance of the board of supervisors or other governing body of such city, or city and county under provisions of this act, and the cemetery corporation, association, corporation sole, or other person owning or controlling such cemetery has duly made and published notice of intention to remove the human bodies interred from such cemetery lands, the parts or portions thereof in which no interments had been made, and such parts and portions thereof from which all human remains have been removed, may be sold by the cemetery corporation, association, corporation sole or other persons owning or controlling such cemetery lands, or may be mortgaged or otherwise pledged as security for any loan or loans made to such cemetery corporation, association, corporation sole or other person owning, or controlling such cemetery lands. No order of any court shall be required prior to the making of any such sale, mortgage, pledge or other encumbrance of such lands abandoned for cemetery purposes or from which the human remains have been removed; *provided, however, that any sale of such cemetery lands made*

by any cemetery corporation or association controlled by a board of directors or other governing body shall be fairly conducted and the price paid therefor must be fair and reasonable and all such sales must be confirmed, as to the fairness and reasonableness of the price paid, by the superior court of the county, or city and county in which such lands are situated. Petitions for confirmation of such sales by cemetery corporations and associations governed by a board of directors or other governing body shall be made to the superior court of the county or city and county wherein such lands are situated, and the clerk of said court shall fix a day for the hearing and give notice thereof in accordance with the provisions of section 1552 of the Code of Civil Procedure of the State of California relating to confirmation of sales of real estate by an executor or administrator; *provided, however*, if prior to the adoption of any ordinance passed by the board of supervisors or other governing body of any incorporated city or city and county pursuant to the provisions of this act providing for the disinterment, removal and reinterment of human remains interred in any cemetery within the limits of such incorporated city or city and county any corporation, association, corporation sole or other person owning or controlling such cemetery has in good faith entered into any agreement to sell or has granted any option to buy said cemetery or any part thereof for a price reasonable at the time the agreement to sell was made, or such option was granted, the superior court shall confirm the sale of such cemetery or part thereof at the price stipulated in said agreement to sell or said option to buy. In the event of sale or any agreement to sell said cemetery property or any part thereof, the moneys payable or to become payable as the purchase price or on account of the purchase price of the property so sold or agreed to be sold shall not be subject to garnishment, attachment or execution, but shall be used exclusively for the following purposes, to wit: Acquisition of lands and improvements for cemetery purposes, disinterment, removal and reinterment of bodies, pursuant to the provisions of this act, perpetual care of graves, markers, cemetery embellishments, and the payment of expenses incidental to the disinterment, removal and reinterment of the dead. All reinterments except those made by friends or relatives of the deceased shall be made in a county immediately adjoining the county in which the original interments were made.

Confirmation
of sales

CHAPTER 807.

An act to amend section 4243 of the Political Code, relating to salaries, expenses and fees of county officers in counties of the fourteenth class.

[Approved by the Governor June 14, 1929. In effect August 14, 1929]

The people of the State of California do enact as follows:

SECTION 1. Section 4243 of the Political Code is hereby amended to read as follows:

Stats 1927,
p 338,
amended.

Counties of
14th class
salaries and
fees of
officers
County clerk

4243. In counties of the fourteenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum in full compensation for all duties required by law or by virtue of the office; *provided*, that he shall appoint one chief deputy at a salary of two thousand four hundred dollars per annum; three deputies at a salary of one thousand eight hundred dollars each per annum; two deputies at a salary of one thousand five hundred dollars each per annum; one copyist for the county clerk and ex officio clerk of the board of supervisors at a salary of one thousand three hundred twenty dollars per annum; and deputy clerks for the purpose of registering electors in the office of the county clerk, to be paid at not to exceed one hundred dollars per month each; *provided*, that such deputies so employed for registering electors shall not be employed except during a year when a general election is held throughout the state and said deputies shall be employed only between the first day of January and the first day of December of such years; *provided*, that said salaries shall not exceed in the aggregate the sum of three thousand dollars in any such year; one or more outside deputies for the purpose of registering electors in said years, who shall receive a compensation of ten cents for each elector legally registered by them, and shall receive no other compensation or expenses. Each of said deputies to be paid at the same time and in the same manner as county officers are paid. In the event a third judge of the superior court is provided in the county, the county clerk shall appoint an additional deputy at a salary of one thousand eight hundred dollars per annum. All commissions and fees of whatever character, received by the county clerk, shall be paid by him into the county treasury.

Sheriff

2. The sheriff, five thousand dollars per annum, in full compensation for all services required of him by law or by virtue of the office; *provided*, he shall appoint one undersheriff at a salary of two thousand four hundred dollars per annum, one chief deputy at a salary of two thousand dollars per annum, and five deputy sheriffs at a salary of one thousand eight hundred dollars per annum each; as many special deputies as may be required at a salary not exceeding one hundred fifty dollars per month, each, such salaries not to exceed in the aggregate the sum of three thousand dollars in any one year; a person to act as matron of the county jail at a salary of one hundred dollars per month and one stenographer at one thousand three hundred twenty dollars per annum. Said undersheriff and each of said deputies and assistants shall be paid at the same time and in the same manner as county officers are paid. In the event a third judge of the superior court is provided in the county, the sheriff shall appoint an additional deputy at a salary of one thousand eight hundred dollars per annum. The sheriff shall be allowed ten cents per mile for the use of his automobile for each mile actually and necessarily

traveled in the discharge of his duties, and shall receive his actual and necessary expenses incurred while traveling on all civil and criminal business. The sheriff shall collect all fees allowed by law in civil processes and proceedings and per diems paid by the state, or otherwise, and pay the same when so collected, into the county treasury.

3. The recorder, three thousand dollars per annum; *provided*, that the recorder shall appoint one chief deputy at a salary of two thousand dollars per annum, one deputy at a salary of one thousand five hundred dollars per annum, four deputies at a salary of one thousand three hundred twenty dollars each per annum, to be paid at the same time and in the same manner as county officers are paid. All commissions and fees of whatever character received by the recorder shall be deposited in the county treasury, and become the property of the county. Recorder

4. The auditor, three thousand six hundred dollars per annum; *provided*, that said auditor shall appoint one chief deputy, who shall be an accountant at a salary of two thousand dollars per annum, three deputies at a salary of one thousand three hundred twenty dollars each per annum. The auditor shall be allowed as many tax deputies as may be required, at a salary not to exceed six dollars per day, each, such salaries not to exceed in the aggregate three hundred dollars in any one year. No allowance shall be made for additional assistants appointed to perform any duties relating to claims, statistical or other fiscal reports. All fees and commissions of whatever character received by the auditor shall be deposited in the county treasury, and become the property of the county. Auditor.

5. The treasurer shall receive as full compensation for his services the sum of three thousand six hundred dollars per annum; *provided*, that the treasurer shall appoint one deputy at a salary of one thousand eight hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid. All fees and commissions of whatever character received by the treasurer shall be deposited in the county treasury and become the property of the county. Treasurer

6. The tax collector, three thousand dollars per annum; *provided*, that said tax collector shall appoint one chief deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand three hundred twenty dollars per annum; and one deputy for a period of nine months of each year at a salary of one hundred ten dollars per month, to be paid at the same time and in the same manner as county officers are paid. All fees and commissions of whatever character received by the tax collector shall be deposited in the county treasury and become the property of the county. Tax collector.

7. The assessor, five thousand dollars per annum; *provided*, that the assessor shall appoint one chief deputy at a salary of two thousand dollars per annum, one assistant deputy at a salary of one thousand eight hundred dollars per annum, and Assessor

four office deputies at a salary of one thousand three hundred twenty dollars each per annum. The salaries of such deputies shall be paid in the same manner and at the same time and from the same funds as county officers are paid. The assessor may also appoint as many field deputies as may be necessary to carry on his work at an expense to the county not to exceed eight thousand dollars during any fiscal year. The salaries of which last named deputies shall be one hundred fifty dollars per month each for a period not to exceed five months in any one year, and shall be paid at the same time and in the same manner and from the same funds as the assessor is paid. The amount of each of which payments shall be determined by the auditor from a certificate furnished by the assessor showing the person and amount to which payments are due and the period of time for which compensation is made, or, the salaries of said deputies may be paid by claim presented to the board of supervisors in regular form and approved by the assessor, the total amount of which claims however, shall not exceed the sum of eight thousand dollars above mentioned for any one fiscal year. The assessor and field deputies shall be allowed traveling expenses at the rate of ten cents per mile for each mile actually and necessarily traveled in the performance of their duties; *provided, however*, that the amount allowed for such expenses shall not exceed the sum of one thousand dollars in any one year. All fees and commissions of whatever character received by the assessor shall be deposited in the county treasury, and become the property of the county.

District
attorney.

8. The district attorney, four thousand five hundred dollars per annum; *provided*, that he shall appoint one assistant district attorney at a salary of three thousand dollars per annum, and one deputy district attorney at a salary of two thousand one hundred dollars per annum; and one stenographer at a salary of one thousand five hundred dollars per annum and one county detective, who shall have all the powers of a peace officer as set forth in sections 834 and 836 of the Penal Code, and shall perform such duties as may be required of him by the district attorney or by the ordinances of the board of supervisors of the county, and whose salary is hereby fixed at the sum of two thousand one hundred sixty dollars per annum. The district attorney, the assistant and deputy district attorneys and the detective shall be allowed their actual and necessary expenses when traveling on county business. The salaries of said assistant, deputy, stenographer, and detective shall be paid at the same time and in the same manner as county officers are paid. The district attorney and assistant and deputy district attorney shall devote their entire time to the duties of the office, and are prohibited from engaging in private practice of law, with the exception of noncontested probate cases.

Coroner.

9. The coroner, one thousand five hundred dollars per annum, which salary shall be in lieu of all fees that are now, or may hereafter be allowed by law. The coroner shall be allowed

his actual and necessary traveling expenses incurred in the discharge of his official duties; *provided*, that the coroner shall appoint one stenographer at a salary of six hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid.

10. The public administrator, such fees as are now or may be hereafter allowed by law. Public administrator.

11. The superintendent of schools, three thousand six hundred dollars per annum and actual and necessary traveling expenses when visiting schools in his county, not to exceed ten dollars for each school actually visited; *provided*, that such superintendent of schools may appoint an assistant superintendent of schools at a salary of one thousand eight hundred dollars per annum, one bookkeeper at a salary of one thousand three hundred twenty dollars per annum, and one clerk who shall be a stenographer at a salary of one thousand three hundred twenty dollars per annum, payable at the same time and in the same manner as county officers are paid. The superintendent of schools shall be an ex officio member of the board of education. Superintendent of schools

12. The surveyor, three thousand six hundred dollars per annum; *provided, further*, that all property ownership books, data, and transcript records required for making such maps, plats, or block books shall be procured at the expense of the county in such manner and by such persons as the board of supervisors may direct. The surveyor shall devote his entire time to the duties of his office. And it shall be his duty to prepare and furnish all necessary plans and specifications for all bridges and bridge work, in addition to his other duties, without extra compensation. The surveyor shall charge and collect the sum of ten dollars per day, together with the sum necessary to pay the compensation and expenses of his assistants, for making such surveys as the duties of his office require. The sum so collected by him shall be deposited in the county treasury and become the property of the county. He shall appoint a deputy at a salary of one thousand eight hundred dollars per annum, payable at the same time and in the same manner as county officers are paid; *provided, further*, that the county surveyor may employ field engineers at a compensation not to exceed eight dollars per day and chainmen at a salary not to exceed five dollars per day and such other help as may be required at a rate not exceeding four dollars per day, when so employed. The aggregate sum that may be expended for all such field engineers, chainmen and other help shall not exceed the sum of ten thousand dollars for any one year. The surveyor and his assistants shall be allowed their actual and necessary traveling expenses incurred in the performance of their duties within the county. Surveyor

13. The justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases. Justices of the peace

In townships having a population of fifteen thousand or more, two hundred dollars per month; *provided*, that in townships having a population of fifteen thousand or more, the justice of the peace shall appoint one clerk at a salary of six hundred dollars per annum, payable at the same time and in the same manner as county officers are paid.

In townships having a population of over eight thousand and less than fifteen thousand, one hundred fifteen dollars per month;

In townships having a population of six thousand and less than eight thousand, seventy-five dollars per month;

In townships having a population of four thousand and less than six thousand, fifty-five dollars per month;

In townships having a population of two thousand and less than four thousand, forty dollars per month;

In townships having a population of one thousand and less than two thousand, thirty dollars per month;

In townships having a population of less than one thousand, twenty dollars per month;

In townships having a population of less than nine hundred fifteen dollars per month.

Each justice of the peace must pay into the county treasury once a month all fines collected by him; *and provided, further*, that for the purposes of this subdivision, the population of the several townships shall be ascertained from the United States census reports of 1920.

Constables

14. In townships having a population of fifteen thousand or more, constables shall receive as compensation in lieu of all fees in criminal cases, the sum of one hundred twenty-five dollars per month; in townships having a population of eight thousand and less than fifteen thousand, the sum of eighty-five dollars per month; in townships having a population of six thousand and less than eight thousand, the sum of fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of one thousand five hundred and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than one thousand five hundred, ten dollars per month; in townships having a population of less than one thousand, five dollars per month; *provided*, that in addition to the fees and salaries herein allowed, each constable shall receive for traveling expenses outside of his own township, but within his own county, for the service of a civil or criminal process, the sum of fifteen cents per mile for each mile actually and necessarily traveled, one way only, no constructive mileage to be allowed; *and provided, further*, that such salaries for services in criminal cases shall be paid at the same time and in the same manner as the salaries of county officers are paid; *and provided, further*, that in addition to the salaries provided herein, constables in all townships shall receive for their own use the fees which are now or may hereafter be allowed by law in civil cases; *and provided, further*, that for the purposes of

this subdivision, the population of the several townships shall be ascertained from the United States census report of 1920.

15. Each member of the board of supervisors for all services required of them by law, or by virtue of their office, except as road commissioners, shall be allowed one thousand two hundred dollars per annum as a salary, and ten cents per mile in traveling to and from his place of residence to the courthouse; *provided*, that only one mileage must be allowed at each board meeting; *and provided, further*, that said salary and mileage shall be in lieu of all fees otherwise provided by law for supervisors. Each supervisor shall receive for services as road commissioner, thirty cents per mile one way for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not in any one year receive more than nine hundred dollars as such road commissioner; *provided*, that no member of the board of supervisors or other county officer shall, except for his own services or expenses, present or verify by his oath attached thereto, any claim, account, or demand for allowance against the county. Supervisors

16. All salaries herein not otherwise provided for shall be paid out of the treasury of said county in equal monthly payments on the last day of each month. Salaries not otherwise provided for.

17. The fees for jurors in counties of this class shall be as follows: For attending as a grand juror or juror in the superior court, or as a member of any committee of the grand jury duly called by the secretary or committee chairman, for each day's attendance, while serving as such juror, or on such committee per day, three dollars; for each day's attendance when not selected to serve, two dollars, but in no case shall there be charged for more than one per diem on any one calendar day. For attending justice's court, for each juror sworn to try the cause, per day, in civil cases, only, one dollar and fifty cents. A juror excused at his own request shall not be entitled to a per diem fee but shall be entitled to mileage for each mile actually and necessarily traveled in attending court as a juror, or in attending the regular sessions of the grand jury, or any committee meeting of the grand jury duly called, except in criminal cases in justice's courts, for which no allowance shall be made, per mile, ten cents. Jurors

It is hereby found as a fact that the changes herein made in the manner of compensating the county clerk, sheriff, auditor, treasurer, coroner, and assessor, are not intended to, and do not effect an increase in the compensation of said officers, and are to apply to the present incumbents. Changes do not effect an increase and are to apply to present incumbents

CHAPTER 808.

An act authorizing and empowering any municipal corporation to which tidelands, and submerged lands, situated within the limits thereof, have been, or may hereafter be,

granted by the State of California, to grant all or any portion of such lands to the United States for public or governmental (including military or naval) purposes and validating and confirming grants of such lands made by such municipal corporations to the United States.

[Approved by the Governor June 14, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Grant to the
United
States
authorized

SECTION 1. Any municipal corporation to which tidelands and submerged lands situated within the boundaries thereof have been, or may hereafter be, granted by the State of California, is hereby authorized and empowered to grant all or any portion of such lands to the United States, for public or governmental (including military or naval) purposes of the United States; *provided, however*, that no such grant shall be made unless authorized and approved by a vote of a majority of the electors of such municipal corporation voting upon the proposition of making such grant at an election therein, at which such proposition shall have been submitted.

Previous
grants
confirmed.

SEC. 2. Any grant heretofore made by any municipal corporation to the United States, of any portion of the tidelands or submerged lands, situated within the boundaries of such municipal corporation, which grant was authorized by a vote of the majority of the electors of such municipal corporation, voting upon the question of authorizing such grant, at an election held therein, is hereby confirmed, legalized and declared to be valid; and in any case where a proposed grant of such lands to the United States by a municipal corporation has heretofore been authorized by such vote, but such grant has not been made or completed, such municipal corporation is hereby authorized and empowered to make and complete such grant.

CHAPTER 809.

An act to amend sections 831 and 831b of the Code of Civil Procedure, relating to changing place of trial in municipal courts.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats. 1927,
p 1340,
amended.
Change of
venue.

SECTION 1. Section 831 of the Code of Civil Procedure is hereby amended to read as follows:

831. The municipal court must, on motion, based upon a demand of the defendant therefor in writing, at the time he answers, change the place of trial of an action commenced in such court to another court in which such action is cognizable, as follows:

1. For the recovery of possession of real property, and for injuries thereto; to the municipal court or justice's court, if the action be cognizable in such justice's court, established in the city or township, respectively, where the real property is situated.

Actions for recovery of possession of, and injuries to, real property

Where the real property is situated partly within and partly without a city in which there is established a municipal court, the plaintiff may elect whether to sue in the municipal court or the appropriate justice's court, or in the superior court, and the court so selected in the proper court for the trial of such action; *provided*, that all such actions must be tried in a court in which such action is cognizable, established in the county in which such real property or some part thereof is situated.

2. For the recovery of the penalty or forfeiture imposed by the statute; to the municipal court or justice's court, if the action be cognizable therein, established in the city or township, respectively, where the cause of action, or some part thereof, arose; *provided*, said cause, or some part thereof, arose within the county in which the municipal court, in which such action is commenced, is situated; otherwise, to the court in which said action is cognizable, situated in the county where said cause of action arose; *and provided*, that when such penalty or forfeiture is imposed for an offense committed on a lake, river, or other stream of water, situated partly within and partly without the city in which there is established a municipal court, the plaintiff may elect whether to sue in the municipal court of such city, or in the appropriate justice's or superior court, and the court so selected is the proper court for the trial of such action.

For recovery of penalty or forfeiture imposed by statute

3. Against a public officer, or person especially appointed to execute his duties, for an act done by him in virtue of his office; or against a person who, by his command or in his aid, does anything touching the duties of such officer; to the municipal or justice's court, if the action be cognizable therein, established in the city or township, respectively, where the cause, or some part thereof, arose; *provided*, said cause, or some part thereof, arose within the county in which the municipal court, in which such action is commenced, is situated; otherwise, to the court in which such action is cognizable, situated in the county where the cause of action arose.

Against public officer or person exercising his duties for act done in virtue of his office

4. In all other cases; to the municipal or justice's court, if the action be cognizable therein, established in the city or township, respectively, in which the defendants, or some of them, reside at the commencement of the action, if within the county in which the municipal court, in which the action is commenced, is situated; *provided*, that none of the defendants reside in the city where the action is commenced; and cases in which none of the defendants reside in the county in which such action is commenced, to the municipal or justice's court, if cognizable therein, situated in the city or township, as the case may be, where the defendants, or some of them reside; otherwise to the superior court of such county.

All other cases

Action for injury to person or personal property; election.

When the action is for injury to person or personal property, or for death from wrongful act or negligence, the plaintiff may elect whether to sue in the municipal court or the appropriate justice's or superior court, having jurisdiction over the territory where the injury occurs, or the injury causing death occurs, or in which the defendants, or some of them, reside at the commencement of the action, and the court so selected is the proper court for the trial of such action.

Improper joinder or purpose of venue.

If any person is improperly joined as a defendant, or has been made a defendant solely for the purpose of having the action tried in the municipal court established in the city where he resides, his residence must not be considered in determining the demand for change of place of trial of the action.

Defendants residing abroad or residence unknown

If none of the defendants reside in the state, or, if residing in the state and the place in which they reside is unknown to the plaintiff, the plaintiff may elect to sue in any municipal court, and the court so selected is the proper court for the trial thereof.

Defendant about to depart from the state

If the defendant is about to depart from the state, the plaintiff may elect to sue in the municipal court established in the city in which either of the parties reside, and the court so selected is the proper court for the trial thereof.

Stats 1927, p 1342, amended

SEC. 2. Section 831*b* of said Code is hereby amended to read as follows:

Additional grounds for change of venue.

831*b*. At the time of hearing of a motion for change of place of trial made under the provisions of the preceding sections of this chapter, the court, may on plaintiff's counter-motion, order the action retained for trial therein, notwithstanding defendant's right to a change of place of trial; and at any time before actual trial of issues of fact in any action pending therein, the court may, on motion of either party, change the place of trial for the following causes:

1. When there is reason to believe that an impartial trial can not be had in the court to which such action is, by the provisions of this chapter, required to be transferred for trial, or in which it is then pending, as the case may be.

2. When the convenience of witnesses and the ends of justice would be promoted by retaining said action for trial where commenced, or by the change to another court, as the case may be.

3. When, from any cause, there is no judge of the court to which such action is, by the provisions of this chapter, required to be transferred for trial, or of the court in which it is pending, as the case may be, qualified to act.

CHAPTER 810.

An act to amend section 4264 of the Political Code, relating to the salaries of county officers of counties of the thirty-fifth class.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 4264 of the Political Code is hereby amended to read as follows:

Stats 1927,
p 1611,
amended

4264. Counties of the thirty-fifth class, salaries of officers. In counties of the thirty-fifth class the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

Counties of
35th class
salaries and
fees of
officers

1. The county clerk, two thousand seven hundred dollars per annum, which shall be in full for all services, including registering voters and making the great register, excepting such services as are performed by said clerk as agent for the state; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk two deputies, who shall be appointed by said county clerk, one of which deputies shall be paid a salary of one thousand eight hundred dollars per annum, and the other said deputy shall be paid a salary of one thousand two hundred dollars per annum, said salaries to be paid in monthly installments, at the same time, in the same manner, and out of the same fund as the county clerk is paid.

Clerk

2. The sheriff, five thousand one hundred dollars per annum, and he is hereby allowed, in addition thereto, one undersheriff to be appointed by him, who shall receive one thousand eight hundred dollars per annum, and one deputy sheriff at a salary of one thousand eight hundred dollars per annum, which deputy shall work under the direction of the sheriff and shall assist the district attorney in the enforcement of law, whose salaries shall be paid by the county, in monthly installments, at the same time, in the same manner, and out of the same fund as the sheriff is paid.

Sheriff

Said sheriff shall also have for his own use all fees, commissions and mileage for the service of all papers served by him and issued without his county.

3. The recorder, two thousand four hundred dollars per annum, in full for all services, and he is hereby allowed, in addition thereto, one deputy appointed by him, who shall be a copyist, and who shall receive one thousand two hundred dollars per annum, whose salary shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the recorder is paid; *provided*, that when the board of supervisors shall deem it necessary, it may allow the recorder an additional copyist, to be paid not

Recorder.

more than five cents per folio for any work done by said copyist, said compensation to be paid monthly by the county; *provided, further*, that the fees heretofore allowed the recorder for his own use, by section 3079 of the Political Code shall be hereafter paid into the county treasury. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation, and it is intended that the same shall apply immediately to the present incumbents.

Auditor

4. The auditor, two thousand eight hundred dollars per annum, which shall include compensation for the compilation of the annual financial report and classified annual pay roll of counties of this class, which reports are hereby made the duty of the auditor to compile, and he is hereby allowed one deputy, to be appointed by him, to receive one thousand five hundred dollars per annum, said salary shall be paid in monthly installments, at the same time, in the same manner, and out of the same fund as the auditor is paid; and it is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Treasurer

5. The treasurer, two thousand four hundred dollars per annum; *provided*, that all commissions received by the treasurer on the collection of inheritance taxes shall be paid into the county treasury.

Collector

6. The tax and license collector, two thousand one hundred dollars per annum, in full compensation for all services, and he is hereby allowed a deputy, to be appointed by him, for eight months of the year, at a compensation of one hundred twenty-five dollars per month, the salary of said deputy to be paid by the county, in monthly installments, at the same time, in the same manner, and out of the same fund as the tax collector is paid.

Assessor.

7. The assessor, three thousand dollars per annum, in full compensation for all services, and he is hereby allowed, in addition thereto, such deputies and typists, to be appointed by him, as he may deem necessary to carry on the work of his office; *provided, however*, that not more than a total of four thousand dollars shall be paid in any year for such deputies and typists, no typist to be paid more than seventy-five dollars per month and no deputy to be paid more than eight dollars per day while engaged in the performance of their respective duties; *provided, further*, that the assessor shall be allowed his own necessary traveling expenses in the performance of his official duties as assessor.

District attorney.

8. The district attorney, two thousand one hundred dollars per annum, and he is hereby allowed, in addition thereto, one deputy appointed by him, who shall receive one thousand five hundred dollars per annum.

Coroner

9. The coroner, such fees as are now, or may be hereafter allowed by law; *provided*, that for such miles necessarily traveled by him in going to and returning from the place

of an inquest, he shall receive twenty-five cents per mile each way.

10. The public administrator, such fees as are now, or may be hereafter allowed by law. Public administrator

11. The superintendent of schools, two thousand four hundred dollars per annum, and necessary expenses in visiting schools in the county, not to exceed ten dollars for each school visited, to be allowed by the board of supervisors of the county; and there is hereby allowed one deputy, appointed by the superintendent of schools, who shall receive one thousand two hundred dollars per annum, said salary to be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the superintendent of schools is paid. Superintendent of schools

12. The surveyor, two thousand four hundred dollars per annum, which salary shall be in lieu of all fees and per diem heretofore allowed by law; *provided, however*, that the surveyor shall be permitted by the board of supervisors to do outside work when his services are not required by the county; *provided, however*, that all compensation, for outside work, received by the surveyor shall belong to and be the property of the surveyor. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required of the county surveyor by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent. Surveyor

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified, according to their population, as shown by the federal census of 1920 as follows: Townships having a population of four thousand or more shall belong to and be known as townships of the first class; townships having a population of more than two thousand five hundred and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand six hundred and less than two thousand five hundred, shall belong to and be known as townships of the third class; townships having a population of one thousand five hundred and less than one thousand six hundred shall belong to and be known as townships of the fourth class; townships having a population of one thousand and less than one thousand five hundred shall belong to and be known as townships of the fifth class; and townships having a population of less than one thousand shall belong to and be known as townships of the sixth class. Classification of townships.

14. Justices of the peace shall receive the following salaries which shall be paid monthly out of the general fund of the county in the same manner, as the salaries of county officers are paid, and shall be in full for all services, to wit: In townships of the first class, one hundred twenty-five dollars per month; in townships of the second class, seventy-five dollars Justices of the peace.

per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, twenty-five dollars per month; in townships of the fifth class, twenty-five dollars per month and in townships of the sixth class, twenty-five dollars per month.

Constables

15. Constables shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid out of the general fund of the county and which shall be in full for all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred twenty-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, thirty dollars per month; in townships of the fifth class, thirty dollars per month; and in townships of the sixth class, thirty dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and proceedings, each constable shall also be allowed all necessary expenses actually and properly incurred, in arresting and conveying prisoners to court or to prison, and also all necessary expenses actually incurred in the transportation of prisoners from prison to court, and the return of said prisoner to prison; and shall be allowed, also, for each mile actually traveled, both in going and coming in the service of subpoenas, in criminal actions, per mile, ten cents; which said expense and mileage shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed, and shall be paid out of the county treasury.

Constable's
fees

In addition to the monthly salaries herein allowed for services in criminal actions and cases, each constable may, for his own use, collect the following fees, and no other, in civil actions:

For serving summons and complaint, for each defendant served, fifty cents.

For each copy of summons for service, when actually made by him, twenty-five cents.

For levying writ of attachment or execution, or executing order of arrest, or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than one dollar and fifty cents per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writs and other papers, except summons, complaint and subpoenas, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint and subpoenas, for each person served fifty cents.

For writing and posting each notice of sale of property, fifty cents.

For furnishing notice for publication, twenty-five cents.

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one-half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order, or paper, in civil actions, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in civil actions, in going only, twenty-five cents per mile; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage shall be charged, allowed, or paid in criminal or civil cases.

For each day's attendance in court, in civil cases, three dollars per day.

For executing a search warrant, two dollars; and for each mile necessarily traveled within his county in executing a search warrant, both in going and returning from the place of search, fifteen cents; said fee and mileage to be paid by the party demanding the search.

For summoning a jury, in civil cases, two dollars, including mileage.

For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the levy of an execution, and for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be paid.

16. County officers must, and township officers may, demand the payment of all fees in advance. Justices of the peace shall, on or before the first Monday of each month, pay in to the county treasurer, all moneys collected by them on fines imposed and collected and all moneys belonging to the county coming from any source.

Fees payment and disposition

17. Each member of the board of supervisors, one thousand five hundred dollars per annum and ten cents per mile, one way between residence and county seat, in attending upon all regular, special or adjourned meetings of the board of supervisors; *provided*, that the chairman of the board of supervisors may receive twenty-five cents per mile, one way, between residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law.

Supervisors

18. Grand jurors and trial jurors in the superior court in civil or criminal cases, shall receive, as compensation for

Jurors and witnesses

each day's attendance, per day four dollars, and witnesses in the superior court in civil or criminal cases shall receive as compensation for each day's attendance, per day three dollars, and for each mile actually and necessarily traveled in attending court as such, in going only, per mile twenty-five cents. Witnesses in the justice courts and trial jurors in the same, in civil or criminal cases, when sworn to try the case, shall receive as compensation for each day's attendance, two dollars, and for each mile actually and necessarily traveled in attending court as such, in going only, fifteen cents per mile.

Reporter.

19. In counties of this class there shall be a court reporter of the superior court whose salary shall be two thousand four hundred dollars per year, payable monthly out of the county treasury in lieu of fees received for reporting on criminal and civil cases and proceedings in the superior court, juvenile court and all preliminary examinations in the justices courts of the counties and all proceedings on inquisition before the coroner and all proceedings before the grand jury and all statements and investigations in criminal matters made by the district attorney. In addition to the salary the reporter shall be allowed a fee now or hereafter allowed for transcribing the proceedings and testimony in all such matters.

Fees pay-
ment and
disposition

The fees for transcribing in civil cases in the superior court shall be paid by the parties litigant and in criminal cases in the superior and juvenile courts to be paid by the county, when ordered by the court, as other claims are paid; and in preliminary examinations, coroner's inquisitions, and statements and investigations by the district attorney, when required by law to be transcribed, or ordered transcribed by the district attorney, shall be paid by the county as required by law; *provided, however*, that the per diem fee now paid by parties litigant on behalf of such court reporter shall continue to be paid by such parties litigant to the clerk of court who shall transmit the same to the county treasury to be paid into the general fund of the county.

CHAPTER 811.

An act providing for a state park on Mission bay in San Diego county and for the administration thereof.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Park created

SECTION 1. The state-owned waters of Mission bay in San Diego county together with all the tidelands of said bay which are now in the possession of the state or which may hereafter come thereinto are hereby declared to be a state park to be administered under the control of the state park commission.

SEC. 2. The state park commission is empowered and directed to accept as a part of the said state park, all privately or publicly owned land adjoining or in the immediate vicinity of the said state park, if such lands are tendered free of charge and unencumbered, and, if in the judgment of the state park commission, such land is of sufficient historic, scenic, scientific, or recreational value to warrant its incorporation into said state park.

State park commission authorized to accept adjoining land

SEC. 3. The provisions of this act shall not affect easements or rights of way heretofore granted or acquired, upon or across such waters or lands for highway purposes; nor shall said provisions in any way affect any existing lease or franchise of any such state-owned waters or tidelands, but upon the expiration of every such lease or franchise, the lands or waters pertaining thereto shall forthwith pass under the control of the state park commission and be administered as part of the state park herein created.

Certain easements and leases unaffected

CHAPTER 812.

An act to amend section 13 of the "State medical practice act," approved June 2, 1913, as amended, relating to reciprocity certificates.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 13 of the "State medical practice act," approved June 2, 1913, as amended, is hereby amended to read as follows:

Stats. 1927, p 217, amended.

Sec. 13. Said board must also issue a certificate to practice a system or mode of treating the sick or afflicted recognized by this act or any preceding practice act in the State of California to any applicant, without any examination, authorizing the holder thereof to practice a system or mode of treating the sick or afflicted in the State of California, upon payment of a registration fee of one hundred dollars, and filing a verified application showing (a) the full name of the applicant; (b) all institutions at which he has studied and the period of such study and all institutions from which he has graduated; (c) a statement of whatever certificate or certificates to practice a system or mode of treating the sick or afflicted recognized by this act or any preceding medical practice act in the State of California issued to such applicant either by the medical board, or by any other board or officer authorized by the law to issue a certificate entitling such applicant to practice a system or mode for treating the sick or afflicted either in the District of Columbia or in any state or territory of the United States, together with the date of such certificate or certificates and a description of the same, and if required by the board the certificates themselves, or if such certificate shall have

Licenses of other states qualifications.

been lost, then a copy thereof, with proof satisfactory to the board of medical examiners of the State of California that the copy is a correct copy and that said certificate or certificates (was) were secured by (issued to) said applicant without fraud or misrepresentation; (d) satisfactory evidence from the applicant and from the board which issued said certificate that the requirements of said board which was legally authorized to issue such certificate permitting such applicant to practice a system or mode of treating the sick and afflicted were not at the time such certificate was issued in any degree or particular less than those required for the issuance of a similar certificate to practice a system or mode of treating the sick and afflicted in the State of California at the date of issuance of such certificate or which may hereafter be required by law and which may be in force at the date of issuance of any such certificate. Such certificate must have been issued to such applicant within a period of ten years immediately preceding the filing of the application herein at the office of the board in the city of Sacramento, State of California, and the requirements from the college from which such applicant may have graduated, and the requirements of the board which was legally authorized to issue such certificate permitting such applicant to practice a system or mode of treating the sick or afflicted shall not have been at the time such certificate was issued, in any degree or particular less than those which were required for the issuance of a similar certificate to practice a system or mode of treating the sick or afflicted in the State of California at the date of the issuance of such certificate, or which may hereafter be required by law and which may be in force at the date of the issuance of any such certificate; (e) satisfactory evidence of good moral character; (f) satisfactory evidence that said applicant has not failed in a written examination given by the board for a similar certificate, as provided in this act or any prior medical practice act of the State of California; (g) such other general information as to his past practice or vocation as may be required by the board. The said board shall make such independent investigation of the educational qualifications, the character, ability and standing of the applicant as it may deem proper and necessary and if after such investigation as may be deemed necessary by the board of medical examiners of the State of California and any other or further examination or investigation which said board may see fit to make on its own part, it shall be found that the requirements of the board issuing such certificate were, when said certificate was issued, in any degree or particular less than the requirements provided by the law of the State of California at the date of the issuance of such certificate or that the applicant has not been a resident of the state from which the application is based for a period of one year subsequent to the issuance of such certificate he will not be entitled to practice within the State of California without an examination. An oral examination shall not be deemed to be of equal merit with a written examination and

Independent
investigation
and examina-
tion

no certificate shall be issued in the case where a written examination was given in California and an applicant was given an oral examination in another state at the same time. The board is hereby authorized to enter into a contract or contracts of reciprocity with other states wherein the standard of such states is not in any degree or particular less than were the requirements in the State of California in the same year, for the issuance of a certificate to practice a system or mode of treating the sick or afflicted, such certificate to be similar in scope of practice as the certificate issued in the other state. The board of medical examiners shall require an oral examination of an applicant when ten or more years have intervened between the date of the filing of his application with the California board and the date of the certificate issued by a medical examining board or any other board or officer authorized by law to issue a certificate entitling such applicant to practice a system or mode of treating the sick or afflicted either in the District of Columbia or in any state or territory of the United States and used as the basis of said application to the California board. Said applicant must have complied with all the provisions in this section following the letters (a), (b), (c), (d), (e), (f), and (g), and must have been a resident of the state which issued the certificate used as the basis of application for a period of one year prior to date of filing his application in the State of California, and following the date of issuance of the state certificate used as the basis of application hereunder, and if the board shall find that the applicant has met all the requirements hereunder, they shall afford him an examination on a day suiting the convenience of the board not more than six months subsequent to the presentation of said application. Said examination shall be oral, practical, and clinical in nature, and full consideration shall be given to the duration and character of the applicant's practice. If after such last mentioned examination it is determined by a majority vote of the said medical examiners conducting said examination, that such applicant is so qualified to practice a system or mode of treating the sick and afflicted within the State of California, and that his reputation and standing in the community in which he has previously practiced is good, and that said applicant has not failed in any written examination given by the board of examiners as provided in this or any prior medical practice acts of the State of California, the said applicant shall be entitled to receive a physician and surgeon certificate. Each applicant on making such application hereunder shall pay to the secretary of the board, a fee of one hundred dollars, which shall be paid to the treasurer of the board, of which sum ninety dollars shall be returned to him should he not receive a certificate hereunder. All certificates issued pursuant to this section shall be marked across the face thereof "reciprocity certificate." Any person granted a "reciprocity certificate" to practice any system or mode for treating the sick or

Reciprocity
agreements.

Oral exam-
ination
when
required

Fee.

Physician
and surgeon
certificate.

Osteopaths.

afflicted recognized by this or any preceding medical practice act in this state, such certificates not being of equal scope with the certificates known and designated as the "physician and surgeon certificate," will not be eligible for the "physician and surgeon certificate" as designated in this act without a full and complete compliance with the terms and provisions of sections 9, 10 and 11 hereof; *provided*, that the board of osteopathic examiners of the State of California, in the event that an applicant files a verified application on a form adopted by said board and based on a reciprocity certificate to practice osteopathy issued under the provisions of the medical practice act of California, may in its discretion admit such applicant to an oral, practical, clinical examination for physician's and surgeon's certificate in the event that such applicant in said application presents satisfactory proof that he has fulfilled all the requirements of section 10 of the medical practice act for a physician's and surgeon's certificate and in addition has fulfilled all the provisions of this section following the letters (a), (b), (c), (d), (e), (f), and (g). If after such oral, practical, and clinical examination it is determined by the said board of osteopathic examiners, by a majority vote thereof, that such applicant is qualified to practice as a physician and surgeon in the State of California and that his reputation and standing in the community in which he has practiced is good, the said applicant shall be granted a "physician and surgeon certificate." The fee for filing such application shall be twenty-five dollars, fifteen dollars to be returned to the applicant in the event a certificate is not issued under the provisions hereof.

CHAPTER 813.

An act granting certain tidelands, submerged lands and filled lands of the State of California, to the city of Newport Beach, upon certain trusts and conditions.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Certain tidelands granted to city of Newport Beach.

SECTION 1. There is hereby granted to the city of Newport Beach, a municipal corporation of the State of California, and to its successors, all of the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all of the tidelands, submerged lands and filled lands lying within the corporate limits of the city of Newport Beach, and bordering upon, in and under the Pacific ocean, situated below the line of mean high tide of the Pacific ocean not heretofore granted to said city or to the county of Orange, to be forever held by the city of Newport Beach, and its successors in trust for the uses and purposes and upon the express conditions following, to wit:

(a) Said lands shall be used by said city and by its successors solely for the establishment, improvement and conduct of a harbor and for the establishment and construction of bulkheads or breakwaters for the protection of lands within its boundaries, or for the protection of its harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, ways and streets and other utilities, structures and appliances necessary or convenient for the promotion or accommodation of commerce and navigation, and for the protection of the lands within said city. And said city or its successors shall not at any time grant, convey, give or alien said lands or any part thereof to any individual, firm or corporation, for any purpose whatever; *provided*, that said city or its successors may grant franchises thereon for a period not exceeding fifty years for wharves, and other public uses and purposes, and may lease said lands or any part thereof for limited periods, in any event not to exceed fifty years for any and all purposes which shall not interfere with commerce or navigation and are not inconsistent with the trusts upon which said lands are held by the State of California or with the requirements of commerce or navigation at said harbor.

Uses and purposes. Establishment and improvement of harbor, etc

Alienation regulated

(b) Said harbor shall be improved by said city without expense to the state and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have at all times the right to use, without charge, all wharves, docks, piers, slips, quays and other improvement constructed on said lands or any part thereof for any vessel or other water craft or railroad owned or operated by the State of California.

Shall remain a public harbor

(c) In the management, conduct or operation of said harbor or any of the utilities, structures or appliances mentioned in paragraph (a) no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city, or by its successors. The absolute right to fish in the waters of said harbor with the right of convenient access to said water over said lands for said purpose is hereby reserved to the people of the State of California.

Rates, tolls, charges

Fishing

CHAPTER 814.

An act to amend section 4258 of the Political Code, relating to salaries of officers of counties of the twenty-ninth class.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 4258 of the Political Code is hereby amended to read as follows:

Stats 1927, p 1957, amended.

Counties of
29th class
salaries of
officers and
employees

4258. In counties of the twenty-ninth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, two thousand seven hundred dollars per annum, and one deputy at a salary of one thousand six hundred twenty dollars per annum, and one deputy at a salary of one thousand three hundred twenty dollars per annum. The salary of said deputies to be payable monthly in the same manner as the salaries of the other county officers are paid; *provided, further, however*, that in each year in which a new and complete registration of voters is required by law the county clerk may appoint an additional deputy or deputies whose compensation in the aggregate shall not exceed four hundred dollars in any one year; *and provided, further*, that the county clerk shall file with the county auditor a certified statement showing in detail the amount and persons to whom said compensation is paid. Such salaries of such deputies shall be paid out of the same fund as the salaries of the other county officers are paid.

Fees.

In counties of this class, the county clerk shall be and is hereby authorized to retain for his own use and benefit such fees or parts of fees as are now or which hereafter may be allowed to the county clerk by the laws of the State of California pertaining to hunting and fishing licenses, also such fees or parts of fees as are now or hereafter may be allowed to the county clerk by the laws of the United States, pertaining to the naturalization of citizens.

Sheriff

2. The sheriff, three thousand dollars per annum and all fees for the service of process issued without this county. One undersheriff at a salary of two thousand one hundred dollars per annum, one deputy at a salary of one thousand eight hundred dollars per annum and two deputies at a salary of one thousand five hundred dollars per annum each, which offices are hereby created. The salary of said undersheriff and deputies payable monthly in the same manner as the salaries of other county officers are paid.

Recorder.

3. The recorder, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand six hundred twenty dollars per annum, which office is hereby created, one copyist at a salary of one thousand two hundred dollars per annum, and one copyist for six months of each year at a salary of one hundred dollars per month. The salaries of said deputy and copyist payable monthly in the same manner as the salaries of other county officers are paid.

Auditor.

4. The auditor, two thousand four hundred dollars per annum and one deputy at a salary of one thousand five hundred sixty dollars per annum, and one deputy for two months of each year at a salary of one hundred dollars per month, the salary of said deputies payable monthly in the same manner as the salaries of other county officers are paid.

5. The treasurer, two thousand four hundred dollars per annum; *provided, however*, the treasurer shall retain all fees now or which may hereafter be legally collected by his office, and that said sum or sums of money so collected as fees shall not be considered or construed as an increase of compensation. Treasurer.

6. The tax collector, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per year and two deputies for four months of each year at a salary of one hundred dollars per month each, which offices are hereby created, the salary of said deputies payable monthly in the same manner as the salaries of other county officers are paid. Collector

7. The assessor, two thousand four hundred dollars per annum; one chief deputy assessor, at a salary of one hundred thirty-five dollars per month; one deputy assessor at a salary of one hundred dollars per month for seven months in each year, from January first to August first; one copyist, for five months in each year, from March first to August first, at a salary of one hundred dollars per month, the salaries of said chief deputy assessor, deputy assessor and copyist payable in the same manner and at the same time as the salaries of the other county officers are paid. Assessor.

The assessor shall appoint such field deputies as he may require; *provided*, that the compensation of such additional deputies shall not exceed in all the sum of three thousand five hundred dollars in any one year; *and provided*, that said field deputies shall file monthly with the assessor and county auditor a verified statement showing in detail the amount of time consumed in actual assessment work; the salaries of said field deputies shall be paid by the county monthly, in the same manner and at the same time as the salaries of the other county officers are paid. Said salary of the assessor shall be in full for all services rendered by him, and he shall pay all fees received into the county treasury.

8. The district attorney, two thousand seven hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum and one stenographer at an annual salary of one thousand two hundred dollars, which office is hereby created. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation and the same shall apply immediately to incumbents. District attorney.

9. The coroner, such fees as are now or may be hereafter provided by law. Coroner.

10. The public administrator, such fees as are now or may be hereafter provided by law. Public administrator

11. The superintendent of schools, two thousand two hundred dollars per annum, and one deputy at a salary of one thousand five hundred dollars per annum, payable monthly in the same manner as the salaries of other county officers are paid; *provided*, that in counties of this class the county superintendent of schools shall receive and retain for his own Superintendent of schools

use the sum of five dollars per diem for each and every day he attends the meetings of the county board of education, and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county.

Surveyor 12. The surveyor, ten dollars per day and actual reasonable and necessary expenses when engaged in the field or in the office in the discharge of his official duties in the county.

Supervisors 13. Supervisors, each the sum of one thousand two hundred dollars per annum in full for all services performed by them as supervisors and as members of the board of equalization and road commissioners and in any and every capacity, and also all actual and necessary traveling expenses in the performance of all such duties.

Justices of the peace 14. Justices of the peace shall receive the following monthly salaries to be paid each month and in the same manner and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them in all cases; in townships having a population of seven thousand or more, one thousand eight hundred dollars per year; in townships having a population of less than seven thousand and more than three thousand, eighty dollars per month; in townships having a population less than three thousand and more than seven hundred fifty, fifty dollars per month; in townships having a population of less than seven hundred fifty, ten dollars per month.

Constables 15. Constables shall receive the following monthly salaries to be paid each month and in the same manner and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them in all cases; in townships having a population of seven thousand or more, one thousand eight hundred dollars per year; in townships having a population of less than seven thousand and more than three thousand, eighty dollars per month; in townships having a population of less than three thousand and over seven hundred fifty, fifty dollars per month; in townships having a population of less than seven hundred fifty, ten dollars per month. Constables shall also be allowed mileage of eight cents per mile each way for necessary mileage traveled within the county, in the performance of their official duties, both civil and criminal.

Jurors. 16. Grand jurors and trial jurors in the superior court shall receive for each day's attendance per day the sum of three dollars. In justices' courts in civil and criminal cases, the jurors sworn to try the case shall receive for each day's attendance per day the sum of two dollars. All jurors shall receive for each mile actually and necessarily traveled from his residence to the place of service the sum of fifteen cents per mile; *provided*, that in justice courts mileage shall be allowed only to those sworn to try the case.

Librarian 17. The county librarian shall receive one thousand eight hundred dollars per annum.

CHAPTER 815.

An act to amend section 2528 and to repeal sections 2529, 2530, 2533 and 2535 of the Political Code, all relating to moneys received or collected or coming into the possession of the board of state harbor commissioners and the disposition and expenditure thereof.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 2528 of the Political Code is hereby amended to read as follows: Stats 1919,
p 486,
amended

2528. With the exception of such moneys as may be received from the sale of bonds the disposition of which is otherwise provided for by law, all moneys collected or received or coming into the possession of the board of state harbor commissioners pursuant to the provisions of law now in force or that may hereafter be enacted shall be accounted for and reported monthly by said board to the state controller and at the same time said moneys shall be remitted to the state treasury to the credit of the San Francisco harbor improvement fund. Said fund shall be expended, in accordance with law, for the payment of all actual and necessary expenses incurred in carrying out the provisions of law prescribing or relating to the duties, powers, purposes, responsibilities and jurisdiction of the state board of harbor commissioners and the work and affairs of said board. Disposition
of moneys
collected by
state harbor
commis-
sioners

SEC. 2. Sections 2529, 2530, 2533 and 2535 of said code are hereby repealed. Repealed

CHAPTER 816.

An act to amend section 634 of the Penal Code, relating to the protection of fish and game.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 634 of the Penal Code is hereby amended to read as follows: Stats 1927,
p 957,
amended.

634. 1. Every person who takes, catches or kills in any manner or possesses any salmon other than as provided for in this act is guilty of a misdemeanor. Protection
of salmon

2. It shall be unlawful to take, catch or kill any salmon on any spawning bed or within ten miles of any salmon spawning station, (the division of fish and game is hereby authorized to designate spawning areas as intended in this act) or in state waters at the mouth of any interstate stream within Spawning
areas

three miles north and south of a line drawn due west from the center of the mouth of said stream; or to use nets at any time of the year between sunrise Saturday and sunset of the following Sunday.

Sale
restricted

3. Salmon taken in districts one, one and one-half, two, two and one-half, three, twelve "A" and the Klamath river district (except in tidewater) can not be sold at any time. The sale of salmon legally taken in all other districts or shipped into the state is not prohibited; *provided*, that between September sixteenth and October thirty-first salmon must be held or sold only under such regulations as may be prescribed by the division of fish and game.

Districts 3,
12 "A," 1,
13, 2, 2½
and Klamath
river
district

4. It shall be unlawful to take salmon other than with hook and line in fish and game district three and twelve "A" and other than with hook and line and spear in fish and game districts one, one and one-half, two, two and one-half and Klamath river fish and game district (above tidewater).

District 1

5. In district one, salmon may be taken with spear and hook and line between the twenty-ninth day of May and the thirty-first day of October, both dates inclusive. Not more than two salmon may be taken per day.

District 13

6. In district one and one-half, salmon may be taken with hook and line between the twenty-ninth day of May and the thirty-first day of December, both dates inclusive. Spears may be used only between the first day of August and the thirty-first day of October, both dates inclusive. Not more than two salmon may be taken per day.

Districts 2
and 2½

7. In districts two and two and one-half salmon may be taken with hook and line between the first day of May and the last day of February, both dates inclusive. Spears may be used only between the first day of November and the last day of February, both dates inclusive. Not more than two salmon per day may be taken.

District 3

8. In district three, salmon may be taken only with hook and line between the first day of May and the thirty-first day of October, both dates inclusive. Not more than two salmon per day may be taken.

District 5.

9. In district five, salmon may be taken with gill nets and seines of not less than five and one-half inch mesh between the fifteenth day of August and the thirty-first day of October, both dates inclusive; with no bag limit.

Districts 6,
7, 8, 9, 10,
11, 15, 16,
17 and 18.

10. In districts six, seven, eight, nine, ten, eleven, fifteen, sixteen, seventeen and eighteen, except as provided in paragraph 2 salmon may be taken between the first day of June and the fifteenth day of September, both dates inclusive, with hook and line only; with no bag limit.

Klamath
river
district

11. In tidewater in the Klamath river district salmon may be taken with hook and line between the twenty-ninth day of May and the thirty-first day of December, both dates inclusive, or with gill nets of not less than seven and one-half inch mesh between the first day of July and the fifth day of September, both dates inclusive; *provided*, that no nets may be used

between the hours of six a.m. and eight p.m. between the first day of August and the fifth day of September, both dates inclusive. During the netting season there shall be no bag limit but at other times there shall be a bag limit of two per day. For the purpose of this act tidewater on the Klamath river shall be that portion of the river between its mouth and the Douglas memorial bridge. Above tidewater in the Klamath river district salmon may be taken between the twenty-ninth day of May and the thirty-first day of December with hook and line. Spears may be used only between August first and October thirty-first, both dates inclusive. Not more than two salmon per day may be taken.

12. Every person who, in fish and game districts twelve, and thirteen between the first day of June and thirty-first day of July of the same year, both dates inclusive, and every person who in fish and game district twelve "B" between the sixteenth day of June and the thirty-first day of July, both dates inclusive, and every person who in fish and game districts twelve, twelve "B" and thirteen between the seventeenth day of September and the fourteenth day of November of the same year, both dates inclusive, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches, kills or has in his possession, or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, or between May sixteenth and June fifteenth, both dates inclusive, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than seven and one-half inches in length is guilty of a misdemeanor.

Districts 12.
12 "B"
and 13

13. Nothing in this act shall prevent the fish and game commission of this state, or persons authorized by them, from taking, at all times, and in any manner, such salmon as they may deem necessary for the purpose of propagation, or for scientific purposes.

Taking for
propagation

14. For the purpose of this act and all acts relating thereto, only such fish as belonging to the genus *Onchorhynchus* shall be considered salmon; *provided, however*, that any fish less than fifteen inches in length shall be considered trout.

Definition

15. Any violation of any of the provisions of this act shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for a period of not to exceed six months in the county in which the conviction shall be had, or by both such fine and imprisonment.

Penalty

CHAPTER 817.

An act to amend the title as amended, sections 1, 2, 4, 7, 8, 10, 12, 13, 14 and 37, of an act entitled "An act to provide for the establishment and change of grade of public streets, avenues, lanes, alleys, courts, places and rights of way, forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, or extending into the territory of two or more municipalities, or extending into the territory of one or more municipalities and unincorporated territory, and providing for work upon and the improvement thereof, and providing for the construction of sanitary and storm sewers, drains and drainage systems, together with any and all appurtenances and appurtenant work in connection with any of such work or improvements; to assess the whole or any portion of the costs and expenses thereof upon private property, and to provide for a system of local improvement bonds to represent the assessments for such costs and expenses and for the payment and effect of such bonds," approved April 21, 1911, as amended, relating to street improvements.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1923,
p 633,
amended

SECTION 1. The title of an act entitled "An act to provide for the establishment and change of grade of public streets, avenues, lanes, alleys, courts, places and rights of way, forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, or extending into the territory of two or more municipalities, or extending into the territory of one or more municipalities and unincorporated territory, and providing for work upon and the improvement thereof, and providing for the construction of sanitary and storm sewers, drains and drainage systems, together with any and all appurtenances and appurtenant work in connection with any of such work or improvement; to assess the whole or any portion of the costs and expenses thereof upon private property, and to provide for a system of local improvement bonds to represent the assessments for such costs and expenses and for the payment and effect of such bonds," is hereby amended to read as follows:

New title

An act to provide for the establishment and change of grade of public highways, streets, public ways and other public property and rights of way, in whole or in part, including property over which possession and right of use have been obtained under the provisions of section 14 of article one of the constitution of the State of California, whether the same are situated within the limits of a municipality or whether such public ways or property are in part within the limits of one or more municipalities, or extend from one muni-

pality into another municipality, or from one or more municipalities into or through unincorporated territory, or in whole or in part form the boundary between adjoining municipalities or between a municipality and adjacent unincorporated territory; and providing for work in and upon the same together with any and all appurtenances and appurtenant work; and providing for assessing the whole or any portion of the costs and expenses thereof upon private property and for the issuance and payment of improvement bonds to represent certain assessments for the costs thereof, and providing for the effect of and the enforcement of such bonds.

SEC. 2. Section 1 of said act is hereby amended to read as follows: Stats. 1923,
p. 633,
amended

Section 1. All public highways, streets, public ways and public property and rights of way, (including tidelands and submerged lands owned by any municipality in this state), whether the same are situated within the limits of a municipality or whether such public ways or property are in part within the limits of one or more municipalities, and extend from one municipality into another municipality, or from one or more municipalities into or through unincorporated territory, or in whole or in part form the boundary between adjoining municipalities, or between a municipality and adjacent unincorporated territory, now open or dedicated, or which may hereafter be opened or dedicated to public use, and likewise all property situated in the same respect geographically as is above set forth with reference to public ways, rights of way and property, and over or upon which property an order to take immediate possession and use of a right of way required for a public use, has been obtained from a court of competent jurisdiction in any action in eminent domain or proceeding for the acquisition of the same, shall constitute and be open public ways for the purposes of this act, and the several legislative bodies hereinafter mentioned are hereby invested with power, authority and jurisdiction to establish and change the grades and fix the width of the same or any of them, and to order to be done therein, over or thereon, either singly or in any combination thereof any or all of the work mentioned in this act under and in accordance with the procedure hereinafter provided. Public ways
and property
defined

Authority to
perform
work upon.

SEC. 3. Section 2 of said act is hereby amended to read as follows: Stats. 1927,
p. 1414,
amended

Sec. 2. Whenever the public interest and convenience may require, the legislative body of any county and the legislative body of any municipality are hereby severally authorized and empowered to order the improvement of any one or more of the public ways or property or rights of way mentioned in section 1 hereof. The improvements which are hereby authorized are the following, which may be done singly or in any combination and which shall include the original doing or construction of the things herein mentioned and also the reconstruction, repairing or extension of the same, to wit: Council and
supervisors
may order
such prop-
erty im-
proved

Improve-
ments
authorized

(a) The grading or regrading, the paving or repaving, the planking or replanking, the macadamizing or remacadamizing, the graveling or regraveling, the oiling or roiling, the surfacing or resurfacing thereof.

(b) The construction or reconstruction of sidewalks, crosswalks, steps, safety zones, platforms, seats, statuary, fountains, parks and parkways, culverts, bridges, curbs, gutters, tunnels, subways or viaducts.

(c) Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, channels or other appurtenances.

(d) Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes, with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels and appurtenances.

(e) Poles, posts, wires, pipes, conduits, tunnels, lamps and other suitable or necessary appliances for the purpose of lighting said streets, avenues, lanes, alleys, courts, places or public ways.

(f) Pipes, hydrants and appliances for fire protection.

(g) Breakwaters, levees, bulkheads and walls of rock or other material to protect the streets, avenues, lanes, alleys, courts, places, public ways and other property, from overflow by water.

(h) Wells, pumps, dams, reservoirs, storage tanks, channels, tunnels, conduits, pipes, hydrants, meters, together with appurtenances, for supplying or distributing a domestic water supply.

(i) Mains, services, pipes, fittings, valves, regulators, governors, meters, drips, drains, tanks, ditches, tunnels, conduits, channels, together with appurtenances, for supplying or distributing a domestic or industrial gas supply.

(j) Retaining walls, embankments and other structures necessary or suitable in connection with any of the work mentioned in this section.

(k) The planting of trees, shrubs or other ornamental vegetation.

(l) The construction, repairing, or improving of public mooring places for water craft, the building, repairing and improving of wharves, piers, docks, slips, quays, moles, or other utilities, structures and appliances necessary or convenient for the promotion or accommodation of commerce, navigation and protection of lands, and for aiding and securing access to the waters of said lands to the people of the State of California, in the exercise of their rights to fish, or for the extension of public streets or places.

(ll) Conduits, tunnels, pipes, fittings, or other suitable or necessary appliances and equipment, together with appurtenances, for conducting or transmitting electricity underneath the surface of the earth.

(m) All other work which may be deemed necessary to improve the whole or any portion of such streets, avenues, lanes, alleys, courts, places, public ways or property, or rights of way.

(n) All other work auxiliary to any of the above which may be required to carry out the same.

The legislative body of a county shall have power and authority to make the above mentioned improvement within unincorporated territory in such county, and also along or upon ways or property as may form or be adjacent to the boundary or boundaries of a municipality, and also upon such ways or property as may extend from unincorporated territory into or through one or more municipalities when consent thereto is given by the legislative body or bodies of such a municipality or municipalities. The legislative body of a municipality shall have power and authority to make the above mentioned improvements within the limits of such municipality and also upon such ways or property as may form or be adjacent to the boundary or boundaries of such municipality, and also upon such ways or property as may extend from such municipality into or through one or more other municipalities or unincorporated territory of a county, when consent thereto is given by the legislative body or bodies of such county and such other municipality or municipalities.

Jurisdiction
of super-
visors.

Jurisdiction
of city
council.

The true intent and meaning of this section is that by virtue of the provisions of this act the city council of any municipality and the board of supervisors of any county which elects to avail itself of this act to do work which is wholly within the limits of such municipality or wholly within the unincorporated territory of a county shall have full power and authority thereto, but that also when the proposed work or improvement is in the opinion of the legislative body initiating it of such scope that it directly and peculiarly affects property within two or more cities or of one or more cities and outside unincorporated territory and in such a way that the purpose sought to be accomplished can be effected only by a single, comprehensive scheme of construction, the legislative body so initiating such proceedings shall have full power to take each and every step required for or suitable for the consummation of such work or improvement extending outside the limits of the municipality or unincorporated territory as the case may be, and the levying, collecting and enforcement of assessments to cover the expenses thereof and the issuance and enforcement of bonds to represent unpaid assessments whenever the city council or the board of supervisors as the case may be, having jurisdiction over any portion or portions of the territory proposed to be included in the assessment district for the said improvement, shall by resolution consent to the formation of such assessment district and the assumption of jurisdiction thereover for the purpose aforesaid by the legislative body so initiating the proceedings.

Purpose of
the section.
Improvements affect-
ing property
in more than
one city or
unincorpor-
ated terri-
tory.

Stats 1927,
p 806,
amended

SEC. 4. Section 4 of said act is hereby amended to read as follows:

Resolution
of intention

SEC. 4. Before ordering any work done or improvement made which is authorized by this act, the city council or board of supervisors shall pass a resolution of intention so to do, referring to the street by its lawful or official name, or the name by which it is commonly known; when the work is not upon a public street or public way, then by briefly describing the property or right of way or the property for which an order of immediate possession and use has been obtained, on which the same is to be constructed, and briefly describing the work. The said resolution of intention shall be sufficient if it states in general terms the class or kinds of work contemplated such as grading, paving, sewerage or other work or improvement and gives in general the location of the proposed improvement and refers to plans, profiles, detailed drawings and specifications or such of them as may be suitable or proper for the full and detailed description of the said proposed work or improvement.

Hearing on
objections

Said resolution shall contain also a notice of the day, hour and place when and where any and all persons having any objections to the proposed work or improvement may appear before the legislative body and show cause why said proposed improvement should not be carried out in accordance with said resolution; said time shall not be less than fifteen or more than sixty days from the date of the passage of said resolution. The city clerk or the clerk of the board of supervisors shall cause said resolution of intention to be published twice in one or more newspapers published and circulated in said city or in said county. The city council or board may include in one proceeding, under one resolution of intention and in one contract, any of the different kinds of work mentioned in this act on any number of streets, properties and rights of way or portions thereof, contiguous or otherwise, and it may except therefrom any of said work already done.

Grades.

The grade to which any work shall be done or improvement made shall be such as may be shown on the plans or profiles therefor or it may be done on such a grade as may have been formally established by the city council or board. If any official grade has already been adopted or established for any of the streets, avenues, or other places or property, proposed to be improved, it shall be lawful for the resolution of intention to provide, that said work shall be done to new grades or grades different from those established or adopted, and shall refer to the plans, profiles or specifications for the description of the grade at which the work is to be done. Any property owner whose property is to be assessed to pay the costs and expenses of the proposed improvement may at the time fixed in the resolution of intention for the filing of objections to the proposed work and improvement, make objection in writing to the proposed grade or proposed modification of grade. A failure to make objection in writing at such time

shall be deemed to be a waiver of all objections to the proposed grade or proposed modification or change of grade and shall operate as a bar to any claim for damages or any subsequent action looking to the prevention of the work or the recovery of damages on account of the performance of the work to such grade or changed grade. The provisions of this section relative to grades are alternative and shall not repeal other provisions of this act, or other statutes relative to the change of grade.

Whenever the contemplated work or improvement, in the opinion of the city council or board, is of more than local or ordinary public benefit, or whenever, according to estimate to be furnished by the city engineer or county surveyor, the total estimated costs and expenses thereof would exceed one-half the total assessed value of the lots and lands assessed, if assessed upon lots or land fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for municipal or county purposes, and allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the city council or board may make the expenses of such work or improvement chargeable upon a district, which the said city council or board shall, in its resolution of intention, declare to be the district benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof. Such district may be described by stating the exterior boundaries thereof, or by giving a description thereof according to any official or recorded map or maps, or by referring to a plat or map which shall be on file in the office of the city clerk, or clerk of the board, or city engineer at the time of passing the resolution of intention, which shall indicate by a boundary line the extent of the territory included in the proposed district, which said plat or map shall govern for all details as to the extent of the assessment district. The said district need not be described in any of the notices or resolutions provided for herein, other than the resolution of intention.

Charging
expense
against
district
benefited

In the event that the legislative body initiating the proceedings is of the opinion that the improvement should extend beyond the limits of the city or outside the limits of unincorporated territory of the county, as the case may be, then the said legislative body shall introduce its proposed resolution of intention and submit a copy of the same to such legislative bodies as have jurisdiction over the territories into which the work is proposed to extend and which are proposed to be included within the assessment district. The proposed resolution of intention may be altered to meet objections of such other legislative bodies and shall not be passed until it shall be consented to by resolution of such other legislative bodies, which consent shall of itself constitute assent to the assumption of jurisdiction thereover for all purposes of the proceeding.

Improvements
extending
beyond limits
of city or
unincorporated
territory.

After the adoption of the resolution of intention, the street superintendent or county surveyor shall cause to be conspicuously posted along the line of said contemplated work or

Notices

improvement, at not more than three hundred feet in distance apart, but not less than three in all, or when the work to be done is only upon an entire crossing or intersection or any part thereof, in front of each quarter block or irregular block liable to be assessed, notices of the passage of said resolution of intention. In case the work is chargeable upon a district as herein provided, copies of said notice shall also be posted along all the open streets within such district at not more than three hundred feet in distance apart on each street so posted, but no proceeding shall ever be held invalid for failure to post any street or streets therein if this provision has been substantially complied with. In every case all posting must be fully completed at least ten days before the day set for hearing protests or objections as hereinbefore provided. Said notice shall be headed "Notice of Street Work" in letters not less than one inch in length; and shall, in legible characters state the fact of the passage of the resolution of intention, its date, and briefly describe the work or improvement proposed, and refer to the resolution of intention for further particulars. Said notices shall contain also a statement of the day, hour, and place, when and where any and all persons having any objections to the proposed work or improvement may appear before the legislative body and show cause why said proposed improvement should not be carried out in accordance with said resolution of intention. The council or board, may if it deems it necessary, direct the clerk to mail copies of said notices to the owners or reputed owners whose names and addresses are known to him, but the mailing of such notices shall not be essential to obtaining jurisdiction by the council or board, and the failure to do so shall not affect in any manner the validity of any proceedings taken hereunder.

Protests.

At any time not later than the hour set for hearing objections to the proposed work as provided hereinbefore, any owner of property liable to be assessed for said work may make written protest against the proposed work or against the extent of the district to be assessed, or both, and may also file objections to the proposed grades. Such protests or objections must be in writing and be delivered to the said clerk of the city council or board, and no other protests or objections shall be considered. At the time set for hearing protests, the city council or board shall proceed to hear and pass upon all protests so made, and its decision shall be final and conclusive; *provided, however*, that when the protest is against the proposed work, and the cost thereof is to be assessed upon the property fronting thereon, and the city council or board finds that such protest is made by the owners of a majority of the property fronting on the proposed work, or when the protest is against the proposed work and the cost thereof is to be assessed upon the property within a district, and the city council or board finds that such protest is made

by the owners of more than one-half of the area of the property to be assessed for said improvement, no further proceedings shall be taken for a period of six months from the date of the decision of the city council, or board, on said hearing, unless the said protest is overruled by an affirmative vote of four-fifths of the members of the city council, or board. The words "proposed work" as used herein, shall mean and include all the work described in the resolution of intention. The city council or board may adjourn said hearings from time to time.

If no protests or objections in writing have been delivered to the clerk within the time set for the filing of the same as hereinbefore provided, or when a protest or objection shall have been found by said city council, or board to be insufficient, or shall have been overruled, or, when a protest against the extent of the proposed district shall have been heard and denied, immediately thereupon the city council, or board, shall be deemed to have acquired jurisdiction to order the proposed improvements which order may be made by resolution.

Jurisdiction
acquired.

In all resolutions, notices, orders and determinations, subsequent to the resolution of intention, it shall not be necessary to describe the assessment district, and in all of the same, subsequent to the resolution of intention and the notice of street work, it shall be sufficient to refer to the resolution of intention for a description of the work or improvement and the assessment district.

Description
of district
and improve-
ment

SEC. 5. Section 7 of the said act is hereby amended to read as follows:

Stats 1911,
p 1023,
amended

Sec. 7. The superintendent of streets, or county surveyor, is hereby authorized, in his official capacity, to make all written contracts, and receive all bonds authorized by this act, and to do any other act, either express or implied, that pertains to the street department under this act; and he shall fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day thereafter to completion, and he may extend the time so fixed from time to time, under the direction of the council or board. The work provided for in this act under section 2 hereof must be done under the direction and to the satisfaction of the superintendent of streets, or county surveyor, and the materials used shall comply with the specifications and be to the satisfaction of said superintendent of streets, or county surveyor, and all contracts made therefor must contain a provision to that effect; *provided, however,* that the city council of a city may by resolution adopted within ten days after the passage of the resolution ordering the work direct that the work shall be done under the direction of the city engineer and that materials used shall comply with the specifications and be to the satisfaction of the city engineer,

Superintend-
ent of streets
or county
surveyor to
supervise
work

instead of the superintendent of streets, and in such case the contract shall contain a provision to that effect. All contracts made for work hereunder shall also contain a provision to the effect that in no case except where it is otherwise provided in this act, will the municipality, or county, or any officer thereof, be liable for any portion of the expenses, nor for any delinquency of persons or property assessed. The council, or board, may by ordinance, prescribe general rules directing the superintendent of streets, or city engineer, or county surveyor and the contractor, as to the materials to be used, and the mode of executing the work, under all contracts thereafter made. The assessment and apportionment of the expenses of all such work or improvement shall be made by the superintendent of streets, or county surveyor, as set forth in this act; *provided, however*, that the city council of a city may by resolution adopted within ten days from the passage of the resolution ordering the work, provide that the assessment thereafter to be made in the proceedings shall be made and signed by the city engineer instead of by the superintendent of streets, and in such event, the provisions contained in this act with reference to the duties of the superintendent of streets shall be construed as being complied with when such duties are so performed by such city engineer in lieu of the superintendent of streets.

Stats 1927,
p 812,
amended

Bond for
labor and
material

SEC. 6. Section 8 of the said act is hereby amended to read as follows:

Sec. 8. Every contractor, person, company or corporation, including contracting owners, to whom is awarded any contract for street work under this act, shall at the time of executing the said contract, file with the superintendent of streets, or county surveyor, a good and sufficient bond, approved by the mayor or chairman of the board, in a sum not less than one-half of the total amount payable by the terms of said contract; such bond shall be executed either by two or more good and sufficient sureties who have each qualified before an officer competent to administer an oath, in an amount not less than the sum specified in the bond and over and above all statutory exemptions, or by one or more duly authorized corporate sureties, able to justify in the manner provided by law and must provide that if the contractor, person, company or corporation, or his or its subcontractor fails to pay for materials, provisions, provender, or other supplies or use of implements or machinery used in, upon, for or about the performance of the work contracted to be done, thereon of any kind, that the sureties will pay the same, to an amount not exceeding the sum specified in said bond. Any laborer, materialman, person, company or corporation, furnishing materials, provisions, provender or other supplies used in, upon, for or about the performance of work contracted to be executed or performed, or any person, company or corporation renting or hiring teams or implements, or machinery for, or contributing to, said work to be done, or any person who performs work or labor upon the same, or any

Unpaid
claims of
of laborers
and ma-
terialmen.

person who supplies both work and materials and whose claim has not been paid by the contractor, company or corporation to whom the contract has been awarded, or by the subcontractors of said contractor, company or corporation may, at any time within thirty days from the date of the recordation of the assessment file with the superintendent of streets a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. Any laborer, materialman, person, company or corporation entitled to the benefit of this act as hereinbefore set forth, whose claim has not been paid by the said contractor, company or corporation, or his or its subcontractors, shall severally have a first lien upon and against the assessment, any partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment, which lien may be enforced by action in the superior court of the county or city and county in which such work is done according to the custom and practice of such court, and which action must be brought within three months from the date of the filing of such verified statement.

Liens.

No assignment by the contractor of the whole or any part of the money, assessment, partial assessment, or any reassessment and any bonds which may be issued to represent any assessment or reassessment, due him or to be due him under the contract, or for "extras" in connection therewith, whether made before a verified claim is filed as provided for herein, or after said claim is filed, shall be held to take priority over claims filed under this section, and such assignment shall have no binding force in so far as the rights of the claimants who file claims hereunder, or their assigns, are concerned.

Effect of assignments by contractor.

If any contractor, subcontractor, or other person against whom any claim is filed as provided in this act shall dispute the correctness or validity of any claim so filed, it shall be lawful for the municipality or superintendent of streets by whom the contract for the improvement was awarded, in its or his discretion to permit the contractor to whom said contract was awarded to deliver to such municipality or superintendent of streets a bond executed by some corporation authorized to issue surety bonds in the State of California, in a penal sum equal to one and one-fourth times the amount of said claim, which said bond shall guarantee the payment of any sum which said claimant may recover on said claim together with his costs of suit in said action, if he shall recover therein, and upon the filing of said bond by and with the consent of such municipality or superintendent of streets, then such municipality or superintendent of streets shall not withhold any funds, assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment from said contractor on account of said claim. The sureties upon said bond shall be jointly and severally liable to said claimant with the sureties upon the original bond inuring to the benefit of the persons, firms or corporations entitled to file claims under this act and given in

Bond to guarantee payment of judgment.

Action against sureties.

accordance with the provisions of this act. Suit against the surety or sureties on the bond of the contractor required hereunder may be brought by any claimant, or his assigns, at any time after the claimant has ceased to perform labor or furnish materials or both and until the expiration of six months after the period in which verified claims may be filed as provided herein. The filing of a verified claim shall not be a condition precedent to the maintenance of such action against the surety or sureties on the bond and an action on such bond may be maintained separately from and without the filing of an action against the municipality or officer by whom such contract was awarded. Upon the trial of any such action, the court shall award to the prevailing party a reasonable attorney's fee, to be taxed as costs, and to be included in the judgment therein rendered.

Stats 1911,
p 1027,
amended

SEC. 7. Section 10 of said act is hereby amended to read as follows:

Street super-
intendent to
make assess-
ment

Sec. 10. After the contractor of any street work has fulfilled his contract to the satisfaction of the street superintendent of said city, or the city engineer, if such power has been delegated to him, as hereinbefore provided, or the county surveyor, as the case may be, the superintendent of streets, or the city engineer if the power and duty so to do has been delegated to him as hereinbefore provided, or the county surveyor, as the case may be, shall make an assessment covering the sum due for the work performed and specified in the said contract (including all incidental expenses), in conformity with the provisions of the preceding section according to the character of the work done. The assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with all incidental expenses, the amount of each assessment against each lot or portion of lot, the number of each lot or portion or portions of a lot so assessed, and shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place or court, property or rights of way on which any work has been done, showing the relative location of each lot, or portion of lot to the work done, numbered to correspond with the numbers of the assessments. The said assessment shall then be filed with the city clerk or the clerk of the board, as the case may be, and said clerk shall then give notice of the filing of said assessment and of a time to be therein fixed by the said clerk when all persons interested in the work done, or in the assessment will be heard by the city council or board of supervisors as the case may be. Such notice shall be posted for not less than five (5) days on or near the council chamber door, or the chamber door of the board of supervisors, and in addition be published in a newspaper published in such city or county, if there be any, the first of which publication shall not be less than fifteen (15) days before the time fixed for such hearing. Such notice shall also be given by mailing a post card to the owner of each lot listed according to the name

Notice of
filing.

and address of such owners as known to the clerk; *provided*, that a failure of the clerk to give such notice by mailing or of any persons addressed to receive them, shall not affect the jurisdiction of the council or board, to proceed with the hearing noticed. Reference shall therein be made to the resolution of intention and the date of its passage, for a description of the work herein mentioned and no other description thereof shall be necessary. The owners, the contractor, or his assigns, and all other persons interested in any work done under this act, or in the assessment, feeling aggrieved by any act or determination of the superintendent of streets, or the city engineer, or the county surveyor, in relation thereto or who claim that the work has not been performed according to the contract in a good and substantial manner, or who claim that any portion of the work for any reason was omitted or illegally included in the contract for the same, or having or making any objection to the correctness of the assessment or diagram or other act, determination or proceeding of the superintendent of streets, or city engineer, or county surveyor, shall prior to the day fixed for the hearing upon the assessment, appeal to the city council or to the board of supervisors by briefly stating in writing the grounds of appeal. Upon such appeal, the said city council or board of supervisors may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the street superintendent or city engineer, or county surveyor, relative to the said work; may confirm, amend, alter, modify or correct the assessment or diagram in such manner as to them shall seem just and require the work to be completed according to the directions of the city council or the board of supervisors; and may instruct and direct the superintendent of streets, or the county surveyor to correct the warrant, assessment or diagram in any particular. All the decisions and determinations of the said city council or of the board of supervisors, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities, and irregularities, which said city council or board of supervisors might have avoided, or have remedied, during the progress of the proceedings, or which it can at that time remedy.

Appeal to
city council
or board of
supervisors.

Correction
of errors

Finality of
decisions

SEC. 8. Section 12 of said act is hereby amended to read as follows:

Stats 1911,
p 1029,
amended.

Sec. 12. The contractor, or his assigns, or some person in his, or their behalf, shall call upon the persons assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made the contractor, his assigns, or some person in his or their behalf, shall receipt the same upon the assessment in presence of the person making such payment, and shall also give a separate receipt if demanded. The warrant shall be returned to the superintendent of streets or county surveyor on or after thirty (30) days after the date of recording same, with the written

Contractor
to demand
payment

Receipt.

statement of all payments received upon the assessment, signed by the contractor, or his assigns. Thereupon the superintendent of streets or county surveyor shall file the statement so made with the record of the warrant and assessment by attaching it in the same book and immediately following the record of the assessment. Upon such filing the warrant shall be redelivered to the contractor, or his assigns.

Superintendent of streets may receive payment

The superintendent of streets or county surveyor is authorized at any time to receive the amount due upon any assessment and warrant issued by him and give a good and sufficient discharge therefor; *provided*, a bond has not issued to represent said assessment; *provided, farther*, that when suit shall have been brought to collect the amount due upon any assessment as herein provided, the plaintiff shall file with the superintendent of streets or county surveyor a written notice of the pendency of said action showing the particular assessments affected by said action or actions; and after the filing of said notice the said superintendent of streets or county surveyor shall not receive any money on account of said assessment, and thereafter he shall have no authority to cancel said assessment or give a discharge thereof without the written consent of the owner of said assessment until judgment has been rendered in said action or the same has been dismissed and the street superintendent or county surveyor shall omit from the list of properties provided to be sent to the tax collector in section 14 hereof any property upon which the assessment described in said notice is a lien. In case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which collections may be made, with the same effect as on the original. After the filing of the written statement of payments as aforesaid, all amounts remaining due thereon shall draw interest at the rate of one per cent per month until paid, said interest to be computed from the date of the filing of the contractor's statement and if such amount be not paid within six months thereafter, there shall be added thereto a penalty of five per cent of the principal amounts then due thereon.

Warrant lost.

Interest on delinquent amounts

Stats 1927, p 815, amended

Proceedings not to be held invalid for error where resolution of intention is published

SEC. 9. Section 13 of said act is hereby amended to read as follows:

SEC. 13. No assessment, warrant or diagram and no proceedings prior to the assessment, shall be held invalid by any court for an error, informality, or other defect in the same where the resolution of intention of the council or the board of supervisors to do the work, has been actually published as herein provided. When no appeal is taken or when the orders and determinations of the council or the board upon appeal have been complied with, and the council or the board is satisfied with the correctness of the assessment, thereupon the street superintendent or the county surveyor, shall attach a warrant thereto bearing the date of the said order of any said council or said board. No action, suit or proceeding to set aside, cancel, avoid, annul, or correct any assessment or reassessment,

Limitation of actions.

cr to review any of the proceedings, acts, or determinations therein, or to question the validity of, or to enjoin the collection of the assessment, or reassessment, or to enjoin the issuance of bonds to represent the same, shall be maintained by any person unless such action or actions shall have been commenced within thirty (30) days after the recording of the warrant, assessment and diagram or reassessment, and thereafter all persons shall be barred from any such action or any defense of invalidity of the assessment or of bonds issued thereon, or of the reassessment, if such be made and of bonds issued thereon.

SEC. 10. Section 14 of said act is hereby amended to read as follows:

Stats. 1911,
p 1031,
amended.

Sec. 14. It shall be the duty of the superintendent of streets or county surveyor on or before the fourth Monday of September of each year to certify to the city tax collector of the city conducting said proceeding or to the county tax collector as the case may be, or in case the city taxes are collected by the county, to the county tax collector, a list of the properties within said city or cities or county upon which there is a lien for delinquent assessments, as shown by the records of the street superintendent, or county surveyor. In case the assessment district for said improvement includes territory in more than one city or in one or more cities and a county said notice herein provided for shall be placed on the county tax bill. Such tax collector shall cause to be pasted or attached to or printed or stamped upon the tax bill or tax receipt, a notice which shall in substance be as follows:

List of liens
for delin-
quent assess-
ments.

Notices
attached to
tax bills or
receipts

“Notice of Assessments.”

“There is an assessment lien on this property which must be paid to city street superintendent (or bureau of assessments in cities where such bureau exists, or to county surveyor as the case may be), to avoid foreclosure.

At any time after the first day of July next succeeding nine months following the date of recording of such assessment, the contractor or his assignee may sue in his own name the owner of the land, lots or portions of lots assessed on the day of the date of recording of the warrant, assessment and diagram, and recover the amount of any assessment remaining unpaid together with interest and any penalties allowed hereunder; *provided*, that if any state, county or municipal taxes or other special assessment or assessments be delinquent on said property then such action may be brought at any time after ninety days after the recording of such assessment.

Contractor
may sue

When suit has been brought in accordance with the provisions of this section, the plaintiff shall be entitled to have and recover five dollars attorney fees on each assessment sued on, in addition to all taxable costs, notwithstanding that the suit may be settled or a tender may be made before a recovery in said action, and he may have judgment therefor; *provided*, that if the court finds an unnecessary number of actions have been brought, where the parties are identical, it may allow

Attorney's
fees.

Suit in superior court.

the costs of one action only; and provided, further, that such attorney's fee in any one action shall not exceed five dollars where said action shall be settled before trial or where judgment shall be taken on default. Suit may be brought in the superior court within whose jurisdiction said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands, the service of process must be had in said action, in such manner as is prescribed in the codes and laws of this state. It shall be competent to bring a single action under any such assessment irrespective of the number of lots assessed where the parties defendant are identical, and where separate actions are brought, the same may be consolidated by order of the court. The said warrant, assessment and diagram, with proof of nonpayment shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the superintendent of streets or county surveyor and city council or board upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The plaintiff in such action may recover the costs of any abstract or report of search of title procured in good faith in order to determine ownership, such search to be by a reputable abstractor or title company and such cost not to exceed five dollars per lot, and such abstract or report of search with affidavit of payment to be filed in the action. The provisions hereof shall not be applicable to assessments represented by the issuance of bonds.

Allegations of complaint

In a complaint in any such action it shall be held sufficient to allege briefly that the city council or board ordered the work, the performance of the work under the contract, the making of the assessment, the issuing of said warrant and the making of said diagram; that an assessment (naming the amount) was levied against that certain lot or parcel of land (describing the same) which, according to the information and belief of the plaintiff, is owned by the defendant; that payment of said assessment has not been made. Upon the entry of judgment or dismissal of said suit the county clerk shall forthwith mail to the street superintendent of the city, or county surveyor of the county, having jurisdiction over the proceeding in which said assessment was levied, a certified copy of said judgment or evidence sufficient to advise a street superintendent or county surveyor of the judgment of the court in said action.

Judgment

Description of land in complaint.

In describing said lot or parcel of land in said complaint it shall be sufficient to refer to the same by its number upon said diagram, provided a certified copy of said warrant, assessment and diagram shall have been previously filed in the office of the recorder of the county or city and county in which the same is situated. It shall be the duty of such recorder to so file any such certified copy presented to him upon payment of the filing fee therefor, which fee is hereby fixed at fifty (50) cents.

If the contractor or his agent or any person acting in behalf of the contractor shall, prior to the filing of a complaint for the recovery of any assessment as herein provided or subsequent to the filing of suit and prior to the allowance of attorney fees and costs as herein provided, make any written demand upon or present any bill or notice in writing to such owner, demanding, requesting or notifying such owner to pay or that there is due, attorney's fees or court costs in connection with the collection of such assessment, then, the superintendent of streets, or county surveyor is authorized, upon written demand of such owner, accompanied by the affidavit of such owner, that such written demand, bill or notice for the payment of attorney's fees and costs, or either thereof, was made upon or presented to such owner prior to the commencement of suit, or subsequent to the filing of suit and prior to the allowance of attorney's fees and costs, together with such written demand, bill or notice to mark said assessment "paid" and such assessment shall thereby be deemed to be paid and the lien thereof released; *provided*, that this clause shall not be held to apply to the service of summons and complaint in a civil action.

Written demand for attorney's fees and costs effect thereof.

Exception

Should suit be brought for the recovery of any assessment prior to the time permitted for bringing same as herein provided, then in such action, so brought the plaintiff shall not recover and defendant shall be entitled to have and recover such attorney's fees as the court may deem reasonable in addition to all taxable costs and he may have judgment therefor.

Premature suit

Sec. 11. That section 37 of said act is hereby amended to read as follows:

Stats 1923, p. 637, amended

Sec. 37. Any council or board of supervisors passing a resolution of intention under the provisions of this act shall have power, in its discretion, to determine that serial bonds shall be issued to represent assessments of twenty-five dollars, or more, for the cost of the whole or any portion of any work or improvement authorized by this act, whether in incorporated or unincorporated territory; and when any council or board of supervisors, shall determine that such serial bonds shall be issued, it shall so declare in the resolution or ordinance of intention to do the work, and the said bonds shall be issued under the provisions of part three of an act of the Legislature of the State of California, entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks, within municipalities, and upon property and rights of way owned by municipalities, or of which a municipality has possession and the right of use under the provisions of section 14 of article one of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for

Issuance of improvement bonds.

Law governing issuance

Incorporation by reference.

the payment of such bonds," approved April 7, 1911, as amended and as the same may hereafter be amended, excepting therefrom section 64. The said provisions of said part three of said act and the amendments which may hereafter be made thereto are hereby incorporated in and adopted as a part of this act, save and excepting section 64, which is covered by section 14 of this act. Wherever in said part three of said act the following phrases occur, they shall be deemed to and are hereby declared to include in appropriate cases the following, to wit: "City or council" includes "board of supervisors"; "city" or "municipality" includes "county"; "treasurer" or "city treasurer" includes "county treasurer"; "street superintendent" includes "county surveyor"; "tax rolls of said city" includes "tax rolls of said county"; the bond may be designated as "series ----- in the county of -----"

Definitions.

Future provisions.

Should provision be made in said part three of said act for the placing of notice of delinquent assessments on tax bills in accordance with a procedure therein set forth, said notice in case the assessment district includes territory in more than one city or in one or more cities and a county shall be forwarded by the treasurer of the city or county conducting said proceedings to the county tax collector who shall cause said notice therein provided for to be placed on the county tax bills.

CHAPTER 818.

An act to define motor club service, and to define, license, and regulate companies engaged in selling, furnishing or procuring the same, for a consideration, to owners and operators of motor vehicles, and providing penalties for the violation thereof, and repealing all acts in conflict herewith.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Definitions.

SECTION 1. The following words and phrases, when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this section, except in those instances where the context of the act clearly indicates that they shall have a different meaning:

"Commissioner." The commissioner of insurance of the State of California or his assistants or deputies or other persons authorized to act for him.

"Company." Any person, firm, copartnership, company, association or corporation engaged in selling, furnishing or procuring, either as principal or agent, for a consideration, motor club service as herein defined.

“Agent.” Whoever solicits the purchase of service contracts, as herein defined, or transmits for another any such contract or application therefor to or from the company, or acts or aids in any manner in the delivery or negotiation of any such contract, or of the renewal or continuance thereof. Definitions

“Towing service.” Any act or acts by a company, as herein defined, consisting of the drafting or moving of a motor vehicle from one place to another under other than its own power.

“Emergency road service.” Any act or acts by a company, as herein defined, consisting of the adjustment, repair or replacement of the equipment, tires or mechanical parts of an automobile so as to permit it to be operated under its own power.

“Insurance service.” Any act or acts by a company, as herein defined, consisting of the selling or giving with a service contract, as herein defined, or as a result of membership in or affiliation with a company, as herein defined, a policy of insurance covering liability or loss by the holder of a service contract with any such company as the result of injury or damage to the person or property of such service contract holder or to any other person following an accident resulting from the ownership, maintenance, operation or use of a motor vehicle.

“Bail bond service.” Any act or acts by a company, as herein defined, the purpose of which is to furnish or procure for any person accused of violation of any law of this state a cash deposit, bond or other undertaking required by law in order that the accused might enjoy his personal freedom pending trial.

“Legal service.” Any act or acts by a company, as herein defined, consisting of the hiring, retaining, engaging or appointing of an attorney or other person to give professional advice to or represent holders of service contracts with any such company, in any court, as the result of liability incurred by the right of action accruing to the holder of a service contract as a result of the ownership, operation, use or maintenance of a motor vehicle.

“Discount service.” Any act or acts by a company, as herein defined, resulting in the giving of special discounts, rebates or reductions of price on gasoline, oil, repairs, insurance, parts, accessories or service for motor vehicles, to holders of service contracts with any such company.

“Financial service.” Any act or acts by a company, as herein defined, whereby loans or other advances of money, with or without security, are made to holders of service contracts with any such company.

“Buying and selling service.” Any act or acts by a company, as herein defined, whereby the holder of a service contract with any such company is aided in any way in the purchase or sale of an automobile.

“Theft service.” Any act or acts by a company, as herein defined, the purpose of which is to locate, identify or recover a motor vehicle owned or controlled by the holder of a service

contract with any such company which has been or may be stolen or to detect or apprehend the person guilty of such theft.

“Map service.” Any act or acts by a company, as herein defined, by which road maps are furnished without cost to holders of service contracts with any such company.

“Touring service.” Any act or acts by a company, as herein defined, by which touring information is furnished without cost to holders of service contracts with any such company.

“Motor club service.” The rendering, furnishing or procuring of towing service, emergency road service, insurance service, bail bond service, legal service, discount service, financial service, buying and selling service, theft service, map service and touring service, or any three or more thereof, as herein defined, to any person or persons in connection with the ownership, operation, use or maintenance of a motor vehicle by such other person or persons in consideration of such other person or persons being or becoming a member or members of any company, rendering, procuring or furnishing the same, or being or becoming in any manner affiliated therewith, or being or becoming entitled to receive membership or other motor club service therefrom by virtue of any agreement or understanding with any such company.

“Service contract.” Any written agreement whereby any company, as herein defined, for a consideration promises to render, furnish or procure for any other person or persons, whether they be members of such company or otherwise, motor club service, as herein defined.

Motor club
companies
regulated.

SEC. 2. No company, as herein defined, shall sell or offer for sale any motor club service without first having deposited with the insurance commissioner of the State of California the sum of one hundred thousand dollars in cash or securities approved by insurance commissioner or in lieu thereof a bond in a form prescribed by the commissioner payable to the State of California, in the sum of one hundred thousand dollars, with corporate surety approved by the commissioner, conditioned upon the faithful performance in the sale or rendering of motor club service and payment of any fines or penalties levied against it for failure to comply with this act. Upon the depositing of such security with the insurance commissioner, it shall be the duty of said commissioner to issue a certificate of authority to said company.

Agents to
obtain
licenses

SEC. 3. No agent, as herein defined, doing business in this state shall execute, issue or deliver any service contract as herein defined to any person or persons owning or operating motor vehicles without first having obtained a license from the commissioner; nor shall any agent collect or receive from any person or persons in advance of the execution, issuance or delivery of any such service contract any money or other thing of value upon any promise or agreement to execute, issue or deliver any such service contract, without first having obtained a license from said commissioner.

SEC. 4. (a) No certificate of authority shall be issued by the commissioner until the company has filed with him the following:

Requirements for issuance of certificates of authority.

1. A formal application in such form and detail as the commissioner may require, executed under oath by its president or other principal officer;

2. A certified copy of its charter or articles of incorporation and its by-laws, if any;

3. A certificate from the secretary of state of the State of California, in the event it be a nonprofit corporation, that it has complied with the corporation laws of said state; in the event it be a corporation the stock of which has been or is being sold to the general public, a certificate from the corporation commissioner that it has complied with the requirements of the corporate securities act of this state.

(b) No certificate of authority shall be issued by the commissioner until the company has paid to the commissioner ten dollars as an annual license fee.

Fee

SEC. 5. Every certificate of authority issued hereunder shall expire annually on July 1, of each year, unless sooner revoked or suspended, as hereinafter provided.

Expiration of certificates of authority

SEC. 6. If the commissioner shall, at any time for cause shown and after a hearing, determine that a company has violated any provision or provisions of this act, or that it is insolvent, or that its assets are less than its liabilities, or that it or its officers refuse to submit to an examination, or that it is transacting business fraudulently, he shall thereupon revoke or suspend its certificate of authority and shall give notice thereof to the public in such manner as he may deem proper.

Revocation or suspension of certificates of authority

SEC. 7. No service contract shall be executed, issued or delivered in this state until the form thereof has been approved in writing by the insurance commissioner.

Form of service contracts

SEC. 8. Every service contract, executed, issued or delivered in this state shall be made in duplicate, and shall be dated and signed by the company issuing the same, and countersigned by its duly authorized agent, and by the party purchasing the same, and one copy thereof shall be kept by said company, and the other copy shall be delivered to the party purchasing the same.

Same.

SEC. 9. No service contract shall be executed, issued or delivered in this state unless it contains the following:

Provisions of contracts which are mandatory

(a) The exact corporate or other name of the company;

(b) The exact location of its home office and of its usual place of business in this state, giving street number and city;

(c) A provision that the contract may be cancelled at any time by either the company or the holder, and that the holder shall, if he has actually paid the consideration, thereupon be entitled to the unused portion of the consideration paid for such contract, calculated on a pro rata basis without any deductions;

(d) A provision plainly specifying the services promised and that the holder shall not be required to pay any sum

for any services specified in the contract in addition to the amount specified in the contract, and further specifying the territory wherein such services are to be rendered, and the date when such service shall commence.

(e) A statement in not less than fourteen point modern type at the head of said contract "This is not an insurance contract."

Persons to
be licensed

SEC. 10. No person shall solicit or aid in the solicitation of another person to purchase a service contract issued by a company not duly licensed under this act.

Misrepresenta-
tion

SEC. 11. No company, and no officer or agent thereof, shall orally or in writing misrepresent the terms, benefits or privileges of any service contract issued or to be issued by it.

Contracts
binding on
company

SEC. 12. Any service contract made, issued or delivered contrary to any provision of this act shall nevertheless be valid and binding on the company.

Effect of act

SEC. 13. Nothing in this act shall apply to a duly authorized attorney at law acting in the usual course of his profession, nor to any insurance company, bonding company, or surety company, now or hereafter duly and regularly licensed and doing business as such under the laws of the State of California.

Penalties

SEC. 14. If any person shall violate the provisions of this act, such person shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Constitu-
tionality

SEC. 15. If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act, and the Legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

Repeal.

SEC. 16. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 819.

An act to amend section 4242 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirteenth class.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1927,
p 1887,
amended.

SECTION 1. Section 4242 of the Political Code is hereby amended to read as follows:

4242. In counties of the thirteenth class, the county and township officers shall receive as full compensation for the services required of them by law or by virtue of their office, the following salaries:

Counties of
13th class
(Contra
Costa)
officers and
employees

1. The county clerk, five thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the county clerk the following clerks, deputies and employees, who shall be appointed by the county clerk and shall be paid salaries as follows: One chief deputy at a salary of two hundred dollars per month; two court room deputies at a salary of two hundred dollars each per month; one office deputy at a salary of one hundred seventy-five dollars per month; one office deputy at a salary of one hundred sixty-five dollars per month; *provided*, that this deputyship shall become effective on the first day of January, 1930; two office deputies at a salary of one hundred fifty dollars each per month; one office deputy at a salary of one hundred forty dollars per month; *provided, further*, that in any year when a general election is to be held or the compilation of a registration of voters is required by law or supplements to be made thereto, the county clerk shall receive as expenses for compiling such registration of voters and making supplements thereto and work incidental to election, the sum of seven and one-half cents for each name registered or appearing on the great register for each general election, to be paid upon filing and presentation of duly verified claims therefor, by the county clerk, with the board of supervisors of said county; *and provided, further*, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the registration of voters in their respective precincts, each of said deputies to receive the sum of ten cents per name for each elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, after proper allowance of said claim by said board of supervisors; the salary of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided, further*, that the compensation for registration of electors and compilation of the registration of voters and supplements thereto as herein provided for, shall not be paid in monthly installments but shall be paid after proper allowance of verified claims therefor by the board of supervisors of said county.

Clerk.

2. The sheriff six thousand dollars per annum. All mileage for service of papers in civil actions arising either inside or outside of the county, excepting actions in which the county is interested. All fees for service of papers in civil action. All expenses incurred in criminal cases and mileage in crimi-

Sheriff

nal cases, for each mile actually and necessarily traveled by automobile, ten cents per mile; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff the following deputies, clerks and employees, who shall be appointed by the sheriff, and shall be paid salaries as follows: One undersheriff at a salary of two hundred fifty dollars per month; one deputy sheriff at a salary of two hundred twenty-five dollars per month; two deputy sheriffs at a salary of two hundred dollars per month each; one deputy sheriff to act in criminal cases, at a salary of two hundred dollars per month; one deputy sheriff to act as day jailer at a salary of one hundred seventy-five dollars per month; one deputy sheriff to act as night jailer at a salary of one hundred seventy-five dollars per month; two deputy sheriffs to act as bailiffs at a salary of one hundred eighty-five dollars each per month; two deputy sheriffs at a salary of one hundred fifty dollars per month each; one stenographer to the sheriff at a salary of one hundred fifty dollars per month; one office stenographer to the sheriff at a salary of one hundred forty dollars per month; one stenographer to the sheriff at a salary of one hundred twenty-five dollars per month; *provided*, that the sheriff may employ from one to five persons to act as deputy sheriffs at a salary of five dollars per day each, when in the judgment of the sheriff such deputies are necessary; *provided, however*, that the total amount of the compensation for such additional deputies to be paid per diem shall not in any fiscal year exceed the total sum of one thousand five hundred dollars; *provided, further*, that the compensation of said last mentioned deputies shall be paid upon presentation of duly verified claims filed with the board of supervisors of the said county in the same manner that other claims are filed and paid. The salaries of the deputies, clerks and employees herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder.

3. The recorder, four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the recorder the following deputies, clerks, and employees, who shall be appointed by the county recorder, and shall be paid salaries as follows: One chief deputy at a salary of two hundred dollars per month; one deputy at a salary of one hundred seventy-five dollars per month; two index clerks at a salary of one hundred thirty-five dollars each per month; four copyists at a salary of one hundred thirty-five dollars each per month; and one copyist, at such time as in the judgment of the county recorder is necessary, at a salary of one hundred thirty-five dollars per month, and such copyists as the county recorder may appoint at a salary of four dollars and twenty-five cents per day, each; *provided, however*, that the total salary on a per diem basis paid to such last named copyists, shall not exceed the sum of three thousand five hundred dollars per annum; and such last named copyists, employed on a per diem basis, shall

be paid for their services on the presentation and filing with the board of supervisors of said county, of their duly verified claims therefor, from the same fund as the salary of the county recorder is paid. The salaries of the other deputies, clerks and employees herein provided for, shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

4. The auditor, four thousand dollars per annum; *pro-* Auditor *vided*, that in counties of this class there shall be and there hereby is allowed to the auditor the following deputies, clerks and employees who shall be appointed by the county auditor and who shall be paid salaries as follows: One deputy auditor at a salary of two hundred dollars per month; one deputy auditor at a salary of two hundred twenty-five dollars per month; two clerks at a salary of one hundred thirty-five dollars per month each; one clerk at a salary of one hundred twenty-five dollars per month; the salaries of the deputy and employees hereinabove provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid; *provided, further*, that the said auditor is hereby allowed such clerks and employees as he may deem necessary and appoint at a salary of five dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such clerks and employees on a per diem basis shall not exceed the total sum of one thousand five hundred dollars per annum; *provided, further*, that such clerks and employees shall be paid for their services out of the same fund as the auditor is paid upon filing with the board of supervisors of said county, their duly verified claims for the sums due them.

5. The treasurer, four thousand dollars per annum; *pro-* Treasurer. *vided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, one deputy treasurer who shall be appointed by the treasurer and who shall receive a salary of two hundred dollars per month, said salary to be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid; *provided, further*, that the said treasurer is hereby allowed such clerks and employees as he may deem necessary to appoint at a salary of five dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such clerks and employees on a per diem basis shall not exceed the total sum of one thousand dollars per annum; *and provided, further*, that such clerks and employees shall be paid for their services out of the same fund as the salary of the treasurer is paid upon filing with the board of supervisors of said county, their duly verified claims for the sums due them; *provided, however*, that the bond of the treasurer and his deputy shall be executed with a reliable bonding and surety company and that the premiums on said bonds when the same have been duly approved, shall be a

charge against the county and payable out of the general fund upon the presentation and filing of duly verified claims therefor with the board of supervisors.

Tax
collector

6. The tax collector, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following clerks, deputies and employees, who shall be appointed by the tax collector, and shall be paid salaries as follows: One deputy tax collector at a salary of two hundred dollars per month; one deputy tax collector at a salary of one hundred seventy-five dollars per month; one deputy tax collector at a salary of one hundred fifty dollars per month; one clerk at a salary of one hundred thirty-five dollars per month; one stenographer to the tax collector at a salary of one hundred twenty-five dollars per month; and such copyists as the tax collector may appoint at a salary of three and one-half dollars per day each; and such clerks as the tax collector may appoint at a salary of four dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such copyists and clerks shall not exceed the sum of four thousand dollars per annum; and such index clerks as the tax collector may appoint at a compensation of one cent for each separate assessment appearing on the rolls and copied by such index clerk; each such copyists and clerks to be paid for their services on presenting and filing with the board of supervisors of said county, their duly verified claims therefor. The salaries of the deputies, clerks and employees herein provided for, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, however*, that the compensation of said copyists and clerks shall be paid on presenting and filing of claims with the board of supervisors as hereinbefore provided.

District
attorney.

7. The district attorney, six thousand dollars per annum, *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following deputies, clerks and employees, who shall be appointed by the district attorney, who shall hold office at the pleasure of the district attorney and shall be paid salaries as follows: One deputy district attorney at a salary of three hundred dollars per month; two deputy district attorneys at a salary of two hundred twenty-five dollars per month each; and one stenographer to the district attorney at a salary of one hundred forty-five dollars per month; one stenographer at a salary of one hundred twenty-five dollars per month. The salaries of the deputies, clerks and employees herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. The district attorney and his deputies shall be allowed ten cents per mile without any constructive mileage for his expenses for

traveling, necessarily done by automobile, and his actual traveling expenses when he travels by rail.

8. The superintendent of schools, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools, one deputy superintendent of schools, who shall be appointed by the superintendent of schools, and shall be paid a salary of two hundred dollars per month; one field deputy superintendent of schools, who shall be appointed by the superintendent of schools to assist the superintendent of schools in the discharge of his duty in visiting and examining schools, as provided by the state law, and it shall be the duty of said field deputy superintendent of schools to make written report of his examination, to be transmitted by the superintendent of schools to each trustee of all districts so examined; said field deputy shall receive a salary of two hundred fifty dollars per month, and his actual and necessary traveling expenses while engaged in performing the duties of his office under the direction of the superintendent of schools; one deputy superintendent of schools who shall be appointed by the superintendent of schools and who shall receive a salary of one hundred seventy-five dollars per month; one deputy superintendent of schools who shall be appointed by the superintendent of schools, who shall receive a salary of one hundred ten dollars per month. The salary of the deputies provided for shall be paid by said county in monthly installments at the same time and in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

Superintendent of schools

9. The assessor, six thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, clerks and employees who shall be appointed by the assessor and shall be paid salaries as follows: One deputy assessor at a salary of two hundred fifty dollars per month; one improvement valuation deputy assessor at a salary of two hundred twenty-five dollars per month; one deputy assessor at one hundred eighty dollars per month; four field deputy assessor to hold office not to exceed five months each in any one year at a salary of one hundred sixty-five dollars per month each; one transfer deputy at a salary of one hundred fifty dollars per month; one stenographer at a salary of one hundred twenty-five dollars per month, and such additional deputy assessors at a salary of seven and one-half dollars per day each, and such additional clerks at a salary of four and one-half dollars per day each, and such additional copyists at a salary of four dollars per day each as the assessor may appoint; *provided, however*, that the total compensation of said additional deputy assessors, clerks and copyists shall not exceed the sum of eight thousand two hundred fifty dollars per annum. The salaries of the deputies, clerks and employees herein provided for, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund

Assessor.

as the salary of the assessor is paid; *provided, however*, that the compensation of said additional deputy assessors, clerks and copyists, shall be paid out of the same fund as the salary of the assessor is paid on the presentation and filing of verified claims with the board of supervisors, as hereinbefore provided; *provided, however*, that in counties of this class the assessor shall receive no compensation or commission for collection of personal property taxes, nor shall such assessor receive any compensation or commission for making out the military roll of persons returned by him as subject to military duty as provided by section 1901 of the Political Code; *provided, further*, that in counties of this class the assessor is hereby authorized to contract with an abstract and title company for copies of transcripts of recorded instruments affecting titles, at a compensation not to exceed forty dollars per month.

Coroner

10. The coroner, such fees as are now or may hereafter be allowed by law; *provided, however*, that in counties of this class the coroner shall be allowed for general services in holding an inquest, the sum of twenty-five dollars, and there shall be and there hereby is allowed to the county coroner one stenographer to the coroner whose duty it shall be to act as reporter, and take down in shorthand and transcribe into longhand the testimony of the witnesses at all inquests. Said stenographer to the coroner shall be appointed by the coroner and be paid a salary of one hundred twenty-five dollars per month, which salary shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county officers are paid. The county coroner is further allowed to rent an office for a sum not to exceed fifteen dollars per month, which rental shall be paid on the presentation and filing of the duly verified claims therefor with the board of supervisors of said county. All subpoenas or processes issued by said coroner may be served by any peace officer and fees for such service shall be paid as provided by law.

Public administrator

11. The public administrator, such fees as are now or may hereafter be allowed by law.

Surveyor

12. The surveyor, six thousand dollars per annum, provided that in counties of this class there shall be and there is hereby allowed to the surveyor the following deputy and employees who shall be appointed by the surveyor, and hold office at his pleasure, to wit: one deputy surveyor at a salary of two hundred fifty dollars per month; one stenographer to the surveyor at a salary of one hundred ten dollars per month. The salary of the deputy and the stenographer herein provided for shall be paid by the said county at the same time and in the same manner and out of the same fund as the salary of the surveyor is paid. In addition to the deputy and stenographer herein provided for the surveyor, the surveyor shall be allowed the following engineers and employees: Three engineers at eight and one-half dollars per day each; three field

engineers at eight and one-half dollars per day each; two draughtsman at seven and one-half dollars per day; one instrument man at seven and one-half dollars per day; eight chainmen at five and one-half dollars per day each; *provided, however*, that the total compensation for said engineers and employees shall not exceed the sum of eighteen thousand dollars per year; *and provided, further*, that the compensation of said engineers and employees shall be paid by the county on the presentation and filing of claims therefor with the board of supervisors as hereinbefore provided, said payment to be made from the same fund as the salary of the surveyor is paid.

13. The population of the several judicial townships, for the purpose of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors in the month of July, 1930, and in the month of July every four years thereafter.

Classification
of town-
ships.

14. Justices of the peace shall receive the following monthly salaries to be paid each month as the salaries of county officers are paid which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of fifteen thousand and one or more, three hundred fifty dollars per month; (2) in townships having a population of from seven thousand and one or more to fifteen thousand, inclusive, one hundred seventy-five dollars per month; (3) in townships having a population of from four thousand and one to seven thousand, inclusive, one hundred fifty dollars per month; (4) in townships having a population of three thousand and one to four thousand, inclusive, one hundred twenty-five dollars per month; (5) in townships having a population of two thousand five hundred or more and less than three thousand, fifty dollars a month; (6) in townships having a population of two thousand or more, and less than two thousand five hundred, forty-five dollars a month; (7) in townships having a population of one thousand two hundred or more, and less than two thousand, forty dollars a month; (8) in townships having a population of one thousand or more and less than one thousand two hundred, twenty dollars a month; (9) in townships having a population of four hundred fifty or more, and less than one thousand, fifteen dollars a month; (10) in townships having a population of less than four hundred fifty, five dollars per month. *Provided, further*, that in townships where the county seat is situated, the justice of the peace shall receive a salary of seventy-five dollars per month in addition to and in excess of the salary which such justice receives under the classification of such township by population alone, said salary of the justice of the peace in townships where the county seat is situated, is hereby fixed in accordance with the duties of the justice of the peace in such townships, which duties are hereby found to be in excess of those of townships of like population in which the county seat is not situated. Each justice must pay in to the county once a month, all fines and fees collected by him in criminal and

Justices of
the peace

civil cases, and the auditor must withhold warrants for salary until a certified statement has been filed with him of all criminal and civil cases tried or filed and fines and fees collected and paid into the county treasury. In addition to the monthly salary herein, each justice may receive as expenses for maintaining his office such sum as may be necessary, not to exceed twenty per cent of the amount allowed him as salary.

Constables

15. Constables shall receive the following salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases:

(1) In townships having a population of three thousand or more, one hundred eighty dollars a month; (2) in townships having a population of two thousand five hundred or more, and less than three thousand, ninety-six dollars a month; (3) in townships having a population of two thousand or more and less than two thousand five hundred, ninety-three dollars a month; (4) in townships having a population of one thousand two hundred or more, and less than two thousand, ninety dollars a month; (5) in townships having a population of one thousand and more, and less than one thousand two hundred, thirty-five dollars a month; (6) in townships having a population of four hundred fifty or more, and less than one thousand, twenty-five dollars a month; (7) in townships having a population of less than four hundred fifty, five dollars a month; *provided, further*, that in addition to the salary herein allowed each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for services of warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses for such transportation. In addition to the monthly salary allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law. In addition to the monthly salary allowed herein, each constable in townships having a population of three thousand five hundred or more may receive as expenses for maintaining his office each month a sum not to exceed twenty-five per cent of the amount allowed him as salary.

Supervisors.

16. Each member of the board of supervisors, two thousand four hundred dollars per annum for personal services performed by him as supervisor, member of the board of equalization and road commissioner. Each supervisor shall also receive as expenses, as supervisor and road commissioner, twenty cents per mile each way traveling to and from his residence while engaged in the performance of the duties of supervision of public roads as commissioner, or other business of the county, said expenses not to exceed fifty dollars in any one month.

17. The bonds of county officers, their assistants, deputies **Bonds.** and employees such as required by law to be furnished when executed with a reliable bond and surety company, the cost of said bond when duly approved, shall be a charge against the county payable out of the general fund.

18. The traffic officer, one hundred seventy-five dollars per month; *provided*, that in counties of this class there shall be and there hereby is allowed to the traffic officer the following deputies, which offices are hereby created, who shall be appointed by the traffic officer and be paid salaries as follows: Six deputy traffic officers at a salary of one hundred sixty-five dollars per month each. The salaries of the deputies herein provided for shall be paid by the county monthly at the same time and in the same manner and out of the same fund as the salary of the traffic officer is paid; *provided*, that all the provisions of this subsection are to apply to the office of the county traffic officer whenever said office of county traffic officer is created by law. **Traffic officer.**

19. Sealer of weights and measures, two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the sealer of weights and measures, one deputy, who shall be paid a salary as follows: One hundred fifty dollars per month; the salary of the sealer of weights and measures and the deputy herein provided for, shall be paid by said county in monthly installments at the same time and in the same manner and from the same fund as the salaries of other county officers are paid; *provided, further*, that verified claims of the sealer of weights and measures and his deputy for traveling expenses necessarily and actually incurred in the performance of their duties shall be presented and filed with the board of supervisors each month for the amounts claimed for the preceding month, which said claim shall be paid out of the general fund of the county, after due allowance thereof by the board of supervisors of said county. **Sealer**

20. County librarian, three thousand dollars per annum; *provided*, the salary of the county librarian shall be paid by said county in monthly installments at the same time, and in the same manner and from the same funds as the salaries of other county officers are paid; *provided, further*, that verified claims of the county librarian for traveling expenses necessarily and actually incurred in the performance of the duties of the office shall be presented and filed with the board of supervisors each month for the amounts claimed for the preceding month. **Librarian.**

21. Actual, reasonable and necessary expenses shall be allowed all the officers of the county in the discharge of their official duties. Detail expense accounts must be rendered on the first day of each month for the expenses incurred within the previous month. For traveling necessarily done by automobile an officer shall be allowed mileage at the rate of ten cents per mile without any constructive mileage except as **Allowances for actual and necessary expenses**

herein otherwise provided; *provided, however*, that the provisions of this paragraph shall not apply to or limit the provisions of paragraph sixteen of this section, providing for mileage of supervisors in counties of this class.

Declaration
of necessity

22 *Provided*, that all deputies, assistants and employees herein provided for in addition to the deputies, assistants and employees provided for by any effective law on the second day of November, 1926, are hereby declared to be necessary and proper deputies, assistants and employees to be allowed to the principal in each county office herein mentioned during his term of office.

CHAPTER 820.

An act conveying certain tidelands, situate in the bay of San Diego, to the city of San Diego, upon certain trusts therein specified.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Grant to
the city of
San Diego

SECTION 1. There is hereby granted and conveyed to the city of San Diego all that land situated in the State of California, county of San Diego, city of San Diego, bounded and described as follows:

Description
of lands

Beginning at a point where the west line of Twenty-eighth street extended southerly intersects the mean high tide line of the bay of San Diego, California, which point is south no degrees thirty-one minutes east one hundred thirty (130.0) feet from the southwest corner of Twenty-eighth and Colton streets; thence south sixteen degrees no minutes west five hundred twenty-four (524) feet; thence north seventy-four degrees no minutes west one hundred forty (140) feet; thence south sixteen degrees no minutes west two hundred sixty (260) feet; thence south seventy-four degrees no minutes east one hundred forty (140) feet; thence south sixteen degrees no minutes west four hundred eighty-eight and four-tenths (488.4) feet to a point on the United States bulkhead line of the bay of San Diego, California; thence south fifty-six degrees fifty-one minutes east two hundred nine and twenty-six one-hundredths (209.26) feet along said bulkhead line to a point north fifty-six degrees fifty-one minutes west eighty-four and nine-tenths (84.9) feet from station one hundred eleven (111) on the said bulkhead line; thence north sixteen degrees no minutes east one thousand three hundred eight and seven-tenths (1308.7) feet to an intersection with the mean high tide line of the bay of San Diego, California; thence along said mean high tide north sixty-six degrees forty-four minutes west two hundred one and six-tenths (201.6) feet to the point of beginning.

SEC. 2. The tidelands in this act described and conveyed, shall be held by the city of San Diego, subject to all the provisions of the act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situated in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof," approved May 1, 1911, as amended, which act conveyed the tidelands, herein described and conveyed, to the city of San Diego, along with other tidelands of San Diego bay; said herein described and conveyed lands having been reconveyed by the city of San Diego to the State of California subsequently to May 1, 1911.

Uses and trusts

CHAPTER 821.

An act to amend section 2322x30 of the Political Code, relating to the salary of the horticultural commissioner of counties of the thirtieth class.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 2322x30 of the Political Code is hereby amended to read as follows:

2322x30. In counties of the thirtieth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerk to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Stats. 1925, p. 208, amended. Counties of 30th class (San Luis Obispo) horticultural commissioner and assistants.

(a) One inspector who shall receive a salary not to exceed two hundred dollars per month;

(b) One inspector who shall receive a salary not to exceed one hundred seventy-five dollars per month;

(c) One inspector who shall receive a salary not to exceed one hundred fifty dollars per month;

(d) One clerk who shall receive a salary not to exceed one hundred twenty-five dollars per month; *provided*, that the salaries of such inspectors and clerk be approved by the board of supervisors.

CHAPTER 822.

An act to add two new sections numbered 28a and 25a to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for

the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23 1925, as amended, relating to powers and duties of marshals of municipal courts and providing for the maintenance of a night court in cities of the first and one-half class.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

New section. SECTION 1. An act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation, and for the selection of jurors therein," approved May 23, 1925, as amended, is hereby amended by adding thereto a new section to be designated 28a to read as follows:

Municipal courts in cities of first and one-half class when open for exercise of criminal jurisdiction

Sec. 28a. In a city or city and county of the first and one-half class one department of said court shall remain open and in session for the transaction of any and all business which may come before said department in the exercise of the criminal jurisdiction of such municipal court or a judge thereof, between the hours of eight p.m. and one a.m., of each night, and between the hours of seven a.m. and eight a.m., of each morning; and it is expressly provided that the provision of section 134 of the Code of Civil Procedure, requiring that no court other than the supreme court must be open for the transaction of judicial business on any of the holidays mentioned in section 10 of the Code of Civil Procedure, shall not apply to such municipal courts while exercising their jurisdiction as required by the provisions of this section; and the judge of the municipal court, sitting in such department, shall have power to fix the bail of any person arrested and brought before such court either upon a felony or a misdemeanor charge, when by reason of the absence of the district attorney or city prosecutor no complaint charging such person with such offense has been filed, by requiring the person so admitted to bail to appear before said municipal court at the opening of court upon the next judicial day; such municipal courts may convene and remain open for business as provided in this section at such other times during the night or day as the judge of such court may prescribe.

SEC. 2. Said act is hereby amended by adding thereto a new section to be designated 25a, to read as follows:

Powers and duties of marshals.

25a. Powers and duties of marshals:

(a) Marshals must attend all municipal courts held within the city within which they are appointed to act whenever so required, and within their counties must execute, serve and

return all writs, processes and notices directed or delivered to them by municipal courts or by other competent authority.

(b) All provisions of Political Code sections 4319, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4170 and 4171, except the fourth and sixth subdivisions of section 4157 apply to marshals and govern their powers, duties and liabilities.

CHAPTER 823.

An act to amend section 19x13 of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons, fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 19x13 of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons, fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act

Stats 1925.
p 302,
amended

approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

Counties of
13th class
(Contra
Costa)
probation
officer.

19x13. In counties of the thirteenth class there shall be one probation officer whose salary shall be two hundred fifty dollars per month, and one stenographer whose salary shall be one hundred twenty-five dollars per month.

CHAPTER 824.

An act to amend section 2322x13 of the Political Code, relating to salary and expenses of the county horticultural commissioner in counties of the thirteenth class.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats. 1927,
p. 1956,
amended
Counties of
13th class
(Contra
Costa)
horticultural
commissioner
and
assistants

SECTION 1. Section 2322x13 of the Political Code is hereby amended to read as follows:

2322x13. In counties of the thirteenth class, the commissioner shall receive a compensation of three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Eight inspectors at a salary of five dollars and a half per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed ten thousand dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a salary of seventy-five dollars per month during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed six hundred dollars.

CHAPTER 825.

An act to amend sections 737k and 737z of the Political Code, relating to the salary of judges of the superior court in counties of the thirty-sixth and thirty-eighth class.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1927,
p 560,
amended.

SECTION 1. Section 737k of the Political Code is hereby amended to read as follows:

737k. The annual salary of the judge of the superior court in and for the county of Glenn is six thousand dollars, effective thirty days after this act takes effect.

Glenn
county

SEC. 2. Section 737zz of the Political Code is hereby amended to read as follows:

Stats 1927,
p. 563,
amended

737zz. The annual salary of the judge of the superior court in and for the county of Tehama is six thousand dollars, effective thirty days after this act takes effect.

Tehama
county.

CHAPTER 826.

An act to amend sections 3682, 3732, 3746, 3748, 3756, and 3759 of the Political Code, relating to the preparation and delivery of the county tax roll and the collection and delinquency of taxes.

[Approved by the Governor June 15, 1929. In effect June 30, 1930.]

The people of the State of California do enact as follows:

SECTION 1. Section 3682 of the Political Code is hereby amended to read as follows:

Stats 1915
p 1167,
amended

3682. The clerk of the board must record, in a book to be kept for that purpose, all changes, corrections, and orders made by the board, and during its session, or as soon as possible after its adjournment must enter upon the assessment book all changes and corrections made by the board, and on the third day after the adjournment of the board must deliver the assessment book so corrected to the county auditor, and accompany the same with an affidavit thereto affixed, subscribed by him as follows:

Clerk to
record
changes,
etc., made
by board in
assessments

"I, -----, do swear that, as clerk of the board of supervisors of-----county, I have kept correct minutes of all the acts of the board touching alterations in the assessment book; that all alterations agreed to or directed to be made have been made and entered in the book, and that no changes or alterations have been made therein except those authorized."

Affidavit
of clerk

SEC. 2. Section 3732 of the Political Code is hereby amended to read as follows:

Stats 1915,
p 1170,
amended

3732. On or before the first day of October, he must deliver the corrected assessment book to the tax collector, with an affidavit attached thereto, and by him subscribed as follows:

Auditor to
deliver
assessment
book to tax
collector

"I, -----, auditor of the county of-----, do swear that I received the assessment book of the taxable property from the clerk of the board of supervisors, with his affidavit thereto affixed, and that I have corrected it and made it conform to the requirements of the state board of equalization; that I have reckoned the respective sums due as taxes, and have added up the columns of valuations, taxes, and acreage, as required by law."

Affidavit

SEC. 3. Section 3746 of the Political Code is hereby amended to read as follows:

Stats 1927,
p. 281,
amended

Notice for
payment of
taxes

3746. On or before the day when taxes are payable the tax collector must publish a notice specifying:

1. That the taxes on all personal property secured by real property, and one-half of the taxes on all real property will be due on the first day of November, and will be delinquent on the fifth day of December next thereafter, at five o'clock p.m., and that unless paid prior thereto ten per cent will be added to the amount thereof, and that if said one-half be not paid before the twentieth day in April next, at five o'clock p.m., an additional five per cent will be added thereto. That the remaining one-half of the taxes on all real property will be payable on and after the twentieth day of January next, and will be delinquent on the twentieth day in April next thereafter, at five o'clock p.m., and that unless paid prior thereto, five per cent will be added to the amount thereof.

2. That all taxes may be paid at the time the first installment, as herein provided, is due and payable.

3. The times and places at which payment of taxes may be made. The tax collector may fix a date in advance of the due date when payments may be made.

Stats 1895,
p 324,
amended.

Time and
place of
payment

SEC. 4. Section 3748 of the Political Code is hereby amended to read as follows:

3748. All taxes must be paid at the office of the tax collector unless the board of supervisors by order, made on or before the day upon which payments may be made as provided in section 3746 direct that the taxes must be collected in the several townships of the county, or in either thereof, or in any municipal corporation in said county; in which case, the notice by the tax collector must specify a time and place within any township or municipal corporation named in such order, when and where the tax collector will attend to receive the payment of taxes.

Stats 1927,
p 962,
amended

Delinquen-
cies and
penalties
therefor.

SEC. 5. Section 3756 of the Political Code is hereby amended to read as follows:

3756. On the fifth day of December of each year, at five o'clock p.m., all taxes then unpaid, except the last installment of real property taxes, are delinquent, and thereafter the tax collector must collect, for the use of the county, or city and county, an additional ten per cent thereon; *provided*, that if they be not paid before the twentieth day in April next succeeding, at five o'clock p.m., he shall collect an additional five per cent thereon. On the twentieth day of April of each year, at five o'clock p.m., all the unpaid portion of the remaining one-half of the taxes on all real property is delinquent, and thereafter the tax collector must collect, for the use of the county, or city and county, an additional five per cent thereon; *provided*, that the entire tax on any real property may be paid at the time the first installment, as above provided, is due and payable; *and provided, further*, that the taxes on all personal property unsecured by real property shall be due and payable immediately after the assessment of said personal property is made.

SEC. 6. Section 3759 of the Political Code is hereby amended to read as follows:

3759. On the tenth day of May of each year, in each of the counties, and cities and counties of this state, the tax collector must attend at the office of the auditor with the assessment book, having all items of taxes and penalties collected marked "paid," and at the same time he shall deliver to the auditor a complete delinquent list of all persons and property then owing taxes.

SEC. 7. This act shall not become effective until June 30, 1930.

Stats 1919,
p 31,
amended
When delin-
quent list
must be
completed

Effective
date.

CHAPTER 827.

An act to amend section 1 of an act entitled "An act to provide for the creation of a board of parole commissioners for each county in this state, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto," approved March 25, 1909, relating to a board of parole commissioners.

[Approved by the Governor June 15, 1929. In effect August 14, 1929]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of an act entitled "An act to provide for the creation of a board of parole commissioners for each county in this state, for the paroling of prisoners confined in county jails, and authorizing and empowering such boards to make rules and regulations in relation thereto," approved March 25, 1909, is amended to read as follows:

Section 1. A board of three parole commissioners for each county in this state, consisting of the sheriff and the district attorney of each said county and the chief of police (or other chief or sole peace officer) of every city which now is or hereafter may be the county seat of any such county, is hereby created for each such county, which board shall and must act at regularly called meetings at which two-thirds of the members are present as a board of parole commissioners for and in each county, and make and establish rules and regulations in writing stating the reasons therefor under which any prisoner who is now or hereafter may be imprisoned in the county jail of said county, or in the city jail of any city in any county, or in any jail as the prisoner of any city, or in any other jail in any such county, after judgment of conviction for the commission of a misdemeanor, may be allowed to go upon parole outside of any jail in which he is or may be hereafter imprisoned, but to remain, while on parole, in the legal custody and under the control of the board of parole commissioners establishing the rules and regulations for his parole, and subject, at any time to be taken back within the inclosure

Stats. 1913,
p. 385,
amended

County
parole com-
missioners

Powers and
duties

Deputies

of any such jail. The board of parole commissioners may for the purpose of considering applications for parole of prisoners from city or county jails, designate deputies of their respective offices to serve for them as temporary commissioners in the place and stead of any member or members of the board of parole commissioners when the members of said board are unable to serve. Full power to make, establish and enforce such rules and regulations, and to retake and imprison any prisoner so upon parole, is hereby conferred upon each such board of parole commissioners; and its written order shall be a sufficient warrant for all officers named in such order to authorize them or any of them, to return to actual custody any conditionally released or paroled prisoner. It shall be and is hereby made the duty of all chiefs of police, marshals of cities and villages, sheriffs of counties, constables, and all other police and peace officers of this state to execute any such order in like manner as ordinary criminal process. If any prisoner so paroled shall leave the county in which he was or is or hereafter may be so imprisoned without permission from the board of parole commissioners granting his parole, he shall be arrested as an escaped prisoner and held as such.

Paroled
prisoner
who leaves
county.

CHAPTER 828.

An act to amend the California vehicle act, approved May 30, 1923, as amended, by adding a new section thereto to be numbered 159½, relating to the motor vehicle fund.

[Approved by the Governor June 15, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

New section

SECTION 1. The California vehicle act, approved May 30, 1923, is hereby amended by adding a new section to be numbered 159½, to read as follows:

Appropriation
division of
motor
vehicles.

Sec. 159½. Five per cent of the motor vehicle fund in addition to any other funds appropriated for the support of the division of motor vehicles is hereby appropriated for the maintenance of the division of motor vehicles to be expended by the division in carrying out the provisions of this act.

CHAPTER 829.

An act to be known as the "Bovine tuberculosis law" of California; to provide for the eradication of bovine tuberculosis; to regulate the sale, possession and/or disposition and restrict the use of tuberculin; to provide for the approval of veterinarians; to regulate the sale of milk and products thereof for live stock or poultry feeding; to regulate

the importation, transportation and exhibition of cattle; to provide for the identification, branding and disposal of tuberculosis animals; to provide for the establishment of tuberculosis control areas and the tuberculin testing of cattle therein; to provide for the slaughter of cattle which positively react to said test, and for the payment by the state for such reacting cattle; to provide for the eradication of bovine tuberculosis among calves by areas; to provide for the care and feeding of the offspring of certain cattle therein, the tuberculin testing thereof and the branding and slaughter of positive reactors to the tuberculin test; to prescribe the powers and duties of the director of agriculture in relation to this act, and for the making of rules and regulations to carry out the provisions thereof; to provide an appropriation for purposes of this act; to prescribe penalties for violation of the provisions hereof; and to repeal all acts and parts of acts in conflict herewith.

[Approved by the Governor June 17, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known as the "Bovine tuberculosis law" of California. Short title

SEC. 2. (a) The word "person" as used in this act shall be construed to import both the singular and plural, as the case demands, and shall include individuals, partnerships, firms, corporations, associations, commonwealths, their agents, and/or employees. Definitions
"Person"

(b) The word "tuberculin" as used in this act shall be construed to mean the product of the growth of the tubercle bacillus from any source, used or calculated and/or intended to be used in the diagnosis of tuberculosis in live stock and poultry. "Tuberculin"

(c) The term "accredited herd" shall be construed to mean a herd of cattle for which the owner holds a valid certificate of accreditation issued to him by the bureau of animal industry of the United States department of agriculture and the department of agriculture of the State of California. "Accredited herd"

(d) The term "tuberculosis control area" shall be construed to mean an area consisting of an entire county or a group of entire counties, established and delimited by proclamation of the director of agriculture of the State of California for the purpose of eradicating bovine tuberculosis in said area. "Tuberculosis control area."

(e) The term "tuberculosis eradication calf raising area" shall be construed to mean an area established and delineated by proclamation of the director of agriculture of the State of California for the purpose of promoting the eradication of bovine tuberculosis among calves in said area. "Tuberculosis eradication calf raising area."

(f) The word "test" shall be construed to mean the use of tuberculin for the purpose of diagnosing tuberculosis in cattle. "Test."

"Grade animal," etc

(g) The term "grade animal" or "grade herd" shall be construed to mean an animal or a herd of animals not individually identified in the herd book of any breed record association recognized by the United States department of agriculture.

"Purebred animal," etc

(h) The term "purebred animal" or "purebred herd" shall be construed to mean an animal or a herd of animals individually identified in the herd book of a breed record association recognized by the United States department of agriculture.

Sale, etc., of tuberculin regulated

SEC. 3. (a) It shall be unlawful for any person to sell or otherwise dispose of any tuberculin in the State of California that has not been produced under license of the bureau of animal industry of the United States department of agriculture.

(b) All sales and all other disposition of tuberculin to be used within the State of California shall be reported within five (5) days thereafter to the department of agriculture of the State of California.

Purchase, use, etc., of tuberculin regulated

SEC. 4. (a) It shall be unlawful for any person other than a veterinarian approved by the department of agriculture of the State of California to buy, possess, or use tuberculin as defined in section 2 (b) of this act for any purpose whatsoever.

(b) The use of tuberculin for any purpose whatsoever by said approved veterinarian shall be reported within five (5) days thereafter to the department of agriculture of the State of California.

(c) The result of every test shall be reported within five (5) days thereafter to the department of agriculture of the State of California by the veterinarian conducting said test.

Sale, etc., of unpasteurized milk regulated

SEC. 5. It shall be unlawful for any person to sell, or otherwise convey to another, for the feeding of live stock or poultry, any milk or product of milk from animals which have not passed a tuberculin test applied by a veterinarian approved by the department of agriculture of the State of California, until such milk or product of milk has been pasteurized, or heated to a temperature as efficient as pasteurization in the destruction of pathogenic bacteria, in a manner acceptable to the department of agriculture of the State of California.

Importation of cattle regulated

SEC. 6. (a) It shall be unlawful for any person to bring into the State of California, or to aid in bringing into or to cause to be brought into said State of California by others, any cattle unless said cattle shall be accompanied by a certificate of health and tuberculin test record signed by a qualified veterinarian, or a signed statement issued by the director of agriculture or other authority in charge of live stock sanitary work in the state in which the shipment or movement of said cattle originated showing each of said cattle to be free from communicable diseases including tuberculosis; a copy of such certificate and tuberculin test record shall be mailed to the department of agriculture of the State of California on the day the shipment or movement of said cattle starts from its

place of origin, together with a statement giving manner of transportation, routing and destination within the state, except as hereinafter provided.

(b) Such cattle, if purebred, shall be kept under the supervision of the department of agriculture of the State of California for a period of not less than sixty (60) or more than ninety (90) days from the date of arrival within the State of California, and during said period shall be subjected to a test with tuberculin. Should any of said purebred cattle react to this test, they shall be slaughtered within thirty (30) days under the supervision of the department of agriculture of the State of California or returned, at the option of the owner, to the place of origin under permit of the bureau of animal industry of the United States department of agriculture.

Purebred cattle.

(c) Such cattle, if grade animals, for dairy or breeding purposes, shall be kept under the supervision of the department of agriculture of the State of California for a period of not less than sixty (60) or more than ninety (90) days from the date of arrival within the State of California, and during said period the director of agriculture shall have the authority to retest such cattle with tuberculin. Should any of said grade animals react to this test, they shall be branded as provided for herein.

Grade animals for dairy purposes, etc

(d) Cattle not to be used or sold for dairy purposes may be admitted into the State of California without a tuberculin test record or tuberculin test, if the owner of such animals shall first file with the department of agriculture of the State of California his affidavit specifying the predominating breed, and that said animals are to be brought into California for feeding purposes, and that none of said animals, either males or females, will be used or sold for dairy purposes; *provided*, that cattle shall not be brought into a "tuberculosis control area" unless for immediate slaughter, except in accordance with the provisions of section 11 of this act.

Cattle not for dairy purposes

(e) Cattle for immediate slaughter may be brought into the State of California without a tuberculin test record or tuberculin test; *provided*, said cattle are shipped, transported, or otherwise moved to a place where meat inspection service is maintained by the department of agriculture of the State of California or the United States bureau of animal industry, or to a place designated by the department of agriculture of the State of California.

Cattle for slaughter

SEC. 7. It shall be unlawful to exhibit any cattle, or to use any bovine female as a nurse cow at any live stock fair or show in the State of California, unless said animal is free from communicable diseases including tuberculosis as evidenced by a tuberculin test record approved by the department of agriculture of the State of California

Exhibition, etc. of cattle at fairs, etc.

SEC. 8. Cattle which have shown a positive reaction to the tuberculin test, and which have been branded in accordance with the provisions of this act, and intended for immediate slaughter, may be transported through, from or into a tuber-

Transportation into control areas.

culosis control area only under permit of the director of agriculture of the State of California.

Branding of diseased animals.

SEC. 9. Every bovine animal which gives a positive reaction to the tuberculin test shall be branded by its owner or his agent, under the supervision of an agent of the department of agriculture of the State of California, or a veterinarian approved by said department, with a hot iron with the letter "T" on the left jaw. Said letter "T" shall be not less than three (3) inches in length from top to bottom, and two (2) inches wide at the top, and the branding edge of the "T" shall be one-eighth ($\frac{1}{8}$) of one inch in width.

Establishment of control areas

SEC. 10. (a) The director of agriculture is hereby authorized and empowered to establish and maintain tuberculosis control areas within this state, wherein he shall cause all dairy animals to be examined and tuberculin tested as often as in his judgment may be necessary, in order to determine which animals are so affected with tuberculosis for the purpose of bringing said disease of tuberculosis under control in the State of California; *provided*, that any such tuberculosis control area shall consist of an entire county or group of entire counties.

Segregation and disposal of diseased animals

(b) Upon the discovery of any animal reacting positively to the tuberculin test in a tuberculosis control area, the said director of agriculture shall cause the same to be branded as provided for herein, and thereupon said reacting animal shall be segregated from other animals which have not reacted to said tuberculin test; *provided*, that within thirty days after the discovery of said reacting animal it shall be slaughtered under the direction of said director of agriculture; *and provided*, *further*, in consideration of the fact that the eradication of bovine tuberculosis is beneficial to public health and welfare, that before said animal is branded as provided for in section 9 of this act and/or slaughtered its value shall be determined by appraisement, as provided for herein, by a representative of the said director of agriculture and/or a representative of the bureau of animal industry of the United States department of agriculture, and the owner thereof; whereupon the owner of said reacting cattle shall be given a written memorandum signed by or under the authority of said director of agriculture in substance and effect and in behalf of the State of California, promising that the said state will pay said owner in consideration for the slaughter of said reacting animal, the amount of money herein prescribed therefor. The state hereby agrees, in consideration for the slaughter of each such reacting animal, to pay to the owner thereof a sum of money representing seventy-five per cent of said appraisement; *provided*, that in no case shall said sum exceed one hundred dollars for any one grade animal, or two hundred dollars for any one purebred animal; *and provided*, *further*, that the salvage obtained by the owner as a result of the slaughter of said animal, as well as any payment made to said owner by the United States department of agriculture in consideration of the slaughter

Compensation to owner of condemned animals

Amount and manner of payment of compensation.

thereof, shall be deducted from the amount to be paid by the state as provided for herein; *and provided, further*, that no payment shall be made by the state to the owner of any reacting steer or grade bull, nor for any reacting animal which has been imported into this state within a period of six months prior to the date of the tuberculin testing thereof. Each claim against the state for payment in consideration for the slaughter of such reacting animal or animals shall be presented to the state controller, audited and paid out of appropriations or funds available therefor, in accordance with the provisions of article eighteen of chapter three of title one of part three of the Political Code in respect to the presentation, audit and payment of claims against the state.

(c) Whenever the director of agriculture shall establish a tuberculosis control area he shall issue his proclamation which shall designate the boundaries thereof; and said proclamation shall be published for three successive weeks in a newspaper of general circulation published in such area.

Notice of establishment of control areas.

(d) For the purpose of carrying out the provisions of this act, the director of agriculture or his duly authorized inspectors or agents, may, at any time or place, enter upon any premises, except dwelling houses. No person shall obstruct, hamper, or interfere with the work of said director, his agents or inspectors, while enforcing the provisions of this act. Should any owner or person in charge of cattle subject to examination, tuberculin testing, branding, and/or slaughter, under the provisions of this act, after ten days' notice in writing, refuse properly to confine in corrals or stanchions all cattle in his charge, possession, or control, in order to permit of such examination, tuberculin testing, branding, and/or slaughter, the director of agriculture, his agents or inspectors are authorized to employ help and incur such expense as is necessary in order to properly so examine, test, brand, and/or slaughter, any and all said cattle and the expense so incurred shall become and remain a lien upon said cattle and such lien, unless paid within ten (10) days after written notice of the amount of the same has been given by the said director of agriculture to the owner or person in possession of said cattle, shall be foreclosed in the manner provided in section 1208 of the Code of Civil Procedure; *provided*, that nothing in this act shall apply to animals which are being used in research projects, conducted by the University of California, under the authorization of the board of regents thereof.

Power of director, agents, etc., to inspect, test, brand, etc.

Lien for expenses.

SEC. 11. No cattle, except as otherwise provided, shall be permitted to enter any tuberculosis control area until they have been certified to as nonreacting cattle as evidenced by a tuberculin test applied by a veterinarian authorized to do so by the director of agriculture and in accordance with the regulations of said director; *provided*, that cattle of the beef breeds may be permitted to enter said tuberculosis control area for feeding or grazing purposes in accordance with the regulations of the director of agriculture; *and provided, further*, that in

Entry of cattle into control areas

the case of cattle which have been brought into any tuberculosis control area to be sold at public or private sale, the place where the sale is made shall not be construed to be the final destination as defined in this act, but said cattle may be reshipped under permit of the department of agriculture of the State of California, and the destination of such reshipment shall be considered to be the final destination.

Establishment of tuberculosis eradication calf raising area.

SEC. 12. Following public hearing before the board of supervisors of any county on the subject of the formation of a tuberculosis eradication calf raising area, such board of supervisors may request the director of agriculture of the State of California to declare such county a tuberculosis eradication calf raising area, and thereupon the director of agriculture shall establish by proclamation such tuberculosis eradication calf raising area in accordance with the provisions of this act. Such proclamation shall designate the territorial boundaries of such area and shall be published for three successive weeks in one newspaper of general circulation printed and published in said county.

Segregation, treatment and disposal of calves.

SEC. 13. The offspring of all bovine animals within any tuberculosis eradication calf raising area shall be removed from such animals within forty-eight hours after the birth thereof, and thereafter said offspring shall be kept segregated and apart from any untested cattle and/or any cattle which have reacted positively to the tuberculin test, and on premises free from tuberculosis infection; and said offspring shall not be fed any milk or product thereof produced by any animal which has not passed a tuberculin test applied by a veterinarian approved by the said director of agriculture, until such milk or product thereof has been pasteurized, or heated to a temperature as efficient as pasteurization in the destruction of pathogenic bacteria, in a manner acceptable to the said director of agriculture. Until determined to be nonreacting animals by the director of agriculture said offspring shall be tuberculin tested once in every six months, and any animal which positively reacts to said test shall be branded as provided for herein and immediately segregated from any animals which fail to react to said test, and shall be slaughtered within thirty days from date of said test; and it shall be unlawful for any owner or person in control of any such cattle to neglect or refuse to so segregate and feed, or have such segregated offspring tuberculin tested and the positive reactors so branded, removed and slaughtered; *provided*, that the offspring of range cattle which are to be raised for beef or veal shall be exempt from the provisions of this section.

Slaughtering of animals and disposal of carcasses

SEC. 14. The slaughtering of all animals, under the provisions of this act, shall be under the supervision of an inspector of the department of agriculture of the State of California, or of the United States bureau of animal industry, except, that in any chartered or incorporated city or city and county that maintains a regular meat inspection service by persons who have passed the civil service meat and/or market inspectors'

examination the slaughtering of said animals under the provisions of this act shall be under the supervision of such an inspector or inspectors of such chartered or incorporated city or city and county. The carcasses shall be disposed of in accordance with the rules and regulations of the department of agriculture of the State of California, or of the United States bureau of animal industry governing meat inspection.

SEC. 15. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated the sum of one hundred thousand dollars to be expended in accordance with law during the eighty-first and eighty-second fiscal years in carrying out the provisions of this act.

Appropriation

SEC. 16. In order to carry into effect the provisions of this act, the director of agriculture is hereby authorized to make such rules, and regulations as may, in his judgment, be necessary, proper or advisable.

Rules and regulations

SEC. 17. Any person, whether principal, agent or otherwise who violates any of the provisions of this act, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than thirty (30) days in jail, or by both such fine and imprisonment.

Penalties

SEC. 18. If any of the provisions of section 10 of this act be declared unconstitutional, such decision shall invalidate all of the provisions of said section. If any of the provisions of any section other than section 10 of this act be declared unconstitutional, such decision shall not affect the validity of the remaining provisions of this act. The Legislature, except as in this section provided, hereby declares that it would have passed this act and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that such provisions or any or either thereof be declared unconstitutional.

Constitutionality

SEC. 19. All acts or parts of acts in conflict with this act are hereby repealed.

Repeal.

CHAPTER 830.

An act relating to the leasing of real property by the political subdivisions of the state and providing a procedure therefor.

[Approved by the Governor June 17, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Whenever a city, city and county, or county is the owner of real property which has been acquired for a particular purpose by purchase with funds derived from an assessment district, and it appears to the legislative bodies of said city, city and county, or county that it is to the advantage of the property owners lying in said city, city and county, county or assessment district to use said property for purposes other than those for which said property was acquired, power is

City or county to have power to lease real property.

hereby granted to said legislative bodies to lease said property, subject to the following terms and conditions. Said property shall be leased by said legislative body upon said legislative body receiving a petition signed by the owners of at least fifty-one per cent of the property lying in the assessment district created for the purpose of acquiring said property, and which said owners of property have paid, or are paying special assessment taxes or assessments for the purchase of said property. Said petition may set forth the terms and conditions under which said property may be leased by said legislative bodies for purposes other than that for which said property was acquired. The legislative bodies of said city, city and county, county or assessment district shall have no power to lease said property or to use the same other than for the purposes for which it is acquired in the absence of a petition signed by the owners of at least fifty-one per cent of the property as hereinabove set forth, and then only according to the terms and conditions set forth in said petition.

Petition for leasing

Limitation.

Form of petition

Resolution of intention.

Property owners may object.

SEC. 2. Said petition shall be in general language and no particular requirements shall be necessary for the validity of said petition, save and except that said petition shall provide that said property shall only be leased to the highest bidder as hereinbefore set forth.

SEC. 3. Upon receiving said petition, said legislative body may pass a resolution of intention to lease said property according to the terms and conditions set forth in said petition. Said resolution of intention shall be sufficient if it states in general terms, the terms and conditions set forth in said petition, the location of the property proposed to be leased and the purpose for which said property is proposed to be leased. Said resolution of intention shall also contain a notice of the day, hour and place, when and where any and all persons having any objection to the proposed leasing of said property may appear before the legislative body and show cause why said proposed leasing should not be carried out in accordance with said resolution of intention and the terms and conditions of said petition. Said time shall be not less than fifteen, nor more than forty days from the date of the passage of said resolution. The clerk of said legislative body shall cause said resolution of intention to be published once a week for two successive weeks in one or more daily newspapers published and circulated in said city, city and county, or county. Any property owner whose property has been, or is being assessed to pay the costs and expenses of purchasing said property to be leased, may at the time fixed in the resolution of intention for hearing of objections to the proposed leasing, appear before the said legislative body and make objections to the said lease. The failure to make objection at said time shall be deemed to be a waiver of all objections to the proposed leasing, and shall operate as a bar to any subsequent action looking to the prevention of said leasing.

SEC. 4. At any time not later than the hour set for hearing objections to said proposed leasing as provided in section 1 herein, any owner of property which is being assessed, or has been assessed for the purchase of said property to be leased, may make written protest against the proposed leasing, such protest must be in writing and must be delivered to the clerk of said legislative body and no other protest or objections shall be considered. At the time set for hearing protests, the said legislative body shall proceed to hear and pass upon all protests so made and its decision shall be final and conclusive. In the event that a majority of the persons owning property which has been, or is being assessed in said city, city and county, or county, for the purchase of said property, shall protest against the leasing of said property according to the terms set forth in said petition, then and in that event, the said legislative body shall cease all further proceedings and no further steps shall be taken for the leasing of said property. Upon the time fixed for the hearing of protests, evidence may be produced going to any of the matters to be determined and in such order as the legislative body may summarily direct. Said hearing may be continued from time to time upon the order of the legislative body. Upon such hearing, all objections and protests to the leasing of the property proposed to be leased shall be heard and considered. In the event that no protests have been received by the legislative body, said legislative body may proceed to lease said property in the manner hereinafter set forth, and according to the terms and conditions set forth in the petition of said assessment paying property owners.

Written protests.

Hearings

Unless the power to proceed shall have ceased as hereinbefore provided, the legislative body shall at the conclusion of the aforementioned hearing and on a determination of all questions arising thereat, by resolution to be entered upon its minutes, declare its finding that the owners of more than one-half of the area of the property included in the assessment district created for the purchase or improvement of said property have not made written objection to the leasing of the property proposed to be leased. Said legislative body shall also pass upon the protests filed by other persons than those petitioning for the leasing of said property and if in the opinion of a majority of said legislative body said protests are valid and the terms and conditions set forth in the petition of the petitioning property owners will not result in the leasing of the property to the best interests of said property owners, said legislative body may deny said petition and decline to proceed further with said leasing unless a majority of said property owners consent to such terms and conditions as shall be embodied in a protest which has been allowed by said legislative body.

Resolution declaring findings

In the event that said legislative body shall have denied said protests, or in the event that no protests have been made, the said legislative body shall proceed by resolution to order

Resolution ordering the leasing.

the property leased according to the terms and conditions set forth in said petition. In said resolution the legislative body shall therein fix a time for receiving bids for the leasing of said property and direct the clerk thereof to give notice accordingly inviting sealed bids. The time for receiving bids shall not be fixed until the first regular meeting of the legislative body after the expiration of fifteen days following the passage of said resolution ordering said property to be leased. Said legislative body shall also cause a notice to be posted conspicuously for five days, on or near the legislative body chamber door, containing terms and conditions set forth in the petition. Said notice shall also contain an invitation inviting sealed proposals or bids for the leasing of said property, and said notice shall be published once a week for two successive weeks in a daily, semiweekly or weekly newspaper published or circulated in said city, city or county, county or assessment district.

Time for receiving bids

Notices

In the event that the property is offered for lease at a monthly rental, all proposals or bids offered shall be accompanied by a bond, signed by the bidder and two good and sufficient sureties who shall justify under oath in double an amount to be fixed by the legislative body in the resolution calling for bids, over and above all statutory exemptions. In the event that the petition signed by the property owners as hereinbefore set forth requires the making of certain improvements upon said property, and the payment of rentals in products from the land, royalties or commissions, the bidder shall furnish with said proposal a bond to be fixed in an amount by the legislative body in the resolution calling for bids, which said bond shall be signed by the bidder and two good and sufficient sureties who shall justify under oath in double said amount, over and above all statutory exemptions, and which said bond shall be conditioned for the faithful performance of the obligations to be assumed by said bidder. Said legislative body shall award the lease to the highest responsible bidder.

Bids.

Bonds

Awards

Execution of lease.

After said bid has been accepted by said legislative body, said legislative body shall proceed to enter into a lease with said highest bidder, which said lease shall contain all the terms and conditions set forth in the petition of said property owners, and which said lease shall provide for the payment of rentals, commissions or royalties, in an amount equal to the amount set forth in said accepted bid.

Construction and constitutionality.

SEC. 5. This act shall be liberally construed to the end that its purposes may be effected.

Any section, subsection, sentence, clause or phrase which is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act irrespective of the fact that one or more section, subsection, sentence, clause or phrase be declared unconstitutional.

CHAPTER 831.

An act making an appropriation for the purpose of financing the work of the University of California for the continuation of the B. C. G. vaccination as a protection of tuberculosis in dairy and stock cattle recommended by the Pasteur Institute of Lille, France.

[Approved by the Governor June 17, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the state treasury not otherwise appropriated the sum of eight thousand dollars is hereby appropriated to be expended in accordance with law by the regents of the University of California for the purpose of continuing the experimental and research work as to the efficacy of the B. C. G. vaccination as a protection against tuberculosis in dairy and stock cattle recommended by the Pasteur Institute of Lille, France.

Appropriation University of California

CHAPTER 832.

An act making an appropriation for work of exploration, investigation and preliminary plans in furtherance of a coordinated plan for the conservation, development, and utilization of the water resources of California including the Santa Ana river, Mojave river and all water resources of southern California.

[I object to the item of \$450,000 00 in section 1 and reduce the amount to \$390,000 00. With this reduction I approve the bill. Dated June 17, 1929. C. C. Young, Governor.]

[In effect, as reduced, August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the state treasury not otherwise appropriated, the sum of four hundred fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated to be expended by the state department of public works in accordance with law in conducting work of exploration, investigation and preliminary plans in furtherance of a coordinated plan for the conservation, development and utilization of the water resources of California including the Santa Ana river and its tributaries, the Mojave river and its tributaries, and all other water resources of southern California.

Appropriation: \$390,000. department of public works

SEC. 2. The department of public works, subject to the other provisions of this act, is empowered to expend any portion of the appropriation herein provided for the purposes of

Expenditure of funds

this act, in cooperation with the government of the United States of America or in cooperation with political subdivisions of the State of California; and for the purpose of such cooperation is hereby authorized to draw its claim upon said appropriation in favor of the United States of America or the appropriate agency thereof for the payment of the cost of such portion of said cooperative work as may be determined by the department of public works.

Contingent
reimburse-
ment for ex-
penditures

SEC. 3. Upon the sale of any bonds of this state hereafter authorized to be issued to be expended for any one or more of the purposes for which any part of the appropriation herein provided may have been expended, the amount so expended from the appropriation herein provided shall be returned into the general fund of the state treasury out of the proceeds first derived from the sale of said bonds.

CHAPTER 833.

An act to amend section 4261 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-second class.

[Approved by the Governor June 17, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1927,
p. 89,
amended
Counties of
32d class
(Placer).
officers and
employees

Clerk.

SECTION 1. Section 4261 of the Political Code is hereby amended to read as follows:

4261. In counties of the thirty-second class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, three thousand two hundred fifty dollars per annum; and also such compensation as is now or may hereafter be allowed by law; and in each year in which a new and complete registration of voters is required by law he shall receive such an amount as shall be necessary to pay deputy registration clerks for taking affidavits of registration outside of the office at the rate of ten cents each, and such an amount as shall be necessary to pay deputies in the office for enrolling the registrations upon the great register at the rate of four cents each, the claims for which shall be presented and allowed by the board of supervisors as other claims are presented and allowed; he may also appoint a deputy clerk, which office of deputy clerk is hereby created, whose salary shall be one thousand eight hundred dollars per annum, payable as the salaries of county officers are paid. The provisions of this subsection relating to the office of deputy clerk do not increase the compensation of a county officer and shall take effect ninety-one days after the final adjournment of the 1927 session of the Legislature.

2. The sheriff, six thousand dollars per annum.

Sheriff.

3. The recorder, two thousand seven hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required by law to be so collected; *and provided*, that in counties of this class the recorder may appoint two deputy recorders for service in his office, which offices of deputies for the county recorder are hereby created, one of said deputies shall receive as compensation for his services the sum of one thousand two hundred dollars per annum; and one of said deputies shall receive as compensation for his services the sum of one thousand eighty dollars per annum to be paid out of the county treasury in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.

Recorder.

The provisions of this subsection relating to the salaries of the deputies of the county recorder do not increase the salaries of county officers and shall take effect immediately.

4. The auditor, two thousand seven hundred dollars per annum; *provided*, that in counties of this class the auditor may appoint two deputy auditors for service in his office, which office of deputies for the county auditor are hereby created, one of said deputies shall receive as compensation for his services the sum of one thousand two hundred dollars per annum; and one of said deputies shall receive as compensation for his services the sum of one thousand eighty dollars per annum to be paid out of the county treasury in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the auditor is paid.

Auditor.

The provisions of this subsection relating to deputies for the county auditor do not increase the compensation of a county officer and shall take effect immediately.

5. The treasurer, three thousand dollars per annum.

Treasurer.

6. The tax collector, two thousand dollars per annum; *provided*, that said tax collector shall perform the duties and collect and pay into the county treasury, the fees provided by law for the license tax collector.

Tax collector

7. The assessor, four thousand two hundred dollars per annum; *provided*, that said assessor shall perform all the duties of said office and shall collect and pay into the county treasury for the use and benefit of the county the fees provided by law for the collection of personal property tax, and all other fees and commissions received or collected by him; *provided*, that in counties of this class the assessor may appoint one deputy for service in his office which office of deputy for the county assessor is hereby created; said deputy shall receive, as compensation for his services, the sum of one thousand eight hundred dollars per annum, to be paid out of the county treasury in equal monthly installments at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid. The assessor may appoint two field deputies and one special deputy which offices of field

Assessor

deputies and special deputy are hereby created, to serve at any time between March first and August first of each calendar year. Said field deputies and special deputy shall each receive as full compensation for all services performed and all expenses incurred the sum of eight dollars per day for each day actually and necessarily employed as such, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as the salary of other county officers are paid; *provided, however*, that the total compensation paid to all such field deputy assessors shall not exceed the sum of one thousand two hundred dollars during any one calendar year; *provided, however*, that the compensation to such special deputy assessor shall not exceed the sum of six hundred dollars during any calendar year; *provided, also*, that every field deputy, when so employed shall file with the auditor a statement, verified by the oath of such field deputy and approved by the assessor, showing the number of days actually and necessarily employed in field work in the performance of duties of such employment during the period covered by such statement before any warrant for the payment of such compensation shall be drawn by the auditor.

Effective date.

The provisions of this subsection shall take effect at noon, on the first Monday of January, 1931.

District attorney.

8. The district attorney, two thousand four hundred dollars per annum; he may also appoint a deputy, which office of deputy district attorney is hereby created, whose salary shall be one thousand dollars per annum, payable as the salaries of other county officers are paid.

In counties of this class the district attorney is allowed and may appoint one clerk which office is hereby created. The salary of said clerk is fixed at one thousand two hundred dollars per annum payable at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid. The provisions of this subsection relating to the appointment of one clerk by the district attorney do not increase the compensation of a county officer and shall take effect ninety-one days after the final adjournment of the 1927 session of the Legislature.

Coroner

9. The coroner, such fees as are now or may hereafter be allowed by law.

Public administrator

10 The public administrator, such fees as are now or may hereafter be allowed by law.

Superintendent of schools.

11. The superintendent of schools, two thousand four hundred dollars per annum, including services on the board of education. He shall be allowed his actual traveling expenses not to exceed five hundred dollars per annum; he shall also be allowed one deputy whose salary shall be eighty-five dollars per month, payable the same as the salary of county officers are paid.

Surveyor

12. The surveyor shall receive a per diem of twelve dollars and fifty cents for all work performed for the county, in addi-

tion thereto all necessary expenses and transportation on work performed in the field.

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of the formation of any new township or townships. Classification
of town-
ships

Townships having a population of over four thousand five hundred shall belong to and be known as townships of the first class; townships having a population of three thousand and less than four thousand five hundred shall belong to and be known as townships of the second class; townships having a population of one thousand five hundred and less than three thousand shall belong to and be known as townships of the third class; townships having a population of less than one thousand five hundred shall belong to and be known as townships of the fourth class;

Justices of the peace shall receive the following salaries: In townships of the first class, the sum of one thousand two hundred dollars per annum; in townships of the second class, the sum of nine hundred dollars per annum; in townships of the third class, six hundred sixty dollars per annum; in townships of the fourth class, four hundred dollars per annum. Justices

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

14. The constable shall receive the following fees, to wit: Constable.
For serving summons and complaint, for each defendant served, one dollar; for each copy of summons for service when made by him, twenty-five cents; for levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar; for keeping personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when necessarily employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summons, complaints and subpœnas, per folio ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for copies; for serving any writ, notice or order, except summons, complaint or subpœnas, for each person served, fifty cents; for writing and posting each notice of sale of property, twenty-five cents; for serving subpœnas, each witness, including copy, twenty-five cents; for collecting money on execution, two and one-half per cent, to be charged against the defendant named in the execution; for executing and delivering a certificate of sale, one dollar; for executing and delivering constable's deeds, two dollars; for every mile necessarily traveled in his township, in going only, to serve any civil or criminal process or paper, or to take a prisoner before

a magistrate or to a prison, twenty-five cents, outside of his township, but within his county, twenty cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the more distant if they live in the same direction; for each mile traveling outside his county in making criminal arrests, both going and returning from the place of arrest, ten cents; in transporting prisoners to the county jail, or before a magistrate either upon arrest or for trial or examination or after conviction, he shall receive in addition to the above mileage his actual and necessary expenses for himself and prisoners; *provided*, that if two or more prisoners are transported at the same time, no more than one mileage shall be allowed; for making each arrest in criminal cases, one dollar and fifty cents; for sales of estrays, the same fees as for sales on execution; for summoning a jury, two dollars, including mileage; for all other services, the same fees as are allowed sheriffs for like services; *provided, further*, that no more than sixty dollars shall be allowed to any constable in counties of this class in any one month for fees and mileage in criminal matters.

Supervisors.

15. Each supervisor, one thousand eight hundred dollars per annum; which shall be in full for all services and expenses both as supervisor and road commissioner. Said supervisors shall not use county owned automobiles for the performance of any of their duties as such supervisor or road commissioner nor while traveling to and from the county seat, nor in the performance of any of their official duties.

Traffic officer.

16. The county traffic officer, two thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county traffic officer one deputy, which office is hereby created. Said deputy shall be appointed by said county traffic officer and shall receive a salary of two thousand two hundred dollars per annum which shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the county traffic officer is paid. Said traffic officer and his deputy shall provide their own motorcycles or other vehicles and shall pay all of the expense of the upkeep of such machines and the said county shall provide gasoline and oil for the purpose of propelling the same; *and provided, further*, that there shall be and there is allowed to the county traffic officer a sum not to exceed one thousand two hundred dollars in any one year to be used in carrying out the duties of his office. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputy whenever said office of county traffic officer is created by law.

Jurors.

17. In counties of this class grand jurors and jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from residence to county seat the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

Construction

CHAPTER 834.

An act to amend section 24 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the direct primary law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, relating to party conventions, membership and organization of state central committees and county central committees.

[Approved by the Governor June 17, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 24 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal an act approved April 7, 1911, known as the direct primary law, and also to repeal an act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913, as amended, is hereby amended, to read as follows:

Stats 1927,
p. 608,
amended.

Sec. 24. 1. Party conventions of delegates chosen as hereinafter provided may be held in this state, for the purpose of promulgating platforms and transacting such other business of the party as is not inconsistent with the provisions of this act.

Party con-
ventions
authorized

2. The state convention of each political party shall consist of one delegate for each of the following elective officials and the total number of delegates shall be the aggregate number of the following elective officials:

Composition
of state con-
ventions

(a) The governor,
 The lieutenant governor,
 The treasurer,
 The controller,
 The attorney general,
 The secretary of state,
 All members of the state board of equalization,

(b) All senators and representatives in congress from California, and

(c) All members of the state Legislature.

Meeting of
 state con-
 ventions

The state convention of each political party shall meet at Sacramento at ten o'clock of the morning of the third Thursday in September next following the date upon which the primary election preliminary to the general November election is held and shall be composed of the following delegates:

Membership

(a) Each elective official hereinabove named who was nominated and elected as a candidate of such party and whose term of office extends beyond the eighth day of January next following the primary election, or the appointee or successor to fill a vacancy in the office of any such official. Each such delegate shall be known as a "hold-over delegate."

Hold-over
 delegates

Nominee
 delegates

(b) Each candidate of such party in whose behalf nomination papers were filed and who was nominated at the primary election by such political party for the office of each such elective official. Each such delegate shall be known as a "nominee delegate."

Appointive
 delegates

(c) One delegate appointed for each of the elective officials hereinabove named, not represented by a "hold-over delegate" nor by a "nominee delegate," of such party. Each such delegate shall be chosen and appointed in the manner hereinafter provided in this section for filling vacancies in the state convention, and shall be known as an "appointive delegate."

Eligibility.

Membership in the state convention shall not be granted to any party nominee for a congressional office, state office, or office of senator or assemblyman who has become such by reason of his name having been written on a ballot, and who has not had his name printed on the primary ballot by having had a nomination paper filed in his behalf, as provided in section 5 of this act; nor shall membership in such convention be granted to the nominee of any party if such nominee has not stated his affiliations with such party in his affidavit of registration used at such primary election; and, in every such case, a vacancy in the membership of such convention shall be deemed to exist; and any such vacancy thereby existing, or existing because no nomination for such office has been made, or for any other cause, shall be filled as hereinafter provided. Each candidate who has received the nomination of more than one party for a congressional, state, or legislative office shall procure from the registrar of voters or clerk of the county in which he resides, a certificate stating the party with which such candidate was affiliated thirty-five days before the date of the primary election, as shown by the affidavit of registration of such candidate

in the office of such registrar of voters or clerk of the county; and this certificate shall be the credential of such candidate to membership in the convention of his party.

In the event that there is no "hold-over delegate" nor "nominee delegate" of the party, as herein defined, for any of the elective offices hereinabove named, or in the event that any nominee is disqualified for membership in the convention for any reason herein stated, or in the event that any delegate dies prior to the convention, then in every such case a vacancy shall be deemed to exist in the membership of the state convention of the party and a delegate shall be chosen and appointed to fill such vacancy as follows:

Appointive
delegates.
how and
when chosen

(a) If the vacancy occurs in a senatorial or assembly district situated wholly within the limits of a single county or city and county, by appointment by the newly elected county central committee of such party in such county or city and county.

(b) If the vacancy occurs in a senatorial or assembly district comprising two or more counties, by appointment by the newly elected county central committee of such party in the county wherein the disqualified or deceased delegate resided, if the vacancy is caused by disqualification or death, or wherein the "hold-over delegate" or "nominee delegate" of the opposing party resides, if the vacancy is due to any other cause.

(c) If such vacancy occurs as to a delegate for a United States senator from California or as to a delegate for any of the state officials hereinabove named, by appointment by the state central committee of such party.

(d) If such vacancy occurs as to a delegate for any representative in congress from California, by appointment by the state central committee of such party of a qualified registered elector who resides within the congressional district to be so represented.

Such delegate so appointed shall present to the convention credentials signed by the chairman and the secretary of the committee making the appointment, and he shall file with the secretary of state not later than two o'clock of the afternoon of the convention, his appointment of three members of the state central committee, in writing signed and acknowledged in the form hereinafter prescribed.

Credentials
of appointive
delegates

As soon as practicable after the primary election the secretary of state shall prepare a list of the names of all delegates to the convention qualified under the provisions of this act, and the secretary of state shall thereupon send a notice by mail to each such delegate which shall inform the delegate that he is a delegate to the state convention, that the convention meets at Sacramento on the third Thursday in September of the then current year, that said delegate must appoint three qualified electors to be members of the state central committee, and that said appointment of three members of the state central committee must be made in writing in the form hereinafter prescribed,

Secretary of
state to
notify dele-
gates of
meeting of
convention,
etc

signed and acknowledged before a notary public or other officer authorized to administer oaths in this state and must be filed in the office of the secretary of state not later than two o'clock of the afternoon of the third Thursday in September of the then current year, and the secretary of state shall enclose with such notice one copy of the following form for appointment of members of the state central committee :

Form of appointment of members of state central committee

APPOINTMENT OF MEMBERS OF THE STATE CENTRAL COMMITTEE MEETING AT SACRAMENTO IN THE YEAR 19_____.

I _____, duly qualified as a delegate to the state convention at Sacramento in the year 19____ by virtue of my (appointment by the _____ central committee) (nominaticn) (election) (to the office of _____) (strike out part inapplicable) on the _____ day of _____ 19____ upon the _____ ticket, do (party)

hereby appoint the following three electors residing within the district which I represent, who shall be members of the state central committee to meet at Sacramento on the second Saturday following the meeting of the state convention, in the year 19____, to wit:

Table with 2 columns: Name, Post-office address. Three rows of dashed lines for entry.

In witness whereof I have hereunto set my hand this _____ day of _____ 19_____.

(delegate)

Signed and acknowledged before me this _____ day of _____ 19_____.

Notary Public.

Composition of state central committee

Appointments to be delivered to secretary of state

Delivery of appointments to chairman

The new state central committee shall consist of all delegates to the state convention, together with such members as are appointed in accordance with the provisions of this act. Each delegate to the state convention shall appoint three qualified electors which appointments when so made shall become absolute. Such appointments shall be made in writing signed and acknowledged by the delegate before a notary public or other officer authorized to administer oaths and delivered to the secretary of state not later than two o'clock of the afternoon of the third Thursday in September. The secretary of state shall deliver said appointments so received by him, to the permanent chairman of the state convention as soon as possible after said hour of two o'clock and he shall require the chairman's receipt therefor.

The convention shall be called to order at ten o'clock of the morning of the third Thursday in September by the retiring chairman of the state central committee and shall at once proceed to the election of a temporary chairman by roll call read from the alphabetical roll submitted by the secretary of state, and shall likewise elect such other temporary officers as the convention may determine. The temporary chairman shall appoint a committee consisting of one delegate from each congressional district which shall serve as the committee on credentials of the convention, and shall appoint such other committees as the convention may direct.

Organization meeting of state convention

Roll call

Committee on credentials

The convention shall, upon election of permanent officers, adopt a state platform for its party, which said state platform of each political party shall be adopted at such time that it shall be made public not later than six o'clock in the afternoon of the following day.

Platform

In each year of the general November election at which electors of President and Vice President of the United States are to be chosen, the convention shall also nominate as the candidates of its party as many electors of President and Vice President of the United States as the state is then entitled to, and it shall be the duty of the secretary of state to issue certificates of nomination to the electors so nominated, and to cause the names of such candidates for elector to be placed upon the ballots of the ensuing November election.

Presidential electors

Upon receipt by the chairman of the convention from the secretary of state of the appointments of members of the state central committee the convention shall determine the membership of the state central committee in accordance with the provisions of this act. In case the convention finds that any delegate to the convention has failed to file his appointment of members of the state central committee with the secretary of state within the time prescribed, the convention shall make such appointments of the requisite number of electors residing within the district represented by each such delinquent delegate. The secretary of the convention shall certify the names and post-office addresses of the members of the state central committee, as determined by the convention, to the secretary of state within thirty-six hours after the convening of the convention and the permanent chairman shall deliver the appointments receipted for by him to the secretary of state within said thirty-six hours, which appointments shall be kept and filed by the secretary of state and shall be open to public inspection. Within twenty-four hours after receiving said certified list of names of members and said appointments the secretary of state shall send a notice by mail to each member of the state central committee, as certified by the secretary of the convention, which shall inform him that he is a member of the committee, that the committee will meet at Sacramento on the second Saturday following the meeting of the convention, that the meeting may be attended either in person or by proxy, that every proxy must be filed in the office of the secretary

State convention to fill vacancies in state central committee

Membership of state committee certified to secretary of state.

Secretary of state to notify members of state committee of meeting, etc

of state not later than ten o'clock of the morning of the meeting of the committee and that said proxy must be in writing signed and acknowledged before a notary public or other officer authorized to administer oaths and the secretary of state shall enclose with such notice one copy of the following form of proxy for attendance at the meeting of the state central committee:

Proxy. PROXY FOR ATTENDANCE AT THE STATE CENTRAL COMMITTEE MEETING AT SACRAMENTO, IN THE YEAR 19----

I ----- duly qualified to sit as a member of the state central committee meeting at Sacramento in the year 19---- by virtue of (being a delegate to the state convention) (my appointment thereto by -----; said appointment having been duly filed in the office of the secretary of state on the ----- day of ----- 19--) (strike out part inapplicable) do hereby designate -----; -----; (name) (post-office address)

as my proxy with full power to act for me in every respect as a duly qualified member of the state central committee meeting at Sacramento on the ----- day of ----- 19----

In witness whereof I have hereunto set my hand this----- day of ----- 19----

----- (member)

Signed and acknowledged before me this----- day of ----- 19----

----- Notary Public.

Every member of the state central committee who desires to attend the first meeting of the committee by proxy must designate his proxy in the form hereinbefore prescribed, which must be signed and acknowledged before a notary public or other officer authorized to administer oaths and he must cause the proxy to be delivered to the secretary of state not later than ten o'clock of the morning of the first meeting of the committee.

Secretary of state to certify membership of committee

The secretary of state shall deliver to the retiring chairman of the state central committee as soon as possible after ten o'clock of the morning of the first meeting of the new state central committee a certified, alphabetical list of the names of the members of the state central committee, and a certified alphabetical list of the names of the persons duly designated as proxies by members of the new committee, together with all proxies received by him prior to ten o'clock of said morning; and he shall require the retiring chairman's receipt for said proxies.

Members attending by proxy.

Meeting.

The new state central committee shall convene at Sacramento at ten o'clock of the morning of the second Saturday following the meeting of the state convention.

The retiring chairman of the state central committee shall call the committee to order at ten o'clock of the morning of the first meeting and as soon as practicable thereafter shall cause the roll to be called from the list of members and proxies hereinbefore provided to be certified by the secretary of state; whereupon the only business in order shall be the election by roll call of a temporary chairman.

Roll call

The temporary chairman upon election shall appoint at once a committee on proxies and credentials consisting of one member from each congressional district selected from among the members of the committee certified by the secretary of state. A quorum of the state central committee shall be a majority of the entire membership, represented either in person or by proxy.

Committee on proxies and credentials

Proxies to be recognized by the secretary of state and by the committee on proxies and credentials appointed as aforesaid must be signed and acknowledged before a notary public or other officer authorized to administer oaths and must be in the form hereinbefore in this act prescribed. Revocation or change of proxies shall be recognized by the committee on proxies and credentials upon a request made by the member in person before said committee and at no other time in any other manner. No proxy shall be recognized prior to election of a permanent chairman unless filed in the office of the secretary of state not later than ten o'clock of the morning of the state committee meeting.

Revocation or change of proxies

The chairman of the state central committee shall not succeed himself, and the chairmanship shall alternate each biennium between the northern and southern territories.

Chairmanship must alternate

Robert's rules of order, except as may be herein modified, shall govern the proceedings at the convention and at all meetings of the state central committee.

3. Each state central committee may select from its membership an executive committee, to which executive committee it may grant all or any portion of its powers and duties. It shall choose its officers by a roll call vote and each committee and its officers shall have the power usually exercised by such committees and the officers thereof in so far as may be consistent with this act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with the provisions of this act. Each state central committee may remove any member thereof who during his or her term of membership affiliates with, or registers as a member of another party or who gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by the party which such member represents. Each state central committee shall conduct party campaigns for the party to which it belongs and in behalf of the candidates of such party; appoint committees and appoint and

Executive committee

employ campaign directors and perfect such campaign organizations as by it may be deemed suitable or desirable and for the best interest of the party.

Selection of
congressional
committees

4. The executive committee of the state central committee of each political party shall, in conjunction with each nominee for congress affiliated with such party, select a congressional committee for the district in which such nominee is a candidate. Such committee shall consist of not less than fifteen nor more than thirty-five members, and shall have charge and conduct of the campaign of such nominee, subject to the supervision of the state central committee of such party.

County
central
committee

5. At each August primary election there shall be elected in each county or city and county a county central committee for each political party, which shall have charge of the party campaign under general direction of the state central committee or of the executive committee selected by such state central committee.

In any city
and county

In any city and county containing more than ten assembly districts the county central committee of such party shall be elected by each assembly district and shall consist of five members from each assembly district in such city and county. Said county committee in such city and county shall have the power to increase its membership by a majority vote of the committee.

In counties
with fifteen
or more
assembly
districts

In each county containing fifteen or more assembly districts the county central committee of such party shall be elected by assembly districts and shall consist of one member for each one thousand votes or fraction thereof in each such assembly district cast for such party's candidate for governor at the last general election at which a governor was elected; *provided, however*, that in any event each assembly district shall be entitled to not less than ten members upon the county central committee.

Same, more
than seven
and less than
fifteen
assembly
districts.

In any county containing more than seven and less than fifteen assembly districts, the county central committee of each party shall be elected by each assembly district and shall consist of five members from each assembly district therein.

Same, con-
taining more
than four
and less
than eight.

In all counties containing not more than seven nor less than five assembly districts the county central committee of such party shall be elected by assembly districts and shall consist of one member for each seven hundred votes or fraction thereof in each such assembly district cast for such party's candidate for governor at the last general election at which a governor was elected.

Same, con-
taining less
than five

In all counties containing less than five assembly districts the county central committee shall be elected by supervisor districts, and the number to be elected from any supervisor district shall be determined as follows: The number of votes cast in such supervisor district for such party's candidate for governor at the last general election at which such governor was elected shall be divided by one-twentieth of the number of votes cast for such governor in such county; and the integer

next larger than the quotient obtained by such division shall constitute the number of members of the county central committee to be elected by such party in said supervisor district.

The county clerk or registrar of voters in each county or city and county shall, between the first Monday and the second Monday of June next preceding the primary election, compute the number of members of the county central committee allotted to each assembly district or supervisor district, as the case may be, by the provisions of this subdivision.

Each candidate for member of a county central committee shall appear upon the ballot upon the filing of a nomination paper according to the provisions of section 5 of this act, signed in his behalf by the electors of the political subdivision in which he is a candidate, as above provided; and the number of candidates to which each party is entitled, as hereinbefore provided, in each political subdivision, receiving the highest number of votes shall be declared elected; but no candidate for county committeeman shall be declared elected unless he shall have received votes equal in number to the minimum of signatures to the nomination paper which would have been required to place his name on the primary ballot as a candidate for member of the county committee. Each county central committee shall meet in the courthouse at its county seat on the second Tuesday in September following the August primary election, and shall organize by selecting a chairman, a secretary and such other officers and committees as it shall deem necessary for carrying on the campaign of the party.

Nomination
of members
of county
central
committees

Meetings.

6. No person shall be eligible for appointment or election to the state, county or district committee of any party who is not registered as affiliated with such party at the time of such appointment or election. In the event of the appointment or election to any party committee of an ineligible person, or whenever any member of any such committee dies, resigns or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of such committee's party, a vacancy shall exist, which shall be filled by appointment by the committee in which such ineligibility or vacancy occurs.

Eligibility.

Vacancies.

CHAPTER 835.

An act to provide for the issuance and sale of state bonds to create a fund for the improvement of San Francisco harbor by the construction by the board of state harbor commissioners of wharves, piers, seawall, state railroad, spurs, betterments, and appurtenances, and necessary dredging and filling in connection therewith in the city and county of San Francisco; to create a sinking fund for the payment of

said bonds; to define the duties of state officers in relation thereto; and to make an appropriation of five thousand dollars for the expense of printing said bonds.

[Approved by the Governor June 17, 1929. In effect upon the adoption by the people of S. C. A. No. 28, Chap. 83, 1929.]

The people of the State of California do enact as follows:

Authority to
create
indebtedness

SECTION 1. For the purpose of creating a fund to provide for the construction of wharves, piers, seawalls, state railroad, spurs, betterments and appurtenances and for necessary dredging and filling, in connection therewith, by the board of state harbor commissioners, the San Francisco harbor bond finance board hereinafter created by this act, is hereby authorized and empowered with approval of the governor to create a debt or debts, liability or liabilities, of the State of California in the manner and to the extent hereinafter provided.

Authority to
make and
pay for im-
provements.

SEC. 2. The board of state harbor commissioners is hereby authorized and empowered to make the improvements specified in section 1 of this act, and to expend from the fourth San Francisco seawall fund created by this act, in the manner authorized by law, any and all funds therein, derived from the sale of bonds as provided in this act.

State treas-
urer to pre-
pare bonds

SEC. 3. After the approval by the people of the constitutional amendment of the forty-eighth session of the Legislature adopting, legalizing and validating this act, and immediately after adoption of any resolution by the San Francisco harbor bond finance board herein created, provided for in section 5 of this act, the state treasurer shall prepare the requisite number of suitable bonds of the denomination of one thousand dollars in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this act shall not exceed the sum of ten million dollars, and the bonds issued under any such resolution shall mature not more than thirty years from the date of issuance thereof, and shall bear interest from the date of issuance of said bonds to the date of maturity thereof, at a rate to be determined by the said San Francisco harbor bond finance board and specified in such resolution, but in no case exceeding six per cent per annum. Both principal and interest shall be payable in gold coin of the United States, of the present standard of value, at the office of the state treasurer, or at the office of any duly authorized agent of the state treasurer, and shall be so payable at the times specified in said resolution or resolutions.

Maximum
aggregate
par value

Form and
validity
of bonds.

All bonds issued under this act shall bear the facsimile signature of the governor and the facsimile countersignature of the controller and shall be endorsed by the state treasurer by original signature and the said bonds shall be signed, countersigned and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the great seal of the State of California. The

said bonds so signed, countersigned, endorsed and sealed, when sold, shall be and constitute a valid and binding obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned and endorsed said bonds, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning, or endorsing said bonds. Each bond issued under this act shall contain a clause or clauses stating that interest shall cease to accrue thereon from and after the date of maturity thereof, and referring to this act and to the resolution of the San Francisco harbor bond finance board, by virtue of which said bond is issued.

SEC. 4. There is hereby created a San Francisco harbor bond finance board composed of the governor, director of finance, state controller, state treasurer, and president of the board of state harbor commissioners, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said board. The attorney general of the state shall be the legal advisor of the said finance board.

San Francisco harbor bond finance board created.

SEC. 5. Whenever the board of state harbor commissioners determines by resolution that a bond issue under this act is necessary or desirable in order to carry into execution any of the plans or projects authorized by this act, and so certifies to the San Francisco harbor bond finance board, then the said bond finance board shall adopt a resolution which shall authorize and direct the state treasurer to prepare the requisite number of suitable bonds and shall specify:

Resolution directing issuance of bonds.

1. The aggregate number, aggregate par value, and the date of issuance of the bonds to be issued.

2. The date or dates of maturity of the bonds to be issued, and the number and numerical sequence of the bonds maturing at each date of maturity, which for each issue shall be not later than thirty years from the date of issuance thereof.

3. The annual rate of interest which the bonds to be issued shall bear, in no case to exceed six per cent per annum.

4. The number, numerical sequence, amount or amounts and the dates of maturity of the interest coupons to be attached to the said bonds.

5. The technical form and language of the bonds to be issued and of the interest coupons to be attached thereto.

The bonds first to mature in each issue shall mature at the end of the sixth year from the date of issuance thereof, and, beginning at the end of said sixth year specified numbers of bonds of specified numerical sequence shall mature in equal amounts at annual intervals; and the bonds last to mature in each issue shall mature not later than thirty years from the date of issuance thereof.

Maturity

The rate of interest to be borne by the said bonds shall be uniform for all the bonds of the same issue and shall be determined and fixed by the San Francisco harbor bond finance board according to the then prevailing market con-

Interest rate

ditions, but shall in no case exceed six per cent per annum, and the determination of said committee as to the rate of interest shall be conclusive as to the then prevailing market conditions. The interest coupons to be attached to the said bonds shall be payable at semi-annual intervals from the date of issuance of said bonds; *provided*, that the interest coupon first payable may, if the San Francisco harbor bond finance board shall so determine and specify, be payable one year after the date of issuance of said bonds.

Expenses of
bond finance
board

SEC. 6. All actual and necessary expenses of the San Francisco harbor bond finance board and of the members thereof shall be paid out of the San Francisco harbor improvement fund, upon approval of the president of the board of state harbor commissioners and on controller's warrant duly drawn for that purpose, and shall constitute expenses of the board of state harbor commissioners.

Interest
coupons

SEC. 7. Interest coupons shall be attached to each of said bonds so that such coupons may be removed without injury to, or mutilation of the bond. Said coupons shall be consecutively numbered, and shall bear the lithographed signature of the state treasurer who shall be in office at the time of the issuance thereof. But no interest on any of said bonds shall be paid for any time which may intervene between the date of any of said bonds and the issue and sale thereof to a purchaser, unless such accrued interest shall have been, by the purchaser of said bond, paid to the state at the time of such sale.

Expense of
preparing
bonds ap-
propriation

SEC. 8. The sum of five thousand dollars is hereby appropriated to pay the expense that may be incurred by the state treasurer in having said bonds prepared. Said amount shall be paid out of the San Francisco harbor improvement fund on controller's warrants, duly drawn for that purpose.

Sale of
bonds

SEC. 9. When the bonds authorized to be issued under this act shall be duly executed, they shall be by the state treasurer sold at public auction to the highest bidder for cash, in such parcels and numbers as said treasurer shall be directed by resolution of the San Francisco harbor bond finance board, approved by the governor, who shall only direct and approve the same when in their judgment the actual harbor receipts, and those reasonably anticipated, will justify such sale of bonds and the consequent increased burden on harbor receipts; but said treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date; and he may, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof, offered, to such time and place as he may select. Before offering any of said bonds for sale the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such

sale. Due notice of the time and place of sale of all bonds must be given by said treasurer by publication in two newspapers published in the city and county of San Francisco, and also by publication in one newspaper published in the city of Oakland, and by publication in one newspaper published in the city of Los Angeles, and by publication in one newspaper published in the city of Sacramento, once a week during four weeks prior to such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised. The cost of such publication shall be paid out of the San Francisco harbor improvement fund, on controller's warrants duly drawn for the purpose. The proceeds of the sale of such bonds except such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said treasurer into the treasury, and must be by him kept in a separate fund to be known and designated as the "Fourth San Francisco seawall fund" and must be used exclusively for the construction of wharves, piers, seawall, state railroad, spurs, betterments and appurtenances and necessary dredging and filling in connection therewith on the waterfront of the city and county of San Francisco. Claims upon said fund shall be presented to the state controller for payment and paid by said controller in the same manner as claims are presented for payment and paid by said controller out of the San Francisco harbor improvement fund. The amount that shall have been paid at the sale of said bonds as accrued interest on the bonds sold shall be, by the state treasurer, immediately after such sale, paid into the treasury of the state and placed in the "Fourth San Francisco seawall sinking fund."

Publication of notice

Proceeds seawall fund

Seawall sinking fund.

SEC. 10. For the payment of the principal and interest of said bonds a sinking fund, to be known and designated as the "Fourth San Francisco seawall sinking fund," shall be, and the same is hereby created, as follows, to wit: The state treasurer, at the end of five years from the date of issuance of each issue of bonds provided for in this act, shall, on the first day of the month and on the first day of each month thereafter, until date of maturity of said issue of bonds, take from the San Francisco harbor improvement fund, such sum as multiplied by the total number of months, less sixty, between the date of issuance and date of maturity of such bonds, will equal the principal of all the bonds of such issue; and he shall place the sum in the "Fourth seawall sinking fund." Said state treasurer shall, on controller's warrants duly drawn for that purpose, employ the moneys in said sinking fund in the purchase of the bonds of the United States, or of the State of California, including any bonds authorized, issued and theretofore sold under authority of this act or of the several counties or municipalities of the State of California, which said bonds shall be kept in a proper receptacle, appropriately

Payment of principal of bonds.

Investment of sinking fund moneys

Payment
of interest
upon bonds

Revenues to
be collected
for payment
of bonds

labeled; but he must keep always on hand a sufficient amount of money in said sinking fund with which to pay the interest on such of the state bonds herein provided to be issued as may have theretofore been sold. The state treasurer may only purchase such bonds authorized and issued under authority of this act with moneys in said sinking fund as have been theretofore sold. And to provide means for the payment of interest on the bonds that may be sold and outstanding, said treasurer shall monthly take from the San Francisco harbor improvement fund, and pay into said seawall sinking fund, an amount equal to one month's interest upon all bonds then sold, delivered, and outstanding, less interest accrued upon investments made from moneys in the fourth San Francisco seawall sinking fund under the provisions of this section. The board of state harbor commissioners are hereby authorized and directed by the collection of dockage, tolls, rents, wharfage, cranage, demurrage, switching and any and all collections now or hereafter authorized by law, to collect a sum of money sufficient for the purposes of this act, over and above the amount limited by section 2526 of the Political Code of the State of California. All bonds issued under this act and sold shall be deemed to have been called in at their respective dates of maturity and the state treasurer shall, on the respective dates of maturity of said bonds, or as soon thereafter as said matured bonds are surrendered to him, pay the same upon controller's warrants duly drawn for that purpose, and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. He shall also, on the said respective dates of maturity, cancel all bonds bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof. The provisions of this section shall be applicable also to the interest coupons pertaining to the bonds authorized by this act to be issued. All money remaining in the fourth San Francisco seawall sinking fund, after the principal of and interest upon all bonds issued under the provisions of this act have been paid in full and after all such bonds and the interest coupons therefrom have all been canceled, shall be paid into the San Francisco harbor improvement fund to be expended in accordance with law.

Accounts
and records

SEC. 11. The state controller and the state treasurer shall keep full and particular account and record of all their proceedings under this act, and they shall transmit to the governor an abstract of all such proceedings thereunder, with an annual report, to be by the governor laid before the Legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any party interested, or the governor, or the attorney general, or a committee of either branch of the Legislature, or a joint committee of both, or any citizen of the state.

Payment
of interest,
how made

SEC. 12. It shall be the duty of the state treasurer to pay the interest of said bonds, when the same falls due, out of the

sinking fund provided for in this act, on controller's warrants duly drawn for that purpose.

SEC. 13. This act may be known and cited as the "San Francisco harbor improvement act of 1929." Short title

SEC. 14. This act shall take effect upon the adoption by the people of the State of California of an amendment to the constitution of the State of California approving, adopting, legalizing, validating and making fully and completely effective this act. Conditional effective date

CHAPTER 836.

An act to amend sections 1, 2, 4, 5, 7, 9, 15, and 19 of an act entitled "An act to provide for the maintenance by municipalities of lighting systems along public streets, alleys, and other public places and for the lighting thereof by electric current, gas or other illuminating agent; and for the assessment of the cost and expense thereof upon the property benefited and the manner of collecting such assessments," approved May 16, 1919, and to add a new section thereto numbered 13a, relating to an alternative procedure for making entries on assessment rolls for the collection of assessments, and for sales of property for delinquent assessments.

[Approved by the Governor June 17, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of an act entitled "An act to provide for the maintenance by municipalities of lighting systems along public streets, alleys, and other public places and for the lighting thereof by electric current, gas or other illuminating agent; and for the assessment of the cost and expense thereof upon the property benefited and the manner of collecting such assessments," approved May 16, 1919, is hereby amended to read as follows: Stats. 1919, p. 612, amended

Section 1. Whenever in the opinion of the city council of any municipality in this state the public interest or convenience may require, said city council shall have full power and authority to order any street lighting system, systems, or appliances, including poles, posts, electroliers, transformers, lighting units, lamps, cables, wires, pipes, conduits, and/or other suitable or necessary works or appliances for street lighting purposes, or any thereof, to be maintained in or along the whole or any part of any one or more of the public streets, alleys, or other public places in such municipality, and/or to order electric current or energy, gas, or other illuminating agent, to be furnished for such street lighting service, and to determine and declare the district to be benefited by any such improvement and fix the exterior boundaries thereof, and to assess, either Authority to order installation and maintenance of street lighting systems

partly or wholly, the costs and expenses (including all incidental expenses) of such improvement, or of any one or more of the items thereof, upon the lands in said district, all in the manner and under the proceedings hereinafter provided. Said maintenance and/or said furnishing of electric current or energy, gas, or other illuminating agent, shall be for a period to commence at a time to be fixed by the city council as hereinafter provided, but not exceeding five years from the date of commencement thereof. The provisions of this act shall not be limited to the maintenance of street lighting systems or appliances owned only by the municipality and/or to furnishing electric current or energy, gas or other illuminating agent for lighting systems or appliances so owned, but the city council shall also have full power and authority to order such street lighting service to be furnished with and by means of lighting systems or appliances provided and installed by, and remaining the property of, the public utility, public corporation, or other party with whom contract is entered into for such maintenance and such furnishing of illuminating agent, and to assess the costs and expenses of such service, all in accordance with the provisions of this act.

Stats 1919,
p 612,
amended
Resolution
of intention

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Sec. 2. Before ordering any improvement to be made which is authorized by section 1 of this act, the city council shall adopt a resolution declaring its intention so to do, briefly describing the proposed improvements and designating said district by describing the exterior boundaries thereof to be benefited by said improvements and to be assessed to pay the costs and expenses thereof, and to be known as the assessment district; *provided, however*, that the city council may, in its discretion, order in said resolution of intention that a certain portion or percentage of the costs and expenses of said improvement, the amount of which portion or percentage shall be specified in said resolution, shall be paid out of the treasury of such municipality from such fund as the city council may designate. The city council shall, in said resolution of intention, provide that the maintenance of said street lighting system, systems, or appliances and/or the furnishing of said electric current or energy, gas, or other illuminating agent, shall be for a period of time stated in said resolution of intention, but not exceeding five years. The dates of commencement and ending of said period shall be fixed by the city council on or before the date of execution of the contract or contracts hereinafter provided for, or, in the event that no contract is let and the work of said improvements is performed by the municipality, said dates shall be fixed by the city council on or before the date of ordering said work performed by the municipality, as provided in section 15 hereof; *provided, however*, that said city council may subsequently postpone the dates of commencement and ending of said period for a reasonable time upon good and sufficient reason appearing

therefor and may, in any advertisement for bids and in any contract entered into, reserve the right to make such postponement for such reason. The city council shall also in the same resolution refer the proposed improvement to the board, commission or officer of the city having charge and control of the construction of public improvements of the kind described in such resolution or to the city engineer or to such other board or officer of the city, or competent person employed by the city for such purpose, as the council may name in said resolution, and direct such board, commission, officer or person to make and file with the clerk of the council a report in writing, presenting the following:

Report of board, commission, etc., in charge of public improvements

(a) Plans and specifications of the proposed improvement.

(b) An estimate of the cost of said improvement, for the period of time specified in the resolution of intention.

(c) A diagram showing the assessment district above referred to and also the boundaries and dimensions of the respective subdivisions of land within said district, each of which subdivision shall be given a separate number upon said diagram. The said diagram shall govern for all details as to the extent of said assessment district.

(d) A proposed assessment of the total amount of the costs and expenses of the proposed improvement upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by such subdivisions, respectively, from said improvements; *provided*, that whenever any portion or percentage of the costs and expenses of such improvement is ordered to be paid out of the treasury of the municipality, as hereinbefore provided, the amount of such proportion or percentage shall first be deducted from the total estimated cost and expense of such improvement, and the assessment upon property, proposed in said report, shall include only the remainder of said estimated costs and expenses. Said assessment shall refer to such subdivisions upon said diagrams by the respective number thereon and it shall show the names of the owners, if known, otherwise designating them as unknown. No mistakes in the name of the owner of any parcel of land shall affect the validity of the assessment thereon. Plans and specifications shall be deemed sufficient with respect to location of lights to be operated or maintained if such plans or specifications show or describe the approximate location of said lights.

Sec. 3. Section 4 of said act is hereby amended to read as follows:

Stats 1910, p 618, amended

Sec. 4. After the passage of the resolution of intention the clerk of said city shall cause to be conspicuously posted along all streets and parts of streets or other public places where said improvement is proposed to be made, at not more than three hundred feet apart, but not less than three in all, notices of the passage of said resolution. Said notice shall be headed: "Notice of local improvement," in letters of not less than one inch in length and shall in legible characters, state the fact and date of the passage of the resolution of intention,

Notice of local improvement to be posted and published

and of the filing of said report and the date fixed for the hearing of protests and briefly describe the improvement proposed to be made and refer to said resolution and report for further particulars. He shall also cause a notice similar in substance to be published by two successive insertions in a daily or weekly newspaper published and circulated in said municipality and designated by said council for the purpose. Said notices must be posted and published as above provided, at least ten days before the date set for the hearing of said protest. The assessment district need not be described in said notices or in any resolution provided for in this act, other than the resolution of intention; *provided, however*, that all such notices and resolutions, where a description of the assessment district is necessary, shall incorporate the said description in the resolution of intention by reference.

Stats 1919,
p 614,
amended

SEC. 4. Section 5 of said act is hereby amended to read as follows:

Written
protests

Sec. 5. Any person interested, objecting to the proposed improvement or to the assessment therefor, may file a written protest stating his objections thereto, with the clerk of the city council at or before the time set for the hearing provided in section 3 hereof. The clerk shall indorse on every such protest the date of its reception by him, and at the time appointed for the hearing as above provided, shall present to said council all protests so filed.

Hearings

The council shall hear and consider said protests, at the time appointed therefor, as above provided, or at any time to which the hearings thereof may be adjourned, and pass upon the same, and may confirm, modify or correct said proposed assessment, and its decision shall be final and conclusive and, if such protests are sustained, the proceedings shall be abandoned but may be renewed at any time; and if such protests are denied, the proposed assessment shall be confirmed, and the city council shall be deemed to have acquired jurisdiction to further proceed in accordance with the provisions of this act.

Adoption
of reports

When, upon the hearing, said proposed assessment is confirmed, modified or corrected, or in case no protests are filed, the report provided for in section 2 hereof shall be adopted as a whole, with any modifications or corrections that have been made therein, and the city council shall, by resolution, declare its action upon said report and assessment, and order said proposed improvement to be made.

Assessment
levy.

And the city council shall thereafter levy the assessment for the proportion or percentage required to pay for said improvement for the period of time beginning with the date of commencement of said improvement fixed by the city council as provided in section 2 hereof, and ending, as determined by and at the discretion of said city council, either with the close of the current fiscal year or with the close of the following fiscal year, upon all the respective subdivisions of land in the assessment district, and thereafter during the period of time provided in the resolution of intention, the city

council shall, on or before the beginning of the following fiscal year, levy in like manner and on the same property the assessment for the proportion of percentage required to pay for such improvement for such year, and said board, commission, or officer of the city authorized therefor shall, on or before sixty days prior to the commencement of such fiscal year, make and file with the city council a report in writing presenting the following:

Report

1. An estimate of the cost of said improvement for the ensuing fiscal year.

2. A diagram showing the assessment district referred to in the resolution of intention, as provided by section 2 of this act, also the boundaries and dimensions of the respective subdivisions of land within said district as the same existed at the time of the making of said last-mentioned diagram, each of which subdivisions shall be given a separate number on said diagram.

3. A schedule showing the proportionate amount of said assessment to be charged in proportion to the benefits to be received by each subdivision shown on the last above-mentioned diagram.

Any unexpended balance remaining in such fund at the expiration of any year shall be credited to the fund to be raised for the next ensuing fiscal year, and the assessment to be levied, as herein provided, for such ensuing year, shall be only for the amount required therefor after deducting from such estimated amount the amount of any such unexpended balance. Any unexpended balance remaining in such fund at the expiration of the period of time provided for in said resolution of intention shall, upon demands therefor made upon the city council of any such city, within one year from and after the expiration of the time specified in said resolution of intention, be repaid pro rata to the persons by whom such assessments were paid; *provided, however*, that any such unexpended balance remaining in such fund and not demanded within said period of one year, as herein provided, shall be placed in such fund as the city council may order.

Unexpended balance

If for any reason there shall be a deficiency in the funds derived from the assessment for any improvement under this act, including all incidental expenses thereof, the city council may meet such deficiency by an appropriation out of the general fund of the city or by ordering a supplemental assessment in the same manner as nearly as may be as the first assessment, except that protests may only be made against such supplemental assessment.

Deficiencies

Whenever any lot, piece or parcel of land belonging to the United States, or to the State of California, or to any county, city, public agent, mandatory of the government, school board, educational, penal or reform institution, or institution for the feeble-minded or the insane, and being in use in the performance of any public function, is included within the district declared by the city council in its resolution of intention to

When public land is included within an assessment district

be the district to be assessed to pay the costs and expenses of the improvement, said city council may, in the resolution of intention, declare that said lots, pieces or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the costs and expenses of said improvement. In the event that said lots, pieces or parcels of land, or any of them, shall by said resolution be omitted from the assessment, then the total expense of all work done shall be assessed on the remaining lots lying within the limits of the assessment district, without regard to such omitted lots, pieces or parcels of land. In the event that the council shall, in such resolution of intention, declare that said lots, pieces, or parcels of land so owned as aforesaid, or any of them, shall be included in the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, or any of them, then said city shall be liable for such sum or sums as may thereafter be assessed against any such lots, pieces or parcels of land so owned and used, and so included in the assessment by reason of the aforesaid declaration, or such lots, pieces or parcels of land so owned and used respecting which the resolution of intention makes no declaration, which shall be payable by the said city out of the general fund unless the city council shall in its resolution of intention designate another fund; *provided, however*, that any such sum or sums which may be assessed against any such lots, pieces or parcels of land so owned and used, shall not be payable by the city when such sum or sums are paid by the owner of or the governing body controlling such lots, pieces or parcels of land.

Stats 1919,
p 615,
amended

Duty of
city clerk

Terms
defined

SEC. 5. Section 7 of said act is hereby amended to read as follows:

SEC. 7. Upon the levying of such assessment as provided in section 5 hereof, the city clerk shall transmit the diagram and assessment upon which such levy is based, or a certified copy of said diagram and assessment, to the city tax collector or to such other municipal officer or employee as the city council may designate in the resolution levying such assessment. The terms "tax collector" and "city tax collector," whenever used in this act, shall be understood and construed to mean and include such municipal officer or employee as may be designated by the city council as hereinabove provided, and such officer or employee so designated by the city council shall discharge all duties herein prescribed as those of tax collector or city tax collector and all provisions hereof applicable to the tax collector or city tax collector shall apply to such officer or employee so designated.

Stats 1919,
p 616,
amended

Sale of
property for
delinquent
assessments

SEC. 6. Section 9 of said act is hereby amended to read as follows:

SEC. 9. The tax collector shall, within thirty days after the date of such delinquency, begin the publication of a notice of sale of the property upon which the assessments have not been paid, which publication must be made by two

insertions in a daily or weekly newspaper published and circulated in the city. The dates fixed for the sale of the property upon which assessments have not been paid shall be not less than five days, nor more than ten days, after the last publication of said list, or after the completion of posting—as the case may be. The list so published must contain a description of each lot or parcel of land delinquent, and opposite each description the name of its owner, if known, otherwise designating him as unknown, and the amount of the assessment and costs due, including the cost of advertisement, which cost of advertisement shall not exceed the sum of fifty cents for each parcel of land separately assessed. He shall append to and publish with said delinquent list a notice that unless each assessment delinquent, together with the penalty and cost thereon, is paid, the property upon which the assessment is a lien will be sold at public auction, at a time and place to be specified in said notice.

At any time after such delinquency and prior to the sale of any parcels of land assessed and delinquent any person may pay the assessment thereon, together with the penalties and costs due thereon, including the cost of advertising, if such payment is made after the first publication of notice of sale.

At the time and place fixed therein the tax collector shall proceed with such sale, commencing at the head of the list of lands contained in such notice and continuing in the numerical order thereof until all the property is sold; *provided*, that he may postpone, or continue, the sale from day to day until the sale is completed. The tax collector shall separately sell each parcel of land described in such notice, or so much thereof as shall be necessary to realize the amount assessed against the same, together with the penalties and costs as aforesaid, and fifty cents for a certificate of sale. In case there is no other purchaser the same shall be struck off to the city as purchaser.

SEC. 7. A new section numbered 13a is hereby added to said act, to read as follows: New section

Sec. 13a. The procedure provided for in this section shall be an alternative procedure to that provided in other sections of this act, and the city council shall be at liberty to use such procedure or not in its discretion. Alternative procedure

When the report has been adopted and confirmed as provided in section 5 the city clerk shall transmit the diagram and assessment as finally adopted and confirmed, with and as a part of said report, or a certified copy of said diagram and assessment as so finally adopted and confirmed, to the city auditor, and the city auditor shall enter on the assessment roll for general municipal taxes next coming due, opposite each lot or parcel of land affected, in a space marked "street lighting assessment" or other suitable designation, the assessment coming due thereon during the fiscal year covered by said assessment roll. Auditor to enter assessments on the general assessment roll

Assessments,
when pay-
able, etc

Assessments coming due hereunder in any year during the period of time stated in the resolution of intention shall be payable in annual or semiannual installments, according as the general municipal taxes are payable in annual or semiannual installments, and shall be payable and become delinquent at the same times and in the same proportionate amounts and bear the same proportionate penalties and interest after delinquency as general municipal taxes, and property securing such assessments shall be sold after delinquency in the same manner as property is sold for delinquent general municipal taxes, and be subject to redemption in the same manner as property is redeemable from sale for delinquent general municipal taxes.

When city
may pur-
chase.

The city may be the purchaser at any delinquent sale hereunder in like manner as it becomes or may become the purchaser of property sold for delinquent general municipal taxes, and when the city becomes such purchaser it shall transfer into the special fund referred to in this act the amount of the delinquent assessment, penalties and interest then due thereon. In cases where under the law the city is not always the purchaser at sales for delinquent general municipal taxes, the city shall become the purchaser at any delinquent sale hereunder where there is no other purchaser. When the city becomes such purchaser the property shall not again be sold for any succeeding delinquent assessment, penalties and interest until the property has been redeemed from the previous sale; the city shall, however, unless a resale has been made by it, from time to time when due transfer into said special fund, pending redemption, the amount of any succeeding delinquent assessment, penalties and interest; and no redemption shall be made until all delinquent assessments, penalties and interest shall be paid. The purchaser at any delinquent sale hereunder, or at any resale by the city in the event of the city having become the purchaser, shall take the property subject to all unpaid assessments, penalties and interest due hereunder.

Stats 1919,
p 618,
amended.

SEC. 8. Section 15 of said act is hereby amended to read as follows:

When con-
tracts may
be entered
into

SEC. 15. At any time after the transmission of the diagram and assessment to the city tax collector, as in this act provided, the city council may let the contract or contracts for such improvement; *provided, however*, that in cases where proceedings have been commenced under this act before the street lighting system, systems, or appliances referred to in the resolution of intention have been installed or ordered installed, then such contract or contracts shall not be awarded under this act until said street lighting system, systems, or appliances shall have been installed or shall have been duly ordered by said city council to be installed, and in the event that the installation of such proposed lighting system, systems, or appliances is abandoned, then the proceedings under this act shall be abandoned. Every such contract shall be let to the lowest responsible bidder after notice published by two inser-

To whom let

tions in some newspaper published in such municipality and designated by the city council for that purpose. Every bid shall be accompanied by a certified check amounting to ten per cent of the bid, payable to the order of said city clerk, and the same shall be forfeited to the municipality in case the bidder depositing the same does not, within fifteen days after the notice that the contract has been awarded to him, enter into a contract with the municipality for the work, the faithful performance of which shall be secured by an undertaking in such penal sums as the city council shall require, with sureties satisfactory to said council. The contract must provide that the work shall be done, and the work must be done, strictly in accordance with the plans and specifications contained in the report provided for in this act.

Bids

Performance
of contracts

The work must be done under the supervision of the board, officer or person designated by the city council, and no work shall be paid for until it has been accepted by said board, officer or person.

If the contractor abandons the work, or fails to proceed with the same as rapidly as required by his contract, the said city council may relet the work in the same manner as in the case of the first letting thereof and retain the amount of the cost of the same, and of any expense incidental to the reletting out of any funds due or to become due to the contractor, and also hold him and his sureties responsible for such cost and expense, and for any damages resulting from such abandonment or failure upon his bond; *provided, however*, that the city council, in its discretion, may, at any time within twenty days after the opening of bids, as above provided, or, if no bids are received, at any time within twenty days after the time fixed for the opening of bids, order by resolution adopted by a vote of two-thirds of all its members, that the municipality itself execute the work of the improvement, or any part thereof, in accordance with the plans and specifications adopted for such work, or for such part thereof, and employ the labor and provide the materials, appliances, supplies and/or illuminating agent necessary therefor; and the cost and expenses of such work, or of such part thereof, shall be paid out of the funds collected to pay for said improvement; *and provided, further*, that if the city council orders, as above provided, that only a part of the work of the improvement be executed by the municipality, then said city council shall have full power and authority to reject all bids, if any, received for such part of said work and to proceed with the award of contract or contracts for the remaining part of said work; *and provided, further*, that if the work of the improvement, or any part thereof, be executed by the municipality, as herein provided, then the amount appropriated and used from said funds to pay the costs and expenses of the work or part thereof executed by the municipality shall not exceed the amount of the respective lowest valid bid received for such work or for such part thereof, or,

Same,
by city

if no bids have been received and the work of the improvement is executed by the municipality, as herein provided, the amount appropriated and used from said funds to pay the costs and expenses of such work shall not exceed the amount of the respective estimate thereof provided for in section 2 of this act; and if such costs and expenses shall exceed the amount of said bid, or of said estimate in case no bids are received, then such excess cost and expense shall be paid out of any moneys in the general fund in the treasury of said city; *and provided, further,* that at any time after the funds for the proposed improvement, or any part thereof, shall be in the hands of said treasurer, the city council, in its discretion, may, without calling for bids, order by resolution adopted by a vote of two-thirds of all its members, that the municipality itself execute the work of such improvement, or any part thereof, in accordance with the plans and specifications adopted for such work or for such part thereof, and employ the labor, and provide the materials, appliances, supplies and/or illuminating agent necessary therefor; in which case the costs and expenses of such work, or of such part thereof, shall be paid out of the aforesaid funds, except that if such costs and expenses shall exceed the amount of the aforesaid respective estimates, then such excess shall be paid out of the moneys in the general fund in the treasury of said city.

Stats 1919,
p 620,
amended
Definitions

SEC. 9. Section 19 is hereby amended to read as follows:

Sec. 19. The following words and phrases shall, where used in this act, have the following meaning:

1. The term "improvement" includes all of the improvements mentioned in section 1 of this act.

2. The terms "municipality" and "city" include all incorporated cities, cities and counties, and other corporations organized for municipal purposes.

3. The terms "city council" and "council" include any body or board in which by law is vested the legislative power of any municipality.

4. The terms "clerk" and "city clerk" include any person or officer who acts as clerk of said city council.

5. The terms "treasurer" and "city treasurer" include any person or officer who has charge and makes payment of the city funds.

CHAPTER 837.

An act requiring the recording of maps of subdivisions of land in certain cases; prescribing the conditions on which such maps may be recorded; authorizing the execution of contracts secured by bond for the placing of improvements on streets, highways, and ways dedicated thereby; authorizing cities, cities and counties and counties to adopt by ordinance subdivision regulations in addition to those provided hereby; prohibiting any attempt to place other require-

ments for the recording of such maps; prohibiting the selling, or offering or contracting to sell any subdivision or portion thereof by reference to any map other than a recorded map; making certain acts misdemeanors; and repealing earlier acts in conflict therewith.

[Approved by the Governor June 17, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. For the purpose of this act the following Definitions
terms are defined as:

A "subdivision" is a tract of land composed of five or more "Sub-
division "
lots of one acre or less in area, provided that when any person within one calendar year divides any tract into five or more parts of one acre or less in size, such tract shall be deemed to be a subdivision within the meaning of this act; except that in any local subdivision regulations adopted under authority of this act it may be provided that the dividing of a tract of land of four acres or less in area surrounded on three or more sides by dedicated streets shall not constitute a subdivision within the meaning of this act; *provided, however,* that nothing contained herein shall prohibit the recording of a map of less than five lots or a map composed of lots of more than one acre in area, such map to comply in all other respects with the requirements of this act; *and further provided,* that nothing contained herein shall be construed to require the preparation of a map in accordance with the provisions hereof of any subdivision of land which has been staked out and in which sales or contracts of sale have actually been made prior to the adoption of this act, or of any subdivision a map of which has been duly recorded under the provisions of any previous act; *and provided, further,* that nothing herein contained shall require the recordation of a map showing property sold or contracted for sale by metes and bounds or by reference to an unrecorded map prior to the adoption of this act as a condition precedent to the sale or contract of sale of the whole or part thereof.

A "subdivider" is a person, corporation, partnership, or "Sub-
divider "
association laying out for the purpose of first sale, offering for first sale or first selling, for himself or others a subdivision or any part thereof.

A "lot" is a portion of a block. "Lot "

A "block" is a tract of land within a subdivision entirely "Block"
bounded by streets, highways or ways, except alleys, or streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.

A way is a strip of land dedicated to public use exclusively "Way "
for pedestrian purposes.

Any person claiming to hold subdivided land within the aforesaid exceptions to the application of this act may bring a special proceeding in the superior court in and for the county in which such land is situated. After due service of Action to
determine
exemption
of lands

process as in other civil matters upon the governing body of the city or county in which the same is located and after hearing evidence showing that said land to be within the aforesaid exceptions, the court shall issue its decree that the said land, or any part thereof is not subject to the provisions of this act. Such decree when duly recorded shall be final and conclusive as to the rights of all parties so far as the provisions of this act are concerned.

"County"
Subdivider
to record
map prior to
sale of sub-
division

A "county" includes both a county and a city and county.

Copy to be
filed with
planning
commission

SEC. 2. Whenever any subdivision of land as defined in this act shall hereafter be laid out for the purpose of sale and before any contract for the sale, or sale, or, offer to sell said subdivision, or any part thereof is made, the subdivider thereof or his agent must cause to be recorded in the office of the county recorder of the county in which any portion of said subdivision is located, a map thereof in all respects in full compliance with the provisions of this act and ordinances and regulations adopted pursuant thereto; *provided*, that any person who desires to subdivide land shall file with the planning commission a copy of the map which he proposes to use in said subdivision and the said planning commission shall issue to said subdivider a receipt given in the name of the record owner of said property, which receipt properly signed and attested by the record owner may be recorded in the office of the county recorder in said county. If at the expiration of thirty days, after the date of such recordation, the planning commission shall not have approved said map, the subdivider may then proceed to sell such property by metes and bounds description; *provided*, any person may cause a map to be recorded under the provisions hereof, regardless of the number of lots or purpose for which made, such map to comply in all other respects with the other requirements of this act.

If planning
commission
does not
approve.

Unlawful
sales

SEC. 3. It shall be unlawful for any subdivider to contract for the sale, sell, or offer to sell any subdivision or part thereof, until a map thereof in full compliance with the provisions of this act has been duly recorded in the office of the county recorder in which any portion of said subdivision is located or until he shall have recorded in the office of said county recorder the receipt from the planning commission, regional planning commission, county surveyor or the city engineer setting forth that such map has been submitted to such body for approval. If such map has not been approved by such body within thirty days after the date of such recordation thereafter such subdivider or his agent may sell such property by metes and bounds description. Otherwise it shall be unlawful for any person to sell or offer for sale any subdivision or any part thereof, by reference to any map or plat, unless such map or plot has been made, certified, indorsed, acknowledged and recorded in all respects as provided in this act, or was filed or recorded prior to the taking effect of this act, and no person shall sell or offer for sale any subdivision or any part thereof by reference to any map or plat

other than such recorded map or plat or true and correct copy thereof.

SEC. 4. Any sale contrary to the provisions of sections 2 and 3 shall be a misdemeanor, and any person, firm, or corporation, upon conviction thereof, shall be punishable by a fine of not less than twenty-five dollars and not more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which any aggrieved municipality or other political subdivision or person, firm or corporation may otherwise be entitled. Any sale, or contract to sell made contrary to the provisions of this act shall be voidable at the sole option of the buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of execution of such document, but such document shall be binding upon any assignee or transferee of such person other than those above enumerated, and upon the vendor, or person contracting to sell, or his assignee, heir or devisee.

Penalties

Voidable contracts etc

SEC. 5. Prior to the preparation of any subdivision map the subdivider shall cause one original and as many duplicates as may be required by the city planning commission, city engineer or county surveyor of a tentative map to be prepared by a civil engineer or licensed surveyor. Said tentative map shall indicate the width and approximate grade of all streets, highways, or ways shown thereon; radius of all curves; approximate dimensions of lots; approximate location and width of any watercourses or areas subject to inundation or storm water overflow.

Preparation of tentative maps

SEC. 6. The subdivider shall file one or more copies of said tentative map with the planning commission of the city, city and county, or county having jurisdiction and in which such subdivision or any part thereof is situated, or in the absence of such commission, with such officer or body as may be designated in the subdivision regulations adopted by the legislative body thereof, or in default of any such designated person or body, with the clerk of the legislative body except that in all cities a copy of said tentative map shall also be filed with the city engineer.

Filing of tentative maps

Whenever any such subdivision or any part thereof, shall lie within unincorporated territory and within three miles of the corporate limits of any municipality in the same county which has established a planning commission which is in existence at the time of the filing of such tentative map, the commission, officer or body of the county to whom said tentative map is submitted, shall, within three days of the filing of the same, transmit copies thereof, which copies the subdivider may be required to prepare, to the secretary or engineer of the planning commission and the city engineer of such municipality, and shall certify on the original the fact of such transmission.

When subdivision lies within three miles of a municipality

Said secretary or engineer, or city engineer shall return the copies of the tentative map to the commission officer, or body of the county by whom the same was submitted, within fifteen days of its receipt by them, with a report attached thereto indicating wherein said tentative map may fail to conform to the neighboring street layout of said municipality, or to any major street plan or other plans of said municipality, with such other suggestions and drawings relative to street or highway arrangement as either of them may care to make. Failure of such engineer or secretary and the city engineer, to return said map within said fifteen days, shall be deemed an approval thereof by each or either of them.

When maps
are to be
filed with
regional
planning
commission

SEC. 7. The legislative body of said city, or county may designate in the subdivision regulations adopted pursuant to the provisions hereof, that all tentative and final maps shall be filed for approval and checking respectively, as provided herein, with any regional planning commission already established or created in the future. In such case, all acts required to be done by the planning commission or officer or body charged with the approval of maps shall be done by such regional planning commission, its officers, or deputies, or such officer, or body as may have been designated in such subdivision regulations

Approval and
disapproval
of tentative
maps

SEC. 8. The commission, officer, or body charged with the duty of approving such tentative maps shall within thirty days after the filing thereof, unless such time is extended by agreement with the subdivider or his agent, approve or disapprove the same. Said action shall be indorsed upon the face of the tentative maps. If no action is taken by said commission, officer or body charged with the duty of approving such tentative maps within said thirty days or such longer period as may have been agreed upon, the tentative maps as filed shall be deemed approved, and it shall be the duty of said commission, officer, or body through deputy or officer to indorse upon the face thereof the word "approved" together with a proper attestation. Nothing contained herein shall prevent the governing body from requiring by its subdivision regulations that the tentative map shall be submitted to the city engineer, or county surveyor, or legislative body in addition to being submitted to the planning commission; *provided*, that the total time elapsing between the submission of said map to the planning commission, city engineer, county surveyor or legislative body, unless such time is extended by agreement with the subdivider, or his agent, shall not exceed thirty days.

Grounds for
disapproval

SEC. 9. In the event that such tentative map is disapproved, the reasons for such disapproval shall be stated in clear and concise terms upon a proper memorandum permanently attached to said tentative map, together with a clear and concise statement of what changes will render the map acceptable. In the event that subdivision regulations have been adopted in accordance with the provisions of this act, such memorandum shall refer specifically to the regula-

tions violated by the tentative map. If no such regulations have been adopted, no disapproval can be made except upon the following grounds:

(a) Improper or inadequate provision for streets, highways, and ways.

(b) Improper or inadequate provisions for drainage. In the event of such disapproval the commission, officer or body disapproving such tentative maps shall forthwith upon demand by the subdivider furnish such subdivider with a certificate of disapproval duly attested. Said certificate shall contain a description of the exterior boundaries of such subdivision and shall contain a clear and concise statement of the reasons for such disapproval and of what changes will render the maps acceptable.

(c) Or failure to comply with any existing legal requirements governing subdivisions.

SEC. 10. One copy of the approved or disapproved tentative map together with the aforesaid memorandum, if any, shall be returned to the subdivider; another shall remain permanently in the files of the commission, body or officer charged with the original approval of tentative maps.

Disposal of
tentative
maps

SEC. 11. In the event that any subdivider is dissatisfied with the interpretation placed upon the subdivision regulations by the commission, body or officer charged with the approval of tentative maps, or in the absence of such regulations, such ruling as may have been made by such commission, body, or officer within fifteen days thereafter he may appeal from said ruling to the legislative body, which must hear the same, unless the subdivider consent to a continuance, at the next succeeding regular meeting. Said legislative body may by a majority vote of its members overrule any ruling of the commission, board or officer in regard to said tentative map. Such action shall be indorsed on a properly attested memorandum physically attached to both copies of said tentative map.

Appeals to
legislative
body

SEC. 12. Whenever any tentative map covers territory located in two or more cities, or counties, such map must be filed with the commission, body, or officer having jurisdiction over the approval of such maps in each of said cities, and counties. In the event such commissions, bodies, or officers require mutually inconsistent changes in such map and after consultation refuse to modify said demands, and said refusal has been approved by the respective governing bodies, the subdivider may file a complaint in the superior court in and for the county in which the major portion of such subdivision is located making each of said cities, cities and counties, and counties parties defendant. Such defendants may answer or otherwise plead in such special proceeding in the manner provided for in other civil actions, except as hereinafter provided. Such special proceeding shall take precedence over all matters upon the calendar of said court, criminal, probate, and eminent domain proceedings excepted.

Appeals to
superior
court.

After full opportunity to all parties to be heard, including the subdivider, the court shall determine what are the proper and desirable changes, if any, to be made in said tentative map as filed, attempting in its judgment so far as possible to apply all the subdivision regulations of each entity in its own territory while preserving a harmonious subdivision layout. The decision of said court on said matter and all its rulings on matters incidental thereto shall be final and no appeal therefrom may be had. Said decision shall in no wise determine the validity of any of the various subdivision regulations but shall extend only to their application to the particular subdivision concerned.

Additional
tentative
maps

SEC. 13. Nothing herein contained shall be construed to prohibit the filing of any number of tentative maps, regardless of whether the first one has been approved and optional tentative maps may be filed at the same time.

Preparation
and filing of
final subdivi-
sion map

SEC. 14. The subdivider subsequent to the approval of the tentative map shall proceed within one year to cause said subdivision to be surveyed accurately in accordance with said map and any and all alterations and changes therein, and a final subdivision map prepared, failure to prepare such final subdivision map within one year, unless by mutual agreement between the planning commission, officer or body charged with approving such map and the subdivider, extending the time of filing, shall automatically terminate all proceedings and the subdivider shall be required to submit a tentative map and recommencement proceedings. In making said survey, the engineer or surveyor shall leave sufficient permanent monuments so that another surveyor or engineer may retrace his work, or in accordance with subdivision regulations adopted pursuant hereto. The subdivision regulations adopted pursuant to the provisions of this act may provide in detail for the character, number, location, and time of location of such monuments.

Form of
final map

SEC. 15. The final subdivision map shall be clearly and legibly drawn in india ink upon tracing cloth of good quality. The size of the sheets of tracing cloth must be eighteen by twenty-six inches. Marginal lines must be drawn around the entire sheet, leaving a margin of one inch from the edges of the sheets, and the name, title, or other designation and all drawings, affidavits, certificates, acknowledgements, indorsements, acceptances of dedication, and notarial seals must be within said marginal line. The scale to which the drawing is made shall be large enough to show the details clearly. Enough sheets must be used to accomplish this end. Each sheet must be numbered, the relation of one sheet to another clearly shown and the number of sheets used in the subdivision must be set forth in the title of said map. Affidavits, certificates, acknowledgements, indorsements, acceptances of dedication, and notarial seals required by this act shall appear only once upon the first, or first and such others as may be required, of said several sheets. The subdivision regulations

adopted pursuant to this act may provide additional requirements as to the form or manner of preparation of said maps, not inconsistent with the provisions of this act.

SEC. 16. Such final map shall particularly set forth the exact location of such subdivision with reference to adjacent subdivisions, the maps or plats of which have been previously recorded, if any, or if none, then with reference to corners of a United States survey, or to some natural or artificial monument.

Designation
of location
of subdivi-
sion

SEC. 17. Such final map shall particularly set forth all parcels of land offered for dedication for public uses, whether they be intended for public highways, parks, courts, commons, building sites, drainage, or other public uses of any kind or description whatsoever, and their dimensions and boundaries definitely shown and defined. Such dedication shall be deemed made to the city, city and county, county, school or high school district, reclamation, irrigation, or flood control district or any and all other districts created for a special use or purpose within which such dedicated area is located and the special functions of which embrace the purpose for which the dedication is limited; *provided*, that when such map shows by express language an intention to transfer such dedicated area to another entity, said intention shall control. Such dedication shall convey an easement when a public body can condemn for such purpose only an easement, but in all other cases said dedication shall convey a fee simple estate subject to the terms of the dedication. Unless couched in precise language or limited by the provisions of the acceptance, the dedication shall be conclusively presumed to carry with it all rights and uses necessary or convenient for the use of the property designated on such final map.

Dedication
for public
uses.

SEC. 18. Such final map may particularly set forth easements and rights of way dedicated by said map to any person, association or municipality, county or corporation for itself or as trustee for others for public utility purposes. Any city, city and county, or county may act as trustee for such purposes and may transfer the whole or part of the said easement when not inconsistent with provisions and terms of said trust, without regard to the limitations placed upon ordinary transfers of interest in land by such bodies.

Easements

SEC. 19. Such final map shall particularly define, delineate and designate all lots intended for sale or reserved for private purposes by number with their dimensions, boundaries and courses definitely shown and defined; parcels offered for dedication for highways or other purpose, public or private, but not accepted as provided for in this act, by letter, with their dimensions and boundaries definitely shown and defined; and private streets by letter or name; *provided*, that private streets and streets offered but not accepted for dedication shall have inserted the words "not a public street." The subdivision regulations adopted pursuant to the provisions of this act

Lots for
sale, etc

may provide additional requirements as to the designation of such parcels not inconsistent with the provision of this act.

Endorsement
of final map
by owners of
the land

SEC. 20. Upon every such final map there shall be indorsed a consent to the making thereof, signed by the owner or owners, or his or their attorney in fact, power of attorney therefor having been previously recorded in the office of the recorder of the county in which the subdivision shown on said map is located and also by all other persons, or their attorneys in fact as aforesaid, whose consent is necessary to pass a clear title to such land and acknowledged by all the signers in the same manner as conveyances of real property, except as hereinafter provided. A lien for taxes, state, municipal, county or local and for special assessments shall not be deemed an interest in land for the purpose of this section. Any municipal corporation, county, district, or agency of the state owning an interest in such subdivision, less than a fee and other than a lien for taxes or special assessments, may join in such consent upon such terms as its governing body may determine to be just without regard to other provisions of law regulating public conveyances of real property. Any map covering territory originally patented by the United States or the State of California, under patent reserving interests to either or both of said entities may be recorded under provisions of this act without the consent of the said United States or the State of California thereto or to dedications made thereon.

Statements
of dedica-
tion

SEC. 21. Upon every such final map which shows any parcels of land intended to be dedicated thereby for any of the purposes authorized by this act, there shall be indorsed a statement of the dedication of such parcels of land for the purposes set forth in the body of the map or upon such detailed terms as the subdivider may provide thereon, by all persons whose consent is necessary to pass a clear title to such parcels and acknowledged by all persons executing the same in the same manner as conveyances of real property. Such map shall also contain an acceptance in express language duly executed by the proper officer, body, or individual and attested in the case of a public body and acknowledged in case of a person, association or private corporation, of the parcel or parcels so intended to be dedicated. Title to property so dedicated shall not pass until the map is recorded in the office of the county recorder.

Acceptance
of dedica-
tion.

Certificates
of county
auditor, etc

SEC. 22. Said final map shall also contain a certificate from the county auditor and from the auditor or other proper officer of any municipal corporation in which any part of such said subdivision is situate, showing that there are no liens for unpaid state, county, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable against said subdivision or any part thereof, and as to the latter an estimate by the proper officer, of taxes and assessments which are a lien but not yet payable.

SEC. 23. When any subdivision, or part thereof, is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the owner or owners, or any one of them, shall execute and file with the board of supervisors of the county wherein said subdivision or any part thereof is situate, a good and sufficient bond in an amount not less than that set in the aforesaid estimate to be approved by the board of supervisors, by its terms made to inure to the benefit of the county wherein said subdivision, or any part thereof, is situate and conditioned upon the payment of all taxes, state, county, municipal or local, and all special assessments collected like taxes, whether imposed under the jurisdiction of the county, municipality, or other body, which at the time of filing said map are a lien against said property, or any part thereof, but not yet payable. In lieu of a bond a deposit of money or negotiable bonds, in the same amount, of the kind approved by provisions of law for securing deposits of public money in banks, may be made.

Bonds in anticipation of future taxes and assessments

Alternative security

SEC. 24. If such taxes or special assessments secured as aforesaid by bond are allowed to become delinquent, the county shall recover from the surety thereon the principal sum of said bond without proof of loss. The clerk of the governing body of said board of supervisors shall apply the sum so received in payment of any and all of such taxes or special assessments, including penalties and costs, if any, accruing thereon to the respective officers, state, county, municipal or district, for the satisfaction of such tax and special assessment liens and shall pay the balance, if any, over to said surety.

Recovery on bonds or from securities

In the event that in lieu of any bond under the provisions of this act, a deposit of money or negotiable bonds has been made with the clerk of said board, the clerk shall, subject only to such rules as the board of supervisors may in their discretion provide, dispose of such securities, if any, and apply the proceeds thereof, and any money deposited with such officer to the payment of such taxes and special assessments in the same manner as above provided when a bond has been executed.

In the event the clerk of said board, as a result of this section, has funds in his possession and can not locate the owner thereof, he may deposit the same in the county treasury for the benefit of the depositors thereof.

SEC. 25. The map in such case shall contain a certificate by the clerk of the board of supervisors, if a bond or money or securities has been deposited, securing the payment of such taxes and special assessments collected as taxes. No bond securing the payment of taxes or special assessments collected as taxes or deposit of money or securities or certificates in regard to said bond or deposit of money or securities by the clerk of the board of supervisors shall be required on any map which may be recorded on or after the date upon which taxes for the current year have become payable and before the date upon which the assessments for the next succeeding year is past.

Clerk's certificate

Exception

Payment of assessments in full	<p>SEC. 26. In the event that the subdivision, or any part thereof, is subject to a special assessment which may be paid in full, the subdivider must pay the same before the approval</p>
Exception	<p>of any map; <i>provided</i>, that the subdivision rules adopted pursuant hereto may authorize the subdivider to file a bond with the board of supervisors in all respects similar to that provided in the preceding paragraphs payable to the county as trustee for the assessment bondholders for the payment of</p>
Certificates	<p>such special assessments. The map shall contain a certificate from the officer or officers in charge of special assessments, if special assessments of such nature have been paid or in lieu thereof a bond under the provisions of this section has been filed securing payment thereof.</p>
Certificate of surveyor or engineer	<p>SEC. 27. Said map shall also contain a certificate by the county surveyor or city engineer, or other officer in charge of special assessments, that the subdivision or a part thereof is not subject to any special assessments which have not been paid off in full, or, if such exist, shall set forth the number, name or designation, total outstanding bonds, and duration of each and every assessment district within which the subdivision or</p>
Exception	<p>any part thereof is located; <i>provided, however</i>, that nothing contained in this section shall require any bond or deposit or certificate concerning any special assessment district, the bonds of which have not yet become a lien upon land contained in said subdivision, but each and every certificate provided for in this section shall in specific language state that the certificate does not include any such pending special assessment district.</p>
When map not to be approved	<p>SEC. 28. No tentative or final map shall be approved by the commission, body or officer charged with approval of maps, or by the governing body of any city, or county, unless the parcels dedicated for streets, highways, or public or private ways thereon conform as near as practicable to, the adjoining surrounding, or neighboring streets, highways, or public or private ways of such city, or county; nor shall any such map be approved unless dedication of adequate easements be made for the drainage thereof including disposal of all surface and storm waters.</p>
Water courses	<p>In the event that the subdivision is traversed by any water course or channel, the subdivider must dedicate to the appropriate body a right of way for storm drain purposes conforming substantially with the lines of such natural water course or channel, or in the option of the subdivider provide by dedication further and sufficient easements or construction, or both, to dispose of such surface and storm waters, including the disposal thereof.</p>
Adoption and recordation of subdivision regulations	<p>SEC. 29. Upon the recommendation of the planning commission, if one has been established, or on its own initiative, the governing body of any city, city and county, or county, may adopt by ordinance subdivision regulations. Immediately upon the adoption of an ordinance providing for subdivision regulations it shall be the duty of the city clerk or clerk of any</p>

political subdivision adopting such ordinance to record a certified copy thereof in the office of the county recorder in the county in which the municipality or political subdivision is located.

SEC. 30. Such subdivision regulations may include the following matters, but in no case shall they be inconsistent with the provisions of this act:

Subdivision regulations, what they may include

(a) Nature, accuracy and completeness of survey and map for both tentative and final map, and survey including nature, number and location of monuments, and time of placing the same, and location of topographical contours and natural objects.

(b) Materials used in, form of, name, title, and designations appearing on tentative and final maps.

(c) Proof that the parties consenting to the filing of the map and making dedications to public use thereon are all of the parties necessary to give a clear title thereto. Such proof may consist of abstract of title by a competent abstractor, title search and guarantee or other evidence as shall be provided in such regulations.

(d) Requirement that the subdivider improve or agree to improve land dedicated for streets, highways and public ways. Such required improvement may include street surfacing, sidewalks, curbs, culverts, bridges, drains, domestic water supply and other structures necessary to the use of such streets, highways and public ways, or the proper drainage thereof. In the event that an agreement for the improvement of streets, highways and public ways is entered into, such regulations may require that said contract be secured by a good and sufficient bond in an amount not in excess of the estimated cost of the improvement and by its terms made to inure to the city, city and county, or county within which said subdivision or any part thereof is situate and conditioned for the faithful performance of said contract and said contract must be secured by a good and sufficient bond in such amount as may be required by law on such bonds or other public contracts and by its terms made to inure to the benefit of laborers and material men upon such work and improvements conditioned upon the payment of such laborers and material men for labor or material performed or rendered under the terms of said contract. Judgment shall be had on any faithful performance bond required pursuant to this act in favor of the city, or county without proof of loss by such body; *provided, however*, that said subdivision regulations may provide that any subdivider at his option in lieu of the contract to construct improvements and the bonds herein provided for may enter into a contract with the city or county secured by a faithful performance bond in a sum not to exceed the estimated cost of said improvements by which he agrees within such time as may be provided in said contract to initiate, and, so far as may be in his power, to consummate proceedings under an appropriate special assessment act for the formation

of a special assessment district covering such subdivision or part thereof for the financing and construction of the designated improvements upon the streets, highways and ways dedicated by such map. Judgment on any bond accompanying such contract may be had by the city or county without proof of loss and the proceeds of such bond or judgment shall be applied in the same manner and for the same objects as herein provided for the bonds securing other contracts for improvements.

(e) Minimum lot dimensions and areas.

(f) Front line set-backs and utility easements as a condition for waiving street width requirements or provisions for alleys.

(g) Street, sidewalk, and block widths; locations and block lengths; radius of street curves and of connecting return curves; street grades; location and widths of alleys and ways; *provided*, that such regulations may authorize different requirements for differing topographical, business, traffic and population requirements; *and provided, further*, that when any planning commission has been established in any city, city and county, or county, or portions thereof, in accordance with the provisions of the law, the governing body thereof may accept on recommendation of the planning commission, any street or highway twenty feet in width or over, when such street or highway in its opinion, or pursuant to any subdivision regulations adopted hereto is proper and adequate under the circumstances.

(h) Schedule of fees and charges for filing, checking, investigation, surveying, and other matters required by this act, said subdivision regulations and incidental thereto, except as otherwise provided by law.

(i) Said regulations may require that the street layout of any subdivision shall conform as far as is practicable, to any major street plan or other plans of the city, city and county or county.

(j) Said regulations may require the dedication of streets, highways and public ways when such dedication may be deemed necessary for the public use.

(k) Nothing contained herein shall prevent the governing body from requiring by its subdivision regulations that the tentative map shall be submitted to the city engineer, or county surveyor, in addition to the city planning commission; *provided*, that the total time elapsing between the submission of said map and its return to the planning commission of the county shall not exceed fifteen days.

Said regulations shall not require the dedication of any land for any purposes, public or private, other than those above enumerated; said regulations shall not require any type of deed restriction or of use of such subdivision or any part thereof for any purpose other than those above enumerated.

An owner or his agent filing a subdivision plat may indicate thereon that no dedication is intended of one or more of any

streets or ways shown thereon, in which case title will be deemed to be reserved in the owner and no dedication to public use shall be implied. No plat shall be denied approval merely because no dedication of the streets or ways shown thereon is made, and only such improvements shall be required as are reasonable under the circumstances; *provided, however*, that the provisions of this paragraph shall be subject to the right of the city, city and county, or county, to require the dedication of streets by local regulations as provided in subsection (j) of section 30 hereof.

SEC. 31. In the event that the subdivider fails to comply with the provisions of any contract for the construction of improvements upon such subdivision, or any part thereof, in accordance with the minimum requirements of any subdivision regulations adopted pursuant hereto, or under the optional provision contained herein, the city, or county in whose favor said bond runs, shall collect the principal amount thereof by judgment in a civil suit without proof of any loss to such body. Upon collection of such amount, the city, or county shall thereupon construct improvements of substantially the same character as required by the terms and provisions of said contract to the extent that the proceeds of said bond shall permit and in the construction of such improvements, said city, city and county, or county may perform the work by force account or by contract, subject only to such regulations and conditions as may be imposed by the governing body of said city, city and county, or county, and in spite of any provision of law requiring any mode or procedure other than that set up in said rules and regulations adopted pursuant hereto.

Suit upon
bonds

SEC. 32. The final map together with the tentative map and memorandum, if any, previously returned to the subdivider, shall be filed with the city engineer or county surveyor, or such other commission, body or officer as may be provided by said subdivision regulations, within one year after the return of the tentative map to the subdivider, unless said map shall have been abandoned or the time for action on same extended. The subdivision regulations may provide, however, that the governing body may, upon the recommendation of the planning commission, or in its absence, upon its own motion, accept maps at a subsequent date when public interest will not be injured.

Filing of
final map,
etc

SEC. 33. Such final map shall be checked by such officers, commission, or body as to sufficiency of affidavits, consents to the making thereof, certificates of dedication, acceptances of dedication, acknowledgments, correctness of surveying data, mathematical data and computations, and its compliance with the changes or alterations designated on the tentative map and such other matters as require checking to insure compliance with the provisions of this act; *provided*, that the acceptance of dedication by the body approving the map need not appear thereon until approved. No changes or alterations in said map shall be required other than those enumerated on

Approval and
recording
of final map

the tentative map and the memorandum attached thereto regardless of any intervening amendment to the subdivision regulations, except such as are necessary to comply with this act. If such matters are sufficient, the officer, commission or other body must certify its correctness thereon, and transmit it to the governing body of said city, or county within twenty days after filing of said final map as aforesaid, together with tax receipts, title search and such other papers as may be required in the subdivision regulations for the carrying out of the provisions of this act, or return the map to the subdivider together with a statement setting forth the grounds for its disapproval. It shall thereupon be the duty of said governing body to act upon said map at the first succeeding meeting thereof, following receipt of said map from the officer, commission or other body charged with the duty of checking such final maps. If said legislative body shall approve said map it shall thereupon transmit said map to the city engineer or county surveyor for transmittal to the county recorder's office for recordation.

When approval by more than one legislative body required

SEC. 34. In the event the subdivision map requires the approval of two or more governing bodies, the first governing body shall transmit the same to such other of the bodies as the subdivider shall designate but in no case shall any final map be returned to any subdivider after approval by one body, except for correction by a subsequent body in which case it shall not be approved by such body until returned to all prior bodies for check as to alterations and changes.

Acceptance of final map for recording

SEC. 35. No map referred to in this act shall be accepted by the county recorder for recording unless the same shall in all respects comply with the provisions of this act, and subdivision regulations adopted pursuant hereto. The recorder shall be entitled before accepting or refusing said map to sufficient time not exceeding ten days to enable him to examine the same; *provided*, that the approval in accordance with the provisions of this act by the governing body of any city, or county, of such final map automatically and finally determines the validity of such final map, so far as the property thereon shown is included, within such city, city and county, or county, under the terms and provisions of this act, and subdivision regulations adopted pursuant hereto.

What map to become public record

SEC. 36. When any map referred to in this act is presented to the county recorder and is received and accepted by him, he shall paste, or otherwise fasten, the same securely in a book of maps which he shall keep in his office, and said map shall be deemed to have been received and shall become a public record. He shall also keep a separate book of subdivision regulations and amendments thereto, properly indexed as to cities and counties, and said regulations when copied into said book shall be deemed to have been received, and shall become public records, and above shall constitute recordation; the year, month, the day of the month, and the hour when said map is received shall be engrossed on said map as specifying time of

Subdivision regulations

recording. The subdivision regulations may require filing of duplicates or negative prints of such map.

SEC. 37. When any act required by the provisions hereof or of subdivision regulations adopted pursuant hereto shall require any certificate, affidavit or act by a person in his official capacity who is also a subdivider, agent or employee thereof, such certificates, affidavit or act shall be done and performed by some other person duly qualified by experience and professional attainment to perform the acts of such person, such person when not an official or deputy of the city, or county, to be designated by the governing body thereof, and the reasonable compensation of such person for such affidavit, certificate or act is hereby declared to be a legal charge against the treasury of such city or county.

Procedure when public official is disqualified

SEC. 38. All maps filed for the purpose of showing as acreage land previously subdivided into numbered or lettered lots or parcels shall be filed with and checked by the city engineer or county surveyor or such other commission or body or officer as may be provided by subdivision regulations adopted pursuant to the provisions of this act and shall conform to the provisions of this act and subdivision regulations adopted pursuant hereto except that no survey nor certificate of any surveyor or engineer shall be required.

Subdivided land, how converted into acreage

SEC. 39. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed each provision of this act irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases, or provisions hereof, be declared unconstitutional.

Constitutionality

SEC. 40. An act entitled "An act requiring the recording of maps of subdivisions or lands into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded," approved March 15, 1907, and all other acts and parts of acts in conflict with this act are hereby repealed.

Stats 1907, p 290, as amended, repealed

CHAPTER 838.

An act to provide for the establishment of official master plans and the appointment of planning commissions in cities, cities and counties, and counties; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and composition thereof; prescribing the powers and duties of such commissions; providing for the transfer thereto of the powers and duties of other planning commissions; providing for the preparation, adoption and recording of precise street plans; providing for the control of the construction of buildings within the lines of

streets shown on such precise street plans; providing for the levy of a special tax for the support of a planning commission and other acts pursuant to this act and making certain expenditures legal charges against the funds of cities, cities and counties, and counties and regional planning commissions; providing for the establishment by cities, cities and counties, and counties, of regional planning commissions, including two or more cities, cities and counties, or counties, or a portion or portions thereof, or both; making certain acts misdemeanors; and repealing other acts in conflict herewith.

[Approved by the Governor June 17, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Cities and
municipal-
ities may
adopt
master plans

SECTION 1. Any city, city and county, or county, may adopt and establish as herein provided an official master plan of said city, city and county, or county. Such plan is hereby declared to be established to conserve and promote the public health, safety and general welfare.

Planning
commissions,
how ap-
pointed
terms of
office, etc

SEC. 2. The legislative body of each city or city and county, may, and of each county shall, create by ordinance a planning commission to consist of nine (9) members, six (6) members to be appointed by the chief executive officer of the city, city and county, or in the case of a county by the chairman of the board of supervisors with the approval of the legislative body, and ex officio of the chief engineer or surveyor or his designated deputy and two other ex officio members, or their designated deputies, or representatives to be selected by the legislative body, one of whom may be a member of said body; *provided*, that in any city, city and county, or county having a freeholders' charter which authorizes a different number of members for the planning commission, or different terms of office for such members, or establishes different or conflicting powers and duties or methods of removal from those hereinafter provided, such provisions of said charter shall prevail as to said city, city and county, or county. Of the members of the commission first appointed, two shall be appointed for the term of one (1) year, two for the term of two (2) years, one for the term of three (3) years, and one for the term of four (4) years, from and after their appointment respectively. Their successors shall be appointed for terms of four (4) years. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired portion of the term. The terms of ex officio members shall correspond to their respective official tenures. In any city, city and county, or county in which there is a planning commission created in accordance with law or charter provisions, the ordinance establishing said commission under this act, instead of providing for the appointment of a new planning commission, may provide that the existing commission shall continue, the mem-

bers thereof to complete the terms for which they were appointed and thereafter to be appointed in accordance with the provisions of this act, with the powers and duties provided in this act, in addition to the powers and duties they may already possess. Members of any planning commission appointed pursuant to the provisions of the planning act prior to the going into effect of this act shall continue in office until the completion of their respective terms, unless removed for cause as hereinafter provided; *provided*, that the terms of such members named for five years or for six years shall cease respectively four years after the date of the appointment of each such member and their successors shall be appointed for the term of four years. Any appointee member of the planning commission may be removed by the appointing official, at his pleasure, with the concurrence of the legislative body. All members of the commission shall serve as such without compensation, except reasonable traveling expenses to and from their usual place of business to the place of meeting of said commission. When duly authorized by the commission, its members, including ex officio members, or members of its staff, may attend city planning conferences, or meetings of city planning executives, hearings upon city planning legislation or matters affecting the master plan or any part thereof when held within the state, and the reasonable traveling expenses incidental to such attendances shall be charges upon the funds allocated to such commission.

SEC. 3. The commission shall elect its chairman from among the appointed members for a term of one year and, subject to other provisions of law, may create and fill such other offices as it may determine. The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. The commission may appoint such officers and employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees. The commission may also contract with architects, city planners, engineers, and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts shall be within the amounts appropriated for that purpose by the legislative body which shall provide the funds, equipment, and accommodations necessary for the commission's work. Each city, county and city and county which has established a planning commission, may, in making its annual tax levy and as a part thereof, levy and collect a tax, not to exceed in any fiscal year the sum of two mills on the dollar of assessed valuation for the purpose of defraying the lawful expenses incurred by the planning commission in carrying out the purposes of this act, and may make appropriations from other funds therefor.

Election of
chairman,
meetings,
etc

Tax levy

Powers and duty of planning commissions	<p>SEC. 4. It shall be the function and duty of the planning commission to make and adopt a master plan for the physical development of the city, city and county, or county, and of any land outside the boundaries thereof which in the commission's judgment bears relation to the planning thereof.</p>
Master plan, what to include	<p>Such master plan, with the accompanying maps, diagrams, charts, descriptive matter and reports, shall include the following subjects matter:</p>
Traffic plan	<p>Major traffic street plan—Such plan shall show the general location and width of a comprehensive system of major thoroughfares and shall be published separately from other parts of the master plan.</p>
Districting plan	<p>Districting plan—Such plan shall be comprehensive and shall show proposed districts in which the use, height and bulk of buildings and premises are limited; <i>provided</i>, that ordinances and amendments thereto establishing such districts shall be adopted only after the making of the reports, holding the public hearings and following the same procedure as prescribed in chapter seven hundred eighty-four of the statutes of 1917, as amended, for cities, and in such other provisions of law as may hereafter be adopted.</p>
Transportation plan	<p>Transportation plan—Such plan may show the proposed location of rights of way, terminals, viaducts, grade separations and other facilities for steam and electric railroads or other means of carrying passengers and freight and related public utilities and improvements; such plan may include plans for the development of port, harbor, and aviation facilities.</p>
Transit plan	<p>Transit plan—Such plan may show a proposed system of rapid transit lines, street car and motor bus lines and facilities, and related public utilities and improvements.</p>
Parks plan	<p>Park and recreation system plan—Such plan shall show the needs of the city and county and of districts or sections thereof for parks, parkways, playgrounds, and school and recreational areas, and when practicable the plan may show the proper and most advantageous locations for proposed parks, park</p>
Group building plan.	<p>ways, playgrounds, school and recreational areas. Group building plans—Such plans may show the proposed location, grouping and architectural treatment of public or other buildings, and proposed plazas, squares and open spaces. The commission may from time to time prepare detailed maps of streets and of any of the improvements delineated on the master plan, which, when adopted by the legislative body as herein provided for amendments to the master plan shall</p>
Other plans	<p>be deemed to be a part of the master plan. The commission may make such other plans, studies and recommendations as it may deem necessary for the orderly, economic and social development of the area under its jurisdiction and may from time to time adopt and publish a part of the plan covering one or more major sections or divisions of the territory under its jurisdiction or one or more of the aforesaid or other sub-</p>
Approval of master plan	<p>jects matter. No plan or map, hereafter, shall have indicated thereon that it is a part of the master plan until it shall have been adopted as part of the master plan by the legislative body</p>

as herein provided. All money collected from the sale of any of the maps, plats, charts or other descriptive matter regarding the master plan published by the commission shall be paid into the treasury of the respective city, city and county, or county which appointed the planning commission and shall be credited to the funds budgeted or allocated for the use of said commission. The commission may from time to time amend, extend or add to the master plan, as herein provided.

Amendments
of plan.

SEC. 5. Before adopting the master plan or any part of it, or any substantial amendment thereof, the commission shall hold at least two public hearings at least fifteen (15) days apart, notice of the time of each of which shall be given by one publication in a newspaper of general circulation in the municipality or county. The adoption of the master plan, or of any amendment, extension or addition thereof, shall be by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the commission to constitute said plan or any amendment, addition or extension thereof, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the secretary of the commission. An attested copy of any part, amendment, extension or addition of the master plan adopted by the planning commission, shall be certified to the legislative body.

Procedure
for adoption
of master
plan by
the com-
mission

SEC. 6. Upon receipt of an attested copy of the master plan, or of any part thereof, as adopted by the planning commission, a public hearing thereon shall be held by the legislative body. At least ten days notice of such public hearing shall be published in an official publication of said city, county, or city and county, or in a newspaper of general circulation therein. No change or addition to said master plan, or any part of it as adopted by the planning commission, shall be made by the legislative body until the said proposed change or addition shall have been referred to the planning commission for report thereon and an attested copy of said report thereon filed with the legislative body by the planning commission; but the failure of the commission to so report within thirty days from and after the date of the request for said report by the legislative body shall be deemed to be approval of said additions or changes by the commission; *provided*, that if such additions or changes be disapproved by the commission, a majority vote of the entire membership of the legislative body shall be necessary to pass any ordinance overruling such disapproval by the commission.

Approval of
same by the
legislative
body

SEC. 7. Whenever the legislative body of any city, city and county, or county shall have adopted a master plan, or one or more subjects matter thereof, for the city, city and county, or county, or for any major section or district thereof, no street square, park or other public way, ground or open

Powers and
duties of the
planning
commission

space shall be acquired by dedication or otherwise, except by bequest and no street or public way shall be closed or abandoned, and no public building or structure shall be constructed or authorized in the area for which such master plan or one or more subjects matter thereof shall have been adopted by the legislative body, until the location, character and extent thereof shall have been submitted to and shall have been approved by the planning commission. In case of disapproval thereof by the planning commission, the planning commission shall communicate its reasons to the legislative body which may overrule such disapproval by a majority vote of its entire membership. *Provided, however,* that if the authorization, acquisition, financing or acceptance of such street, square, park or other public way, ground, or open space, or the construction or authorization of such public building or structure, be vested by law or charter provisions in some governmental body, commission or board other than the legislative body of such city, city and county or county, then such other governmental body, commission or board having such jurisdiction, shall first submit to the planning commission the location, character and extent of such proposed public improvement for its approval. In the event that the planning commission shall disapprove the same, its disapproval may only be overruled by such other governmental body, board or commission by a vote of not less than two-thirds of its entire membership. Failure of the commission to act upon such submission within sixty days from and after the date of the official submission to the commission by the legislative body or by such other governmental body, board or commission, shall be deemed approval by the planning commission.

Same.

SEC. 8. The commission shall have power to promote public interest in and understanding of the master plan. The commission shall from time to time, recommend to appropriate public officials programs for specific improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and with citizens with relation to carrying out of the plan. All public officials shall upon request furnish to the commission within a reasonable time such information as they may have which the commission may require for its work. The commission, its members, officers and employees in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general the commission shall have such powers as may be necessary to enable it to fulfill its functions and carry out the purposes of this act. The legislative body is hereby authorized to accept gifts for the work of the planning commission, and upon the acceptance of any such gift it shall be appropriated to the use of the planning commission.

SEC. 9. The legislative body is authorized and empowered whenever, and as often as it may deem it to be for the public interest, to change or add to, as hereinafter provided, the official master plan as adopted by the legislative body. At least ten days' notice of a public hearing on any proposed action with reference to such change or addition to the official master plan shall be published in an official publication of said city, city and county or county, or in a newspaper of general circulation therein. Before making such change or addition it shall be referred to the planning commission for report thereon, and an attested copy of such report thereon shall be filed with the legislative body by the planning commission; failure of the planning commission to so report within sixty (60) days from and after the request for such report by the legislative body shall be deemed to be approval of such changes or additions by the planning commission; *provided*, that if such changes or additions be disapproved by the planning commission, a majority vote of the entire membership of the legislative body shall be required to pass any ordinance adopting such changes or additions.

Alterations
of, and addi-
tions to mas-
ter plans by
legislative
bodies

In case of any substantial difference between the master plan adopted by a regional or county planning commission and the master plan adopted by any municipality therein, it shall be the duty of the city planning commission of the municipality and the regional or county planning commission of the district to hold joint conferences between them for the purpose of reconciling such differences, at which joint conferences members of the city council of the municipality and members of the board of supervisors of the county in which the district is situated may be invited to participate to the end that such differences may be reconciled and the master plans of the city and the district made to harmonize.

County and
municipal
planning
commissions,
reconciling
differences
between

SEC. 10. The body creating such planning commission may, by general or special rule, provide for the reference of any other matter or class of matters to the planning commission before final action thereon by the public body or officer of said city, county, or city and county, having final authority thereon, with the provision that final action thereon shall not be taken until said planning commission has submitted its report thereon or has had reasonable time, to be fixed in said rule, to submit the report. The planning commission shall have full power and authority to make such investigations, maps and reports, and recommendations in connection therewith relating to the planning and development of the city, county, or city and county, as it seems desirable, providing the total expenditures of said board shall not exceed the funds available therefor.

Submission
of other
matters to
planning
commissions

SEC. 11. Whenever the city, city and county, or county, shall have established a planning commission pursuant to and in accordance with the provisions of this act and shall have adopted regulations governing subdivisions, which regulations thereafter have been officially adopted by ordinance by the

Control over
subdivisions

governing body of said city, city and county, or county, such planning commission shall have such control over subdivisions as is granted to it by such regulations and by the statutes of the State of California.

Matters to be submitted to planning commissions

SEC. 12. The city, city and county or county shall not improve, grade, pave or curb any street, or lay or authorize sewers or connections to be laid in any street or right of way within any territory for which a major traffic street plan shall have been adopted by the legislative body unless such street (a) shall have been accepted, opened or shall otherwise have received the legal status of a public street prior to the adoption of such plan; or (b) corresponds with streets shown on the master plan; or (c) corresponds with a street shown on a subdivision plat approved by the legislative body; or (d) corresponds with a street shown on a map theretofore approved by the planning commission; without first referring the matter to the planning commission for a report thereon. The commission shall be allowed thirty days within which to present a report and no action thereon shall be taken by the legislative body before the expiration of said thirty days unless a report be filed prior thereto by the planning commission.

Preparation by commissions of major traffic plans and submission thereof to legislative bodies

SEC. 13. Upon the adoption by the legislative body of any city, city and county, or county, of a major traffic street plan for such city, city and county, or county, or for any major section or district thereof, the planning commission of such city, city and county, or county shall from time to time prepare detailed and precised maps of the various streets indicated thereon as major streets, showing the location of the proposed future outside lines of such streets, and shall recommend the adoption of such precised maps and the establishment of the future street lines shown thereon, by the legislative body. Each of said maps shall be entitled "Precised map of (giving name) street" and shall have indicated thereon the fact that it shows the proposed future lines of such street and that it is proposed to recommend to the legislative body the adoption of the same and the establishment of the future street lines as shown thereon, pursuant to sections 13 and 14 of this act. In the preparation of such precised maps, the planning commission shall make or have made, a careful examination of all parcels of property, any part of which is included within the proposed future lines of such streets. Before recommending to the legislative body the adoption of any such precised street map and the establishment of the future street lines shown thereon, the commission shall hold at least two public hearings thereon, said hearings to be not less than thirty or more than sixty days apart. Notice of the time of the first of such hearings shall be given by one publication in a newspaper of general circulation in the municipality or county at least fifteen (15) days prior thereto. The commission shall cause a post-card notice of such hearing to be mailed, postage prepaid, to each of the owners of property, any part of which may be included within the proposed

"Precised" street plans

future lines of such street as shown on such precised map, at his last known address as the same appears on the current county assessment roll, at least fifteen (15) days prior to the date of the first of the said hearings. In the event that no address appears on the current county assessment roll for the owner of any such parcel of property, the post-card notice shall be addressed to general delivery. As to any parcels of property which may be assessed to unknown owners, no post-card notice need be mailed. The commission shall further cause notice of the hearing to be posted along the line of any street upon which it is proposed to establish such future street lines, at intervals of not less than five hundred feet, at least fifteen (15) days before the first of said hearings. In any of the notices hereinabove provided for, it shall be sufficient if the proposed future lines of such streets are described in general terms and the maps in the office of the commission be referred to for all particulars; but each of such notices shall state that it is proposed to recommend the establishment of future street lines in accordance with sections 13 and 14 of this act. Copies of such precised street map shall be available in the offices or rooms of the commission for the use of any interested person, for at least fifteen (15) days immediately preceding the date of the first of said hearings. The commission may, in its discretion, cause to be prepared a sufficient number of copies of the precised street map, together with whatever explanation it may think proper, and may furnish any person inquiring for the same with a copy; *provided*, that the commission may by resolution provide that any person securing a copy thereof for his personal use shall be charged a sum not in excess of the cost of its preparation. The planning commission, after such public hearings, may recommend to the legislative body the adoption of such precised street plan and the adoption of the future street lines shown thereon, by resolution carried by the affirmative vote of not less than two-thirds of its entire membership, and shall thereupon certify the map and resolution to the legislative body. The legislative body, upon receipt of any such precised street map as recommended for adoption by the planning commission may, by ordinance, adopt the same and establish the future street lines shown thereon. Upon the adoption of any such precised street map by the legislative body and the establishment by ordinance of the future street lines shown thereon, the clerk of the legislative body shall certify upon such map the fact of and the date of its adoption and the fact that the same is adopted pursuant to the provisions of sections 13, 14, 14a, and 14b of this act, and shall, together with a certified copy of the ordinance adopting the same, file it for record with the recorder of the county in which the land shown on such precised map is located, and shall also file a copy thereof, together with said ordinance, with the building inspector or other administrative official having charge of the issuance of building permits in said city, city and county, or county.

Adoption by
the legisla-
tive bodies

Claims of
landowners

SEC. 14. If any owner of property contained within the boundaries of any such future street lines or owning any interest therein, shall claim that the adoption of said precised street plan constitutes the taking of his property by the said city, city and county, or county, he shall, within three months from the date of filing such map in the county recorder's office, file notice of his claim with the clerk of the governing body thereof and record with the county recorder of the county in which said street is located a copy thereof showing filing of the original with the clerk of the governing body. In the event that said city, city and county, or county shall fail within three months after filing of the claim as aforesaid to acquire a limited easement over said property for the life of the said precised street plan, or to begin condemnation proceedings for the acquisition thereof, or to vacate by ordinance the precised street plans so far as it applies to claimant's property, then said precised street plans shall automatically be declared, so far as claimant's property is concerned to be vacated and he shall hold the same free from any claim under the provisions of this act for the control of said property. Said owner or claimant of an interest therein shall be entitled, upon demand, to a certificate from the clerk of the governing body of the city, city and county, or county, that said city, city and county, or county has failed to acquire such limited easement or begin condemnation proceedings as required by this section for the acquisition thereof, and said certificate duly filed in the office of the county recorder shall constitute conclusive evidence of the removal of any cloud on his title by virtue of the adoption of said precised street plan.

Traffic plan,
when
vacated

Failure to
file claim,
when deemed
waiver.

In the event that any owner of property lying within the boundaries of such precised street plans or any claimant of interest therein shall fail to file a claim as specified in this section, such owner or claimant shall be conclusively deemed to have waived any claim for damages by reason of the easement over and across his property or the property in which he claims an interest by virtue of said street plan except as hereinafter provided, but he shall not be deemed to have waived any title to the property within any precised street plan or any interest therein other than the right to erect or construct thereon a building without first complying with the provisions of section 14a of this act.

Declaration
by land
owner of
intention to
build within
street
boundaries

SEC. 14a. No person who has been compensated in accordance with the provisions of section 14 or who has waived his right to indemnity thereunder, shall erect or construct, or begin to erect or construct, any building capable of human habitation or use, fences and walls excluded, within the boundaries of any street shown on such precised street plan until three months after he has filed with the clerk of the governing body an affidavit setting forth his intention immediately to build thereon, the character of the proposed building, its estimated cost, the price at which he will convey to said city, city and county, or county a street easement over his property in

accordance with the provisions of said precised street plan. He shall thereafter record a certified copy thereof showing the original to have been so filed in the office of the county recorder. The governing body may at any time within three months after the filing of such affidavit purchase or commence eminent domain proceedings for the acquisition of a street easement across said property in accordance with the provisions of said precised street plan. The cost of acquisition of said street easement may be made a part of the preliminary expenses of any acquisition of the entire street as shown on said precised street plan by a subsequent special assessment proceeding and in said case out of the funds obtained from the special assessment proceedings, if provided by the resolution of intention therein, there shall be returned to the revolving fund established by section 14b of this act, the cost of acquisition of the street easement over said particular parcel.

Condemnation proceedings

Subsequent special assessments

If the city, city and county, or county, fails to purchase or commence eminent domain proceedings for the acquisition of such a street easement across the parcel of said claimant within the time above stated, or such shorter time when the governing body has given formal notice of its intention not to secure such easement at said time, copy of such notice, properly attested, to be recorded in the office of the county recorder, then the owner thereof may construct such building free from any claim of the city, city and county, or county, to control the use of said property by reason of the adoption of the precised street plan under the provisions of this act.

Failure to commence proceedings within three months

No damage shall hereafter be awarded in any eminent domain proceedings for the taking of or damage to any structure located within the right of way shown upon such precised street plan by reason of the carrying out of the proposed public improvement shown upon such a precised street plan where the owner of any parcel contained therein has failed to file the affidavit or failed to wait thereafter the prescribed time, or in excess of the amount of damage which would have been awarded had the structure built been fairly included within that set forth in the description contained in the affidavit filed by such person; *provided, however,* that nothing contained herein shall be construed to prevent an owner from filing subsequent and different affidavits and offers when his plan for the proposed structure are changed, said additional affidavits and offers to be subject to all provisions of this section.

Damages in eminent domain proceedings

From and after the filing for record of any precised street plan no permit shall be issued for the construction of any building or structure or any part thereof; fences and walls excluded on any part of the land right between the future lines of any street shown on such precised street plan until the applicant therefor can demonstrate to the body issuing such permits that such property has been released from the effects of said precised street plan under the provisions of section 14 or this section of this act.

Building permits

Tax levies

SEC. 14*b*. Any city, city and county, or county, is hereby authorized to levy a tax of not to exceed two mills per dollar of assessed valuation for the purpose of creating a revolving fund for the purpose of compensating property owners under the provisions of sections 14 and 14*a* of this act, and are further authorized to expend any and all unappropriated funds of said city, city and county, or county for the purposes set forth in said sections. Any compensation paid under sections 14 or 14*a* of this act may, in the discretion of the governing body of the city, city and county, or county, be made a charge against any special assessment district later established for the purpose of acquiring a street easement in accordance with the provisions of such precised street plan. In the event that such compensation is made a charge against any special assessment district, the proceeds derived from such special assessment district to compensate the city, city and county, or county therefor shall be paid into the special fund created by such tax if originally paid therefrom, or such other fund as it may in the first instance have been paid from.

Expenditures

Reimbursements

Regional planning districts authorized

SEC. 15. The formation of regional planning districts and the creation for such districts of regional planning commission is hereby authorized.

Territorial limits

Any regional planning district may include both incorporated and unincorporated territory and may include all or portions of one or more counties, but it must include all of any regular county voting precinct, any portion of which precinct it includes; except that no regional planning district shall be formed for territory consisting of all of one county only.

Definitions

For the purpose of this section the word "county" shall be deemed to include the words "city and county." A single-county district is hereby defined as a regional planning district either constituted or proposed, all of which lies within one county. A multi-county district is hereby defined as a regional planning district either constituted or proposed which embraces territory in two or more counties.

Proceedings for formation of districts

Proceedings for the formation of a regional planning district and for the creation of a regional planning commission shall be initiated by petition to the board of supervisors or boards of supervisors of the county or counties in which the proposed district is situated. In the case of a single-county district, such petition shall be signed by qualified electors residing within said district and the number of signatures shall be at least as many as five per cent of the number of voters registered within said district for the last preceding general election. In the case of a multi-county district, a separate petition shall be made to the board of supervisors of each county, any portion of the territory of which is included in said district, and the petition to any board of supervisors shall be signed by qualified electors residing within the portion of said district embraced in the county governed by said board of supervisors, and the number of signatures to such petition

shall be at least as many as five per cent of the number of voters registered within said portion of said district for the last preceding general election. In the case of a multi-county district, the matter embraced in all of such petitions must be identical and all of the petitions shall be filed with the clerks of all counties affected within a period of ten days.

Such petition or petitions must embrace the following matters:

What petitions must contain

(a) A request for the formation of a regional planning district and for the creation of a regional planning commission therefor.

(b) The boundaries of the proposed district or some other definite designation of its territorial extent.

(c) The name of such district and of the regional planning commission thereof.

(d) The maximum tax to be levied for the carrying on of the work of said commission, which tax shall in no case exceed two mills per dollar of assessed valuation of real property as such valuations appear on the assessment roll of the respective county assessors.

(e) The form and wording of the question which is to be submitted to the electors, which wording may refer to this act and, for a statement of the territory included, to the petition or petitions.

The clerk of the board of supervisors of the county or counties affected shall make an examination of the petition and within ten days after the filing of same shall submit the petition, together with his findings thereon, to the said board of supervisors at the next regular meeting of the board following the expiration of said period. The petition must be verified by affidavit of at least one of the petitioners, and the text thereof must be published once a week for at least two weeks preceding the hearing thereupon in some newspaper of general circulation published in the proposed district, together with the notice stating the time and place when and where said petition will be considered by the board of supervisors having jurisdiction thereover, and that all persons interested therein may appear and be heard. At such time the board of supervisors shall hear the petition and may modify the boundaries of the proposed district as set forth in said petition to exclude therefrom any voting precinct, the lands in which, in their judgment, would not be benefited by the formation of such district.

Examination of petitions

Hearings

The board of supervisors shall, upon determining that the certificates and statements submitted to it are to the effect that such petition complies in all respects to the provisions of this act, thereupon call a special election for the submission of the matter proposed in said petition to the electors residing within the proposed district, and for the election of members of a regional planning commission. The form and wording of the question to be submitted shall be as specified in the petition. At such special election only qualified electors shall be per-

Calling of special elections

mitted to vote and the election shall be conducted in the manner provided by law, except in so far as is in conflict with the provisions of this act. Notice of the election shall be given for a period of at least one week prior thereto by publication in a newspaper or newspapers of general circulation in the proposed district. The expenses incurred in the holding of such election shall be paid by each county in which said election is held.

Candidates

Each person who desires to be a candidate at such election for a member of the regional planning commission shall file with the clerk of the county in which he resides within thirty days after the filing of the petition requesting that said special election be held, a properly executed nomination petition signed by at least five qualified electors residing within the proposed regional planning district in which he resides. The county clerk with whom the nomination petition is filed shall satisfy himself as to the sufficiency of the signatures thereon and shall within ten days after the filing of said petition certify to the sufficiency of said petition. The names of all persons thus nominated shall be placed upon the ballot for such special election in all precincts embraced within said proposed district.

Composition
of com-
missions

The regional planning commission shall consist of five members, who shall be residents of said district and all of whom shall be elected at the special election creating the regional planning district. The three candidates receiving the highest number of votes shall be the long-term members of the commission, and the remaining candidates shall be the short-term members of the commission. The short-term members shall serve until the first day of January next following the first general biennial election occurring after the special election creating the district. The long-term members shall serve until the first day of January next following the first general election occurring after the terms of the short-term members have expired. Thereafter vacancies occurring in the commission on account of the expiration of terms shall be filled by election at general elections and said term of office shall be for four years. Candidates for members of a regional planning commission at any general election shall file nomination petitions as heretofore provided in this act.

Districts
embracing
more than
one county

Whenever a proposed regional planning district embraces lands lying in more than one county the board of supervisors of the county within which the largest area of the proposed planning district is situated shall be and is hereby constituted the proper legislative body to hear all petitions to organize a regional planning district and to order and conduct elections and to do all other acts necessary to the proper organization of said proposed planning district.

Elections,
when held

Any special election called under the provisions of this act by a board of supervisors must be called not less than thirty and not more than sixty days after the petition calling for the

organization of a regional planning district has been filed with said board of supervisors.

Any regional planning commission created under the provisions of this act may petition the proper board of supervisors at least sixty days before the date of any regular election to submit to the voters of the district a proposal to enlarge or reduce the area included in said district and may also petition said board to submit to the electors a proposal to increase the maximum tax levy authorized hereunder, to an amount not to exceed two mills per dollar of assessed valuation of real property if a lower maximum than two mills has previously been set, and said board of supervisors thus petitioned must cause such questions to be included and placed upon the ballot at the next general election.

Special questions to be submitted to the electors

SEC. 16. The powers and duties of any such regional planning commission shall be identical with the same matters as provided for city and county planning commissions in this act, unless otherwise provided for herein. Such commission shall have exclusive jurisdiction concerning all planning matters as set forth in this act for all unincorporated territory embraced within said district, including subdivision control, hearings and recommendations upon zoning matters, and the preparation of a master plan, except that the petition calling for the creation of said district may set forth a limitation of the matters to be undertaken by said regional planning commission, and in such case the said powers and duties shall include only those matters set forth in said petition; *and further*, said petition may provide that said regional planning commission shall have the power to make investigations and reports upon certain specified matters within incorporated cities, and in such case said commission shall have such power. All reports and recommendations dealing with planning matters in unincorporated territories shall be submitted by said commission to the board of supervisors for the county within which are situated the matters reported upon. In case the regional planning commission is authorized to make any studies and reports concerning areas within incorporated cities, such reports shall be transmitted by said regional planning commission to the city planning commission for said city, if such city planning commission exists. If there be no such city planning commission, the regional planning commission may make its report directly to the governing body of said city.

Powers and duties of regional planning commissions

The treasurer of the county in which the board of supervisors has organized a regional planning district shall act as treasurer for said district.

Such commission shall submit, on or before the first of July of each year, to each respective board of supervisors, a statement as to the amount of tax to be levied for the support of its work within the next fiscal year and such tax shall be levied upon all real property situated within said district by said board or boards of supervisors; *provided*, that no such tax shall exceed the amount authorized by the electors of such

district. The tax collector of each county any portion of the territory of which is embraced within the said district shall upon the collection of such moneys pay them over to the county treasurer of the county in which said regional planning district is situate or to the treasurer of the county embracing the larger part of the district.

Vacancies Vacancies in the regional planning commission occurring from any cause shall be filled by appointment for the time remaining until the first of January next following the next general election, by the governor. Failure by any member of the commission to attend two or more consecutive monthly meetings without permission of the commission shall be cause for the remaining members of said commission to declare his office vacant.

Organization The commission shall first organize within thirty days after the notification of election of the members thereof has been made. All members elected to fill vacancies occurring on such commission shall take office upon the first of January next following their election. Each member of the commission shall take a proper oath of office and such oath shall be filed with the records of the commission. The holder or holders of the office of a member of any regional planning commission shall be subject to the provisions of section 4021a of the Political Code to the same extent and in the same manner as though they were holders of an elective office of a county, township, or supervisorial district thereof.

Existing commissions Any regional planning district and regional planning commission existing in compliance with law at the time this act takes effect, shall continue in existence until January 1, 1930, at which time their existence shall terminate, except that in case a new regional planning district is created under the terms of this act and embracing any of the territory now included within any such present district, prior to January 1, 1930, the said existing district and the commission thereof shall terminate their existence upon the organization of the new commission.

Short title SEC. 17. This act shall be known as "The planning act."
Definitions For the purpose of this act certain terms are defined as provided in this section. Whenever appropriate the singular includes the plural and the plural includes the singular. The term "street" includes streets, highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements and rights of way, and other ways.

Statutes SEC. 18. Chapter four hundred twenty-eight, statutes of 1915 as amended and chapter seven hundred thirty-five of the statutes of 1917 as amended, and chapter eight hundred seventy-four of the statutes of 1927 and all other acts or parts of acts in conflict herewith are hereby repealed.

Constitutionality SEC. 19. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining

Stat. 1915,
p. 708,
1917,
p. 1421,
1921,
p. 772, and
1927,
p. 1899,
repealed
Constitutionality

portion of this act. The Legislature hereby declares that it would have passed each provision of this act irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases, or provisions be declared unconstitutional.

SEC. 20. Violation of any of the provisions of this act shall upon conviction be punishable as a misdemeanor. Penalties

CHAPTER 839.

An act to amend section 5 of an act entitled "An act for the prevention of the adulteration or mislabeling of agricultural seed, providing for the indicating of the purity and viability thereof, and prescribing penalties for violations of the provisions hereof," approved June 3, 1921, as amended.

[Approved by the Governor June 17, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 5 of an act entitled "An act for the prevention of the adulteration or mislabeling of agricultural seed, providing for the indicating of the purity and viability thereof, and prescribing penalties for violations of the provisions hereof," approved June 3, 1921, is hereby amended to read as follows: Stats 1921,
p 1223,
amended

Sec. 5. Agricultural seeds, mixtures or special mixtures of the same shall be exempt from the provisions of this act: Agricultural
seeds, etc.,
when
exempt.

(a) When possessed, exposed for sale, or sold for food or manufacturing purposes only.

(b) When sold to merchants to be recleaned before being sold or exposed for sale for seeding purposes.

(c) When in store for the purpose of recleaning, or not possessed, sold or offered for sale for seeding purposes within the state.

(d) When any lot of wheat, oats, rye or barley, which has been produced within the State of California, is sold, offered or exposed for sale it shall be exempt from the requirements of subsection (c) of section 2 of this act; *provided, however,* that all other information required under section 2 of this act shall be stated on the label; *and provided, further,* that each lot of California grown wheat, oats, rye or barley, when sold, offered or exposed for sale shall bear on said label the words, "Grown in California."

CHAPTER 840.

An act to amend the title and sections 1, 2, 3, 4, 5, 6, 13, 18 and 20 of the "Improvement bond act of 1915," approved June 11, 1915, and to add a new section to said act to be

known as section 5a, relating to the issuance of bonds to represent assessments levied for public improvements and the laying out, opening, extending, widening, or straightening, in full or in part, of public streets, squares, lanes, alleys, courts, and places or for any condemnation of property necessary or convenient for such purposes, done or made under the "Street opening act of 1903."

[Approved by the Governor June 17, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Title, Stats
1915,
p. 1441,
amended

SECTION 1. The title of "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby, and for the payment of the bonds so issued," approved June 11, 1915, is hereby amended to read as follows: "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities and upon property and rights of way owned by municipalities and for the laying out, opening, extending, widening, straightening or acquiring in whole or in part of public streets, squares, lanes, alleys, easements, courts and places within municipalities, to provide for the collection of such assessments, the sale of the property affected thereby, and for the payment of the bonds so issued."

New title

Stats 1915,
p. 1441,
amended

SEC. 2. Section 1 of the "Improvement bond act of 1915" is hereby amended to read as follows:

Serial bonds
may be
issued.

Section 1. The city council of any municipality in this state shall have power in its discretion, to determine that serial bonds shall be issued in the manner and form hereinafter provided, to represent and be secured by the assessments, which shall be made to pay for the cost of any work or improvement which shall be made in any one or more of the streets, avenues, lanes, alleys, courts, places or public ways of any such city, or in, over, or through any property or rights of way owned by such city, which work and improvement shall include any and all work and improvements, the doing of which is provided for in the street work acts hereinafter referred to, or to represent and be secured by assessments which shall be made to pay for the cost of laying out, opening, extending, widening, straightening, acquiring in whole or in part of any one or more of any public streets, squares, lanes, alleys, easements, courts or places, which opening, extending, widening, straightening or acquiring shall include

any and all laying out, opening, extending, widening, straightening, acquiring, in whole or in part of any one or more of any public streets, squares, lanes, alleys, easements, courts or places the doing of which is provided for in the street work acts hereinafter referred to.

SEC. 3. Section 2 of the "Improvement bond act of 1915" is hereby amended to read as follows:

Stats 1915,
p 1442,
amended

Sec. 2. Whenever in this act the phrase "Street work act" is used, it means and shall be taken to mean, "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks and for the construction of sewers within municipalities," approved March 18, 1885, and all acts amendatory thereof or supplementary thereto, and also the act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, or of which a municipality has possession and the right of use under the provisions of section 14 of article one of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, and designated "Improvement act of 1911" and all acts amendatory thereof or supplementary thereto, and also the act entitled "An act to provide for the laying out, opening, extending, widening or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, designated as 'Street opening act of 1903,' " approved March 24, 1903, and all acts amendatory thereof, and also including any and all other acts for the doing of work and making of other improvements within municipalities, whereby the cost of the whole of any portion of such work or improvements is charged and assessed upon real property; and for any proceeding instituted under any of said acts shall be held to apply exclusively to the act under which any such proceeding was instituted.

Street work
acts affected
and re-
ferred to

SEC. 4. Section 3 of said "Improvement bond act of 1915" is hereby amended to read as follows:

Stats 1917,
p 301,
amended

Sec. 3 Said bonds shall be issued in series and an even annual proportion of the aggregate principal sum thereof shall be payable on the second day of July every year succeeding the first ten months after their date, until the whole is paid, and the said bonds shall bear interest at a rate of not to exceed eight per cent per annum from the date of filing the unpaid assessment list with the city clerk as provided in the street work act, or from thirty days after the first publication of the notice of recording the assessment, if proceedings

Bonds, when
and where
payable

are had under the street opening act of 1903, on all sums unpaid, until the whole of said principal sum and interest are paid, which interest shall be payable semiannually by coupon, on the second days of January and July, respectively of each year; *provided*, that the first payment of interest shall not come due till six months before the maturity of the first series of bonds. The final series or installment of said bonds shall mature and be payable on a date which shall not exceed fourteen years from the second day of July next succeeding ten months from their date. Said bonds and interest shall be paid at the office of the city treasurer of said municipality who shall keep a redemption fund designated by the name of said bonds, into which he shall place all sums received by him from the collection of the assessments made for the payment of the cost of the work or improvements upon which the said bonds are issued and of the interest and penalties thereon and from which fund he shall disburse and pay the said bonds and the interest due thereon upon presentation of the proper bonds and coupons; and under no circumstances shall said bonds or the interest thereon be paid out of any other fund. Said city treasurer shall keep a register in his office which shall show the series, number, date, amount, rate of interest, and last known holder of each bond, and the number and amount of each coupon of interest paid by him, and shall cancel and file each bond and coupon so paid.

Redemption
fund

Register

Stats 1923,
p. 302,
amended

Resolution
of intention
to issue
bonds

SEC. 5. Section 4 of said "Improvement bond act of 1915" is hereby amended to read as follows:

SEC. 4. When said city council shall determine that serial bonds shall be issued hereunder to represent the expense of any proposed work or improvement under said street work act it shall so declare in the resolution of intention to do said work and shall specify the rate of interest which they shall bear. The like description of said bonds shall be inserted in the assessment issued by the superintendent of streets to the contractor, or in the assessment prepared by the street superintendent and in the notice of recording said assessment if proceedings are had under the street opening act of 1903. Said bond declaration may be substantially in the following form: "Notice is hereby given that serial bonds to represent unpaid assessments, and bear interest at the rate of _____ per cent per annum, will be issued hereunder in the manner provided by the improvement bond act of 1915, the last installment of which bonds shall mature _____ years from the second day of July next succeeding ten months from their date."

Stats 1923,
p. 302,
amended

Street super-
intendent to
file list of
unpaid
assessments

SEC. 6. Section 5 of said improvement bond act of 1915 is hereby amended to read as follows:

SEC. 5. After confirmation of the assessment by the city council and after the return of the warrant attached thereto and after the filing of the statement of payments received upon the assessment by the contractor as provided in said street work act, or after thirty days from the date of the first publication of the notice of recording the assessment, if

proceedings are had under the street opening act of 1903, the street superintendent shall make and file with the clerk of the city council a complete list of all assessments unpaid, upon any assessment. Said clerk shall then give notice of the filing of said list and of a time, to be therein fixed by said clerk, when interested persons may appear before the city council and show cause why bonds should not be issued upon the security of the unpaid assessments shown on said list. Such notice shall be posted for not less than five days on or near the council chamber door and be published twice in a newspaper published in such city, if there be any, the first of which publications shall be not less than five days before the time fixed for such hearing. If no newspaper be published in said city then in addition to the notice by posting hereinbefore provided for, said notice shall also be posted in two other public places in said city, as provided in section 19 hereof. Such notice shall also be given by mailing same to the owner of each lot listed according to the name and address appearing on the last equalized assessment roll for city taxes prior thereto, or as known to the clerk; *provided*, that a failure of the clerk to give such notice by mailing or of the person addressed to receive same shall not affect the jurisdiction of the council to proceed with the hearing noticed. Reference may therein be made to the resolution of intention and the date of its passage for a description of the work therein mentioned and for other particulars therein set forth, and no other description thereof need be necessary. At the hearing upon such notice any owner of property affected by the assessment, the contractor, or his assigns, and any other person or persons interested in the matter, may appear and set forth any objections which they have to offer, or any reason which they may have why bonds should not be issued upon the security of the assessments which may be unpaid. They may show any act or determination done or made in the proceeding whereby they are aggrieved and any act or thing done in the proceeding which may be irregular, defective, erroneous or faulty, and may set forth what assessments are unpaid and what assessments have been paid. If they claim that the council does not have jurisdiction in the premises, they shall set forth the grounds upon which their contention is made. The council shall at the date so fixed hear any such objections or matters so presented, whether in writing or orally, and shall pass upon the same. It may continue the hearing from time to time. Evidence may be adduced going to any of the matters to be determined and in such order as the council may direct. If the council does not so meet at the day fixed in said notice it may hear the matter at its first adjourned or regular meeting to be held thereafter. Upon the conclusion of such hearing the council may remedy and correct any error or informality in the proceedings and revise and correct any of the acts or determinations previously had relative to said work, and it may thereupon determine the

Notice of hearing

Objections

assessments which are unpaid and the aggregate amount of same. All the decisions and determinations of said city council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appear at such hearing. Thereupon the city council shall then prescribe the denominations of such bonds, which shall be in convenient amounts, not necessarily equal, and shall provide for the issuance of same in annual installments or series. Said bonds shall be forthwith delivered to said contractor in satisfaction of the balance due him upon his assessment and warrant, or, if the proceedings are had under the street opening act of 1903, said bonds shall be sold to the highest cash bidder after advertising for bids, which advertisement shall be published for at least three times in a daily newspaper published and circulated in said city, or if there is no such newspaper, then such advertisement shall be published once in a weekly or semiweekly newspaper so published and circulated; *provided, however,* that said bonds shall not be sold for less than par.

Invalid assessments If the council for any reason shall determine any such assessment to be void or unenforceable at such hearing for any cause, then in such event the council shall order a reassessment to be issued as provided in subdivision (b) of section 11 hereof, and thereafter such proceedings shall be taken as provided in said last mentioned subdivision. The estimated cost of the publications herein provided for and of the printing of such bonds shall be deemed to be an incidental expense of the work and be allowed by and included in the assessment issued to the contractor. In the event bonds can not be issued upon the security of any particular unpaid assessments by reason of any restraining order, injunction or other cause not applicable to other unpaid assessments, then the issuance of bonds upon the security of the assessments not affected by such restraining order, injunction or other cause, shall not be delayed, but such bonds may be issued in advance of the issuance of the bonds so affected.

New section **SEC. 7.** A new section to be known as section 5a is hereby added to said "Improvement bond act of 1915" to read as follows:

Proceedings under act of 1903 **Sec. 5a.** If proceedings are had under the street opening act of 1903 the proceeds of the sale of such improvement bonds shall be paid into the fund of the proceeding to represent assessments in which said bonds were issued. If any bonds be sold for an amount in excess of par, such excess shall be paid into the general fund of the city.

Stats 1921, p 226, amended **SEC. 8.** Section 6 of said improvement bond act of 1915 is hereby amended to read as follows:

Form of bonds **Sec. 6.** Said bonds shall each be substantially in the following form:

IMPROVEMENT BOND.

City (or other form of municipality) of (naming it).
 \$----- No.-----

Under and by virtue of the act of the Legislature of the State of California, entitled (title of this act) the-----
of----- (a municipal corporation) will on the second day of July, 19___, out of the redemption fund for the payment of the bonds issued upon the assessments made for the work upon and improvements on certain streets (or on -----street, or in improvement district No.-----, or on certain rights of way owned by, or by other suitable description, (or for the laying out, opening, extending, widening, straightening or acquiring of certain streets, as they are more particularly set forth in ordinance or (resolution) of intention No.-----) more fully described in the certain resolution of intention passed by the city council (or other board) of said municipality on the-----day of-----, 19___, pay to bearer, the sum of ----- (\$-----) with interest thereon from the----- day of -----, 19___, at the rate of ----- per cent per annum, all as is hereinafter specified, and at the office of the treasurer of said municipality.

Form of bonds

This bond is one of several annual series of bonds of like date, tenor and effect, but differing in amounts and maturities, issued by said municipality under said act for the purpose of providing means for paying for the work and improvements described in said resolution of intention, and is secured by the moneys in said redemption fund and by the unpaid assessments made for the payment of said work, and, including principal and interest, is payable exclusively out of said fund.

The interest is payable semiannually, to wit: On the second days of January and July in each year hereafter, upon presentation of the proper coupons therefor; *provided*, that the first of said coupons is for the interest to the second day of January, 19___, and thereafter the interest coupons are for the semiannual interest.

This bond will continue to bear interest after maturity at the rate above stated; *provided*, it is presented at maturity and payment thereof is refused upon the sole ground that there is not sufficient moneys in said redemption fund with which to pay same. If it is not presented at maturity interest thereon will run until maturity.

This bond may be redeemed and paid in advance of maturity upon the second day of January or July in any year by giving the notice provided in said act and by paying principal and accrued interest together with a premium equal to five per centum of the principal.

In witness whereof, said-----of----- has caused this bond to be signed by the treasurer of said ----- and by its clerk and has caused its clerk to affix thereto its corporate seal all on the ----- day of -----, 19___.

Treasurer.

Clerk.

[SEAL]

Stats 1923,
p 305,
amended
Interest on
unpaid
assessments

SEC. 9. Section 13 of said improvement bond act of 1915 is hereby amended to read as follows:

Sec. 13. (a) Interest on all unpaid assessments shall begin to run from the date of filing of the contractor's statement, or as otherwise provided in said street work act or from thirty days after the first publication of notice of recording the assessment; if proceedings are had under street opening act of 1903, and shall be computed at the same rate specified in the bonds secured by such assessments. Such interest shall be payable annually or semiannually as above provided, according as such general municipal taxes on real property in such city are payable annually or semiannually, but shall for each year be computed and collected up to the next second day of July succeeding, no deduction being made by reason of any installment of such assessment being due or paid prior thereto in such year.

Interest
may be
collected
in advance

(b) Wherever it shall appear to the council that, according to the dates when taxes are collected in any city, there will be an insufficient amount on hand to pay the interest when due, according to the method of collection provided by the preceding provisions of this act, then said council may direct that such interest or some portion of same be collected in the year preceding that in which the same would otherwise be collected under this act, and thereupon such interest or portion thereof shall be extended on the rolls for such preceding year and be due and collected therein.

Stats 1915,
p. 1450,
amended

Terms
defined

SEC. 10. Section 18 of said improvement bond act of 1915 is hereby amended to read as follows:

Sec. 18. The term "city auditor" as used in this act shall be held to mean and include any person who, under whatever name or title, is charged with the duty of extending taxes upon the assessment rolls and lists. The term "tax collector" as used in this act shall be held to mean and include any person who, under whatever name or title, is charged with the duty of collecting taxes, advertising delinquent lists of unpaid taxes, selling lands thereunder and executing certificates of sale and deeds thereon. Wherever in this act the name of any municipal body or other officer is used, or any word or phrase is used which is not herein expressly defined, it means and shall be taken to mean such municipal body or officer, or word or phrase as the same respectively is expressly defined in said street work act.

The phrase "work and improvement" and the terms "work" and "improvement" shall be deemed to include any work or improvements provided for in any of the street works acts herein referred to, and when appropriate to the context shall include the laying out, opening, extending, widening, straightening or acquiring of public streets, squares, lanes, alleys, easements, courts or places.

Stats 1915,
p 1450,
amended.

SEC. 11. Section 20 of said improvement bond act of 1915 is hereby amended to read as follows:

Sec. 20. This act shall in no wise affect an act entitled "An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for payment of said bonds," approved February 27, 1893, nor part three of the "Improvement act of 1911" hereinbefore referred to, nor an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, nor any similar acts on the same subject, or apply to proceedings had thereunder, but is intended to and does provide an alternate system for the issuance of bonds to represent and be secured by the assessments mentioned in this act; and it shall be in the discretion of the legislative body of any city to proceed under the provisions of this act or of such other acts; but when any proceedings for the issuance of bonds are commenced under this act, as amended from time to time, the provisions of this act, and of such amendments thereof as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said acts or any acts in conflict herewith shall be void and of no effect as to such proceedings commenced under this act. This act may be designated and referred to as the "Improvement bond act of 1915."

Effect of act
alternative
procedure

CHAPTER 841.

An act to amend sections 6, 7 and 29 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, relating to the creation, organization and government of joint highway districts.

[Approved by the Governor June 18, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 6 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, is hereby amended to read as follows:

Stats 1921,
p 1112,
amended

Sec. 6. Estimates and surveys.

Estimates
and surveys

Said board of directors shall furthermore have power to employ such assistance as may be necessary in the preparation of plans and estimates and in the making of preliminary surveys in order to furnish the several counties adequate engineering data before the district is completely organized.

Whenever authorized by resolutions adopted by the boards of supervisors of the several counties affected, said board of

directors may in advance of the organization of the district cause a completed survey of the proposed road and the preparation of all necessary maps, drawings and plan of construction and an estimate covering the costs of the completion of said highway or such portion thereof or to such standard as may be deemed expedient, including rights of way therefor and interest to be paid during construction, all as provided in section 13 of this act.

The cost and expense of such investigation, surveys, maps, plans, estimates and reports shall be defrayed out of such moneys as may be allotted to the district board by the several boards of supervisors from time to time.

Stats 1927,
p 249,
amended
Order creat-
ing district.

SEC. 2. Section 7 of said act is hereby amended to read as follows:

Sec. 7. Order creating district.

Said board of directors shall tentatively fix the route of the proposed district highway, determine the approximate total cost thereof and the portion thereof that should be borne by each county respectively and whether or not any contribution to the total cost will be asked for to be paid out of any state highway funds or special appropriation of the Legislature and if so the proportion of the total cost or the sum of money to be asked for from the state. The board shall make and file a copy of said report with the board of supervisors of each of the counties affected and whenever any portion of the total cost is asked to be paid by the state, copy of said report shall be filed with the department of public works of the state.

Within sixty days of the receipt of such report the state department of public works shall adopt or reject or may modify the proposal for contribution from funds of the state. Failure of the state department of public works to act within said time shall be deemed a rejection.

Within sixty days of the receipt of such report each board of supervisors shall adopt or reject the proposal for formation of the joint highway district. Failure of a board of supervisors to act within said time shall be deemed a rejection. A certified copy of the order of the state department of public works and of each resolution adopted by said boards of supervisors shall be forthwith transmitted to the board which initiated the proceedings, whereupon the latter board shall make a finding as to the approval or disapproval of the formation of the district and notify the clerks in the several counties as to the result.

In the event said report is rejected or modified by the state department of public works, then the board of directors of said district may prepare a new report and specify therein the apportionment of the total cost between the several counties within the district without contribution from the state or with such modified contribution from the state as may have been approved by the state department of public works and file the same with the board of supervisors of each of the counties affected, which said report shall be acted upon by

each said board of supervisors in like manner as with reference to an original report.

Whenever the several boards of supervisors vote in favor of formation of the district and the department of public works, in the event contribution is to be received from the state, also approves the formation of the district and the contribution by the state, then a certified copy of such notice of finding shall be filed with the secretary of state, whereupon the said joint highway district shall be deemed created and organized and shall exercise all the powers granted by this act, and shall be a public corporation under the designation of "Joint Highway District No.-----of the State of California." Districts shall be numbered in the order of their creation.

The approval of any said report by the state department of public works shall operate as a commitment by the state to make the contribution specified in said report by the state out of any funds which may be available for said purpose. Said report shall specify in its entirety the total improvement to be carried on by said joint highway district and shall operate as a limitation upon the extent of improvement which may be ordered by the directors of said district unless an additional report or reports be made as permitted in section 34

Effect of approval by department of public works.

SEC. 3. Section 29 of said act is hereby amended to read as follows:

Stats 1925, p. 440, amended

Sec. 29. Payment of assessment by county—levy of tax.

Payment of assessment by county.

The amount assessed against any county, in the discretion of its board of supervisors, may be paid either in whole or in part by a special tax as hereinafter provided or may be paid in whole or in part out of the general fund of the county, the general road fund or any fund received by the county from the state under the provisions of the California vehicle act or the motor vehicle fuel tax act or any other county funds from which appropriations may be made for highway purposes.

In the event any assessment is not met by appropriation as heretofore in this section permitted, then and in that event the board of supervisors at the time and in the manner provided by law for levying of taxes, shall levy a tax which shall be in addition to all taxes levied for county purposes, for the payment of the instalment of the assessment against the county and whenever any special assessment district, including private properties benefited by the improvement has been created, shall also levy a special tax upon all property within any said special assessment district in the county, which said taxes including any special tax, shall be sufficient to raise the sum of money required by this act.

Tax levy.

CHAPTER 842.

An act to amend section 4285 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-sixth class.

[Approved by the Governor June 18, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1927,
p. 319,
amended.
Counties of
56th class
(Sierra),
officers and
employees

SECTION 1. Section 4285 of the Political Code is hereby amended to read as follows:

4285. In counties of the fifty-sixth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, one thousand three hundred dollars per annum; *provided*, that in years when a great register of voters is required by law to be made the county clerk shall receive in addition to his regular salary the sum of four hundred dollars for such services, and said clerk may appoint one deputy clerk, which office of deputy county clerk is hereby created, who shall receive a salary of nine hundred dollars per annum. The deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the county clerk is paid.

Sheriff.

2. The sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only, and there is hereby allowed to the sheriff one deputy at a salary of seventy-five dollars per month. The salary of said deputy payable monthly in the same manner as the salaries of the other county officers are paid.

Recorder.

3. The recorder, four hundred dollars per annum; *provided*, that the recorder may retain to his own use all fees paid him for filing, marking for record, recording and indexing notices of location of mining claims and affidavits of annual expenditures upon mining claims.

Auditor.

4. The auditor, three hundred dollars per annum.

Treasurer

5. The treasurer, one thousand five hundred dollars per annum.

Tax collector.
Assessor

6. The tax collector, three hundred fifty dollars per annum.

7. The assessor, one thousand six hundred dollars per annum.

District attorney.

8. The district attorney, one thousand eight hundred dollars per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.

Coroner..

9. The coroner, such fees as are now or may be hereafter allowed by law.

Public administrator

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand dollars per annum, and actual traveling expenses when visiting the schools of his county. Superintendent of schools

12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual and necessary expenses when at work in the field. Surveyor

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors, in any manner determined upon by said board, upon the enactment of this act, and also at the time of the formation of any new township or townships. Classification of townships

Townships having a population of one thousand two hundred and more shall belong to and be known as townships of the first class; townships having a population of six hundred and less than one thousand two hundred shall belong to and be known as townships of the second class; townships having a population of three hundred and less than six hundred shall belong to and be known as townships of the third class; townships having a population of less than three hundred shall belong to and be known as townships of the fourth class.

Justices of the peace shall receive the following salaries: In townships of the first class the sum of two hundred forty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of two hundred forty dollars per annum; in townships of the second class the sum of one hundred eighty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of one hundred eighty dollars per annum; in townships of the third class the sum of one hundred twenty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of one hundred twenty dollars per annum; in townships of the fourth class the sum of sixty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of sixty dollars per annum. Justices of the peace

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officials are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

14. Constables, such fees as are now or may be hereafter allowed by law. Constables.

15. Each supervisor, six hundred fifty dollars per annum, and twenty cents per mile for traveling to and from his residence to the county seat at each session. Supervisors

When traveling by order of the board upon county business, each supervisor shall be allowed his actual itemized expenses. For all services as road commissioner, each super-

visor shall receive five dollars per day, but he shall not in any one year receive more than nine hundred dollars as supervisor.

License
collector

16. License collector. The license collector, such fees as are now or may be hereafter allowed by law.

Jurors

17. Jurors. For attending as a grand juror or a trial juror in both civil and criminal cases, in the superior court, for each day's attendance, three dollars; for each mile actually traveled one way as such grand juror or trial juror in both civil and criminal cases, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of days attendance, and the number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

CHAPTER 843.

An act providing for the organization of certain elementary or union elementary school districts into high school districts.

[Approved by the Governor June 18, 1929. In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 844.

An act to amend the title and sections 2, 4, 5, 6, 6½, 7, 8, 11, 12 and 16 of an act entitled "An act to be known as the 'Inheritance tax act,' to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter five hundred eighty-nine of the laws of the session of the Legislature of California of 1917, approved May 23, 1917, known as the 'Inheritance tax act,' and to repeal all acts and parts of acts in conflict with this act," approved June 3, 1921, as amended, and adding a new section to be numbered section 6½, relating to the exemption and rates of tax on a transfer to the wife of decedent and repealing section 2½.

[Approved by the Governor June 18, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Title,
Stats 1921,
p 1500
amended

SECTION 1. The title of an act entitled "An act to be known as the 'Inheritance tax act,' to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition

of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter five hundred eighty-nine of the laws of the session of the Legislature of California of 1917, approved May 23, 1917, known as the 'Inheritance tax act,' and to repeal all acts and parts of acts in conflict with this act," approved June 3, 1921, as amended, is hereby amended to read as follows:

An act to be known as the "Inheritance tax act," to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; to provide penalties for failure to comply with the provisions of this act; and to repeal chapter five hundred eighty-nine of the laws of the session of the Legislature of California of 1917, approved May 23, 1917, known as the "Inheritance tax act" and to repeal all acts and parts of acts in conflict with this act.

SEC. 2. Section 2 of said act is hereby amended to read as follows: New title
Stats 1925,
p. 473,
amended

Sec. 2. A tax shall be and is hereby imposed upon the transfer of any property, real, personal or mixed, or of any interest therein or income therefrom in trust or otherwise, to persons, institutions or corporations, not hereinafter exempted, to be paid to the treasurer of the proper county, as hereinafter directed, for the use of the state, said taxes to be upon the market value of such property at the rates hereinafter prescribed and only upon the excess over the exemptions hereinafter granted, in the following cases: Tax on
transfers.

(1) When the transfer is by will or by the intestate or homestead laws of this state, from any person dying seized or possessed of the property while a resident of the state, or by any order of court setting apart property and/or making and granting extra or family allowances pursuant to article one, chapter five, title eleven, part three of the Code of Civil Procedure. By will or
succession,
etc., resi-
dents.

(2) When the transfer is by will or intestate laws of property within this state and the decedent was a nonresident of the state at the time of his death, or by any order of court setting apart property and/or making and granting extra or family allowances pursuant to article one, chapter five, title eleven, part three of the Code of Civil Procedure. Same, non-
residents.

(3) When the transfer is of property made by a resident, or by a nonresident when such nonresident's property is within this state, by deed, grant, bargain, sale, assignment or gift, made without valuable and adequate consideration (i. e., a consideration equal in money or in money's worth to the full value of the property transferred): Property
within state

Gift in con-
templation
of death
Remainders

(a) In contemplation of the death of the grantor, vendor, assignor or donor, or,

(b) Intended to take effect in possession or enjoyment at or after such death.

When such person, institution or corporation becomes beneficially entitled in possession or expectancy to any property or the income therefrom, by any such transfer, whether made before or after the passage of this act.

Values

When the transfer is taxable under the provisions of paragraph (b) of subdivision (3) of this section, the value of the property transferred shall be taken as of the date of death of the transferor.

"Contempla-
tion of
death,"
defined

(4) The words "contemplation of death," as used in this act, shall be taken to include that expectancy of death which actuates the mind of a person on the execution of his will, and in nowise shall said words be limited and restricted to that expectancy of death which actuates the mind of a person making a gift causa mortis; and it is hereby declared to be the intent and purpose of this act to tax any and all transfers which are made in lieu of or to avoid the passing of property transferred by testate or intestate laws; *provided, however*, that all transfers made more than four years prior to the date of death of the grantor, vendor, assignor or donor shall be presumed not to have been made in contemplation of death; *provided, further*, that when the transfer is of real property or of the capital stock of a corporation said four-year period shall begin with the date of recordation in the county recorder's office of the instrument conveying said real property or the date of transfer on the books of the corporation of said stock to the transferee.

Joint
tenancies

(5) Whenever property, real or personal, is held in the joint names of two or more persons, or is deposited in banks or other institutions or depositories in the joint names of two or more persons and payable to either or the survivor, upon the death of one of such persons, the right of the surviving joint tenant or joint tenants, person or persons to the immediate ownership or possession and enjoyment of such property shall be deemed a transfer taxable under the provisions of this act in the same manner as though the whole property to which such transfer relates belonged absolutely to the deceased joint tenant or joint depositor and had been devised or bequeathed to the surviving joint tenant or joint tenants, person or persons, by such deceased joint tenant or joint depositor by will, excepting therefrom such part thereof as may be proved by the surviving joint tenant or joint tenants to have originally belonged to him or them and never to have belonged to the decedent.

Powers of
appointment

(6) Whenever any person, trustee or corporation shall exercise a power of appointment derived from any disposition of property made either before or after the passage of this act, such appointment, when made, shall be deemed a transfer taxable under the provisions of this act, in the same manner

as though the property to which such appointment relates belonged absolutely to the donee of such power, and had been bequeathed or devised by such donee by will.

(7) Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequest, devise, or residuary legacies exceeds what would be a reasonable compensation for their services, such excess over and above the exemptions herein provided for shall be liable to said tax; and the superior court in which the probate proceedings are pending shall fix the compensation.

Bequests and
devises to
executors or
trustees.

(8) Where any property shall, after the passage of this act, be transferred subject to any charge, estate or interest, determinable by the death of any person, or at any period ascertainable only by reference to death, the increase accruing to any person or corporation upon the extinction or determination of such charge, estate or interest, shall be deemed a transfer of property taxable under the provisions of this act in the same manner as though the person or corporation beneficially entitled thereto had then acquired such increase from the person from whom the title to their respective estates or interests is derived.

Extinction
of termin-
able prior
estates

(9) When more than one transfer within the meaning of any of the preceding subdivisions of this section has been made, either before or after the passage of this act, by a decedent to one person, the tax shall be imposed upon the aggregate market value of all of the property so transferred to such person in the same manner and to the same extent as if all of the property so transferred were actually transferred by one transfer.

Several
transfers to
be treated
as one

(9½) Proceeds of life or accident insurance policies payable to the insured, or to the estate, executor or administrator, or personal representative of the insured, shall be subject to the tax herein imposed. The proceeds of all other life or accident insurance policies payable on account of the death of the insured shall not be subject to the tax herein imposed.

Insurance
policies

(10) In determining the market value of the property transferred, the following deductions if paid by the estate or transferee and no others shall be made from the appraised value thereof:

Deductions

- (a) Debts of decedent owing at the date of death;
- (b) Expenses of funeral and last illness;
- (c) All state, county, and municipal taxes which are a lien against said property at the date of death;
- (d) The ordinary expenses of administration, including the ordinary fees allowed executors and administrators and the ordinary fees of their attorneys under the provisions of sections 1618 and 1619 of the Code of Civil Procedure of California, computed on the value of the estate at date of decedent's death;

(e) The amount due or paid the government of the United States as a federal inheritance or estate tax; *provided, however,*

that the amount of such tax allowable herein as a deduction shall be limited to a computation thereof (commencing at the primary rates) made by the acting state inheritance tax appraiser upon his own valuations of that portion of such property only, the transfer of which is taxable under the provisions of this act, by applying to such valuations the exemptions and rates of the federal inheritance or estate tax in force at the date of such transfer;

(f) The amount due or paid any territory, state or states of the United States (excepting California) or any foreign state or country as an inheritance, succession or transfer tax; *provided, however*, that the amount of such tax allowable herein as a deduction shall be limited to a computation thereof (commencing at the primary rates) made by the acting state inheritance tax appraiser upon his own valuations of that portion of such property only, the transfer of which is taxable under the provisions of this act, by applying to such valuations the exemptions and rates of such state, territory, foreign state or country inheritance, succession or transfer tax in force at the date of such transfer.

Stats 1925,
p 476,
repealed

SEC. 3. Section 2½ of said act as amended is hereby repealed.

Stats 1921,
p 1504,
amended

SEC. 4. Section 4 of said act is hereby amended to read as follows:

Estates not
in excess of
\$25,000

Sec. 4. When the property or any beneficial interest therein so passed or transferred except to the wife of decedent exceeds in value the exemption hereinafter specified and shall not exceed in value twenty-five thousand dollars, the tax hereby imposed shall be:

(1) Where the person or persons entitled to any beneficial interest in such property shall be the husband, lineal ancestor, lineal issue of the decedent or any child adopted as such in conformity with the laws of this state, or any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent (*provided, however*, such relationship began at or before the child's fifteenth birthday, and was continuous for said ten years thereafter), or any lineal issue of such adopted or mutually acknowledged child, at the rate of one per centum of the clear value of such interest in such property.

(2) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of a decedent, a wife or widow of a son, or the husband of a daughter of the decedent, at the rate of three per centum of the clear value of such interest in such property.

(3) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother of the decedent, at the rate of four per centum of the clear value of such interest in such property.

(4) Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the rate of five per centum of the clear value of such interest in such property.

SEC. 5. Section 5 of said act is hereby amended to read as follows:

Stats. 1921,
p. 1504,
amended
When prop-
erty value
exceeds
\$25,000

Sec. 5. (1) When the market value of such property or interest passed or transferred to any of the persons mentioned in subdivision one of section 4 exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

(a) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, two per centum of such excess. Rates of tax

(b) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, four per centum of such excess.

(c) Upon all in excess of one hundred thousand dollars and up to two hundred thousand dollars, seven per centum of such excess.

(d) Upon all in excess of two hundred thousand dollars and up to five hundred thousand dollars, nine per centum of such excess.

(e) Upon all in excess of five hundred thousand dollars, ten per centum of such excess.

(2) When the market value of such property or interest passed or transferred to any of the persons mentioned in subdivision two of section 4 exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

(a) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, six per centum of such excess.

(b) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, nine per centum of such excess.

(c) Upon all in excess of one hundred thousand dollars, twelve per centum of such excess.

(3) When the market value of such property or interest passed or transferred to any of the persons mentioned in subdivision three of section 4 exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

(a) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, eight per centum of such excess.

(b) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, ten per centum of such excess.

(c) Upon all in excess of one hundred thousand dollars, twelve per centum of such excess.

(4) When the market value of such property or interest passed or transferred to any of the persons mentioned in subdivision four of section 4 exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

(a) Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars, ten per centum of such excess.

(b) Upon all in excess of fifty thousand dollars, twelve per centum of such excess.

Stats 1921,
p 1506.
amended
Exemptions.

SEC. 6. Section 6 of said act is hereby amended to read as follows:

Sec. 6. The following exemptions from the tax are hereby allowed:

(1) (a) All proceeds of any federal war risk insurance policy of any veteran of the world war which is payable or which may become payable to the estate of such veteran shall be exempt.

(b) All property transferred to societies, corporations, and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its object or purpose), or to any person, society, corporation, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property or to the income thereof, shall be exempt; *provided, however*, that such society, corporation, institution or association be organized or existing under the laws of this state or that the property transferred be limited for use within this state; *provided, further*, that if such society, corporation, institution or association be organized or existing under the laws of a territory or state of the United States (other than California) or of a foreign state or country, all property transferred to such society, corporation, institution or association shall be exempt if at the date of decedent's death the said state or territory or foreign state or country under the laws of which such society, corporation, institution or association was organized or existing did not impose a legacy or succession tax or a death tax of any character in respect of property transferred to such a society, corporation, institution or association organized or existing under the laws of this state, or if at the date of decedent's death the laws of the state or territory or foreign state or country under which such society, corporation, institution or association was organized or existing contained a reciprocal provision under which transfers to such a society, corporation, institution or association organized or existing under the laws of another state or territory or foreign state or country were exempted from legacy or succession taxes or death taxes of every character providing said other state or territory or foreign state or country allowed a similar exemption to such a society, corporation, institution or association organized or existing under the laws of another state or territory or foreign state or country.

(2) (a) Property of the clear value of twenty-four thousand dollars, transferred to a minor child of the decedent, and of ten thousand dollars transferred to each of the other

persons described in the first subdivision of section 4, shall be exempt.

(7) All property transferred by a decedent to any person described in the first subdivision of section 4 or section 6 $\frac{1}{2}$ providing the same was transferred to such decedent not more than five years prior to his death by another decedent of the class described in the first subdivision of section 4 or section 6 $\frac{1}{2}$ and a tax paid thereon, shall be exempt; *provided*, that the value of said property shall be taken as of the date of death of the first decedent.

(8) Property of the clear value of five thousand dollars, transferred to each of the persons described in the second subdivision of section 4, shall be exempt.

(9) Property of the clear value of one thousand dollars, transferred to each of the persons described in the third subdivision of section 4, shall be exempt.

(10) Property of the clear value of five hundred dollars transferred to each of the persons and corporations described in the fourth subdivision of section 4, shall be exempt.

(11) In computing the tax upon transfers subject to tax under the provisions of this act, the exemptions in this section and section 6 $\frac{1}{2}$ allowed shall be deducted from the aggregate amount of property transferred, and the transfer of the remainder of the property after making such deduction shall be taxed at the rates at which it would have been taxed had no exemption whatever been allowed.

SEC. 7. Section 6 $\frac{1}{2}$ of said act as amended is hereby amended to read as follows:

Stats. 1927.
p. 1096,
amended

Sec. 6 $\frac{1}{2}$. The tax imposed by this act in respect of intangible personal property shall not be payable if the decedent is a resident of a state or territory of the United States or a foreign state or country which at the time of his death imposed a legacy, succession or death tax in respect of intangible personal property within said state or territory or foreign state or country of residents of said state or territory or foreign state or country, but did not impose a legacy or succession tax or a death tax of any character in respect of intangible personal property within said state or territory or foreign state or country of residents of this state, or if the laws of the state or territory or foreign state or country of residence of the decedent at the time of his death contained a reciprocal provision under which nonresidents were exempted from legacy or succession taxes or death taxes of every character in respect of intangible personal property providing the state or territory or foreign state or country of residence of such nonresidents allowed a similar exemption to residents of the state or territory or foreign state or country of residence of such decedent. For the purposes of this act the District of Columbia shall be considered a territory of the United States.

Reciprocal
exemptions
to estates of
nonresident
decedents

SEC. 8. A new section is hereby added to said inheritance tax act to be numbered 6 $\frac{1}{2}$ and to read as follows:

New section

Exemptions
and tax
applicable to
transfers to
wife of
decendent

Sec. 6 $\frac{1}{2}$. Property of the clear value of fifty thousand dollars transferred to the wife of decedent shall be exempt and when the market value of such property or interest passed or transferred exceeds fifty thousand dollars, the rates of tax upon such excess shall be as follows:

(a) Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, four per centum of such excess.

(b) Upon all in excess of one hundred thousand dollars and up to two hundred thousand dollars, six per centum of such excess.

(c) Upon all in excess of two hundred thousand dollars and up to three hundred thousand dollars, seven per centum of such excess.

(d) Upon all in excess of three hundred thousand dollars, eight per centum of such excess.

Stats. 1921,
p. 1506,
amended

SEC. 9. Section 7 of said act is hereby amended to read as follows:

When and
how payable.

Sec. 7. (1) All taxes imposed by this act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; *provided*, that if said tax is paid within six months from the accruing thereof a discount of five per centum shall be allowed and deducted from said tax; *provided, further*, that all payments made after the expiration of said eighteen months shall be applied first to the payment of interest on said tax to the date of payment and the balance, if any, on the tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eighteen months from the death of the decedent, they shall be required to give a bond for the payment of such tax, together with interest.

Interest

Discounts.

Penalties.

Bonds

When pen-
alty may be
remitted.

(2) The penalty of ten per cent per annum imposed by subdivision (1) of this section for the nonpayment of said tax, shall not be charged in cases where, in the judgment of the court, by reason of claims made upon the estate, necessary litigation, or other unavoidable cause of delay, the estate of any decedent, or a part thereof, can not be settled at the end of eighteen months from the death of the decedent; but in such cases seven per cent per annum shall be charged upon the said tax from the expiration of said eighteen months until the cause of such delay is removed, after which ten per cent interest per annum shall again be charged until the tax is paid; but litigation to defeat the payment of the tax shall not be considered necessary litigation.

Stats. 1927,
p. 1097,
amended.

SEC. 9 $\frac{1}{2}$. Section 8 of said act is hereby amended to read as follows:

Immediate
appraise-
ment and
payment

Sec. 8. (1) When any grant, gift, legacy, devise or succession upon which a tax is imposed by section 2 of this act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event,

or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the market value thereof determined, in the manner provided in section 16 or 17 of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid.

(2) In estimating the value of any estate or interest in property, to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made on account of any contingent incumbrance thereon, nor on account of any contingency upon the happening of which the estate or property or some part thereof or interest therein might be abridged, defeated or diminished; *provided, however*, that in the event of such incumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgment, defeat or diminution of said estate or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax on account of the incumbrance when taking effect, or so much as will reduce the same to the amount which would have been assessed on account of the actual duration or extent of the estate or interest enjoyed. Such return of tax shall be made in the manner provided by section 11 hereof upon order of the court having jurisdiction.

Encumbrance.

(3) When property is transferred in trust or otherwise, and the rights, interest or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended, or abridged, a tax shall be imposed upon said transfer at the highest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of this act, and such tax so imposed shall be due and payable forthwith by the executors or trustees out of the property transferred; *provided, however*, that on the happening of any contingency whereby the said property, or any part thereof, is transferred to a person or corporation exempt from taxation under the provisions of this act, or to any person taxable at a rate less than the rate imposed and paid, such person or corporation shall be entitled to a return of so much of the tax imposed and paid as the difference between the amount paid and the amount which said person or corporation should pay under the provisions of this act; such return of overpayment shall be made in the manner provided by section 11 of this act, upon order of the court having jurisdiction; *provided*, that the person or persons or body politic or corporate beneficially interested in the property chargeable with said tax or the trustees thereof may elect not to pay the same until such person or persons, or body

Property transferred in trust.

Property
transferred
in trust

politic or corporate beneficially interested in such property shall come into the actual possession or enjoyment thereof, and in that case such person or persons or body politic or corporate or trustees shall execute a bond to the people of the State of California in a penalty of the amount of said tax plus interest thereon for five years at the rate of seven per cent per annum with such sureties as the said superior court may approve, conditioned for the payment of said tax and interest thereon at the rate of seven per cent per annum commencing at the expiration of eighteen months from the death of the decedent at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, and conditioned further, that if said bond be not renewed and the returns made as herein provided, the amount of said tax and interest thereon shall immediately become due and payable. Said bond shall be filed in the office of the county clerk of the proper county and a certified copy thereof shall be immediately transmitted to the state controller; *provided, further*, that such person or persons or body politic or corporate, or trustees, shall enter into such security within a period of ninety days after the entry of the order or decree fixing the inheritance tax charged against such transfer, or within such period thereafter as the court may in its discretion permit, and shall make a full and verified return of such property to said court and file the same in the office of the county clerk within one year from the date of such order or decree fixing tax, and at such times thereafter as the court on the application of the state controller may require, and renew such security every five years after the date of the approval thereof. Upon the approval of said bond as herein provided, said tax shall cease to be a lien upon the property so transferred. If such security shall not be renewed before the expiration of each five year period, said bond shall immediately become due and payable and if the same be not paid forthwith, the attorney general shall file an action in the name of the people of the state on the relation of the controller, to recover the same and the penalties thereunder and no demand for payment shall be necessary before the institution of such suit. Whenever it shall be made to appear to the satisfaction of the court that any surety on such bond or undertaking has for any reason become insufficient, the court may on motion of the state controller, after such notice to such person or persons, body politic or corporate, or trustees as the court may require, order the giving of a new undertaking with sufficient sureties in lieu of such insufficient undertaking. In case such new undertaking so required shall not be given within the time required by such order, or in case the sureties thereon fail to justify thereon when required, all rights obtained by the filing of such original undertaking, or subsequent undertaking, shall cease and the amount of said tax and interest thereon shall immediately become due and payable.

(4) Estates in expectancy which are contingent or defeasible and in which proceedings for the determination of the tax have not been taken or where the taxation thereof has been held in abeyance, shall be appraised at their full, undiminished value when the persons entitled thereto shall come into the beneficial enjoyment or possession thereof, without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation, upon which said estates in expectancy may have been limited.

Contingent and defeasible estates in expectancy

(5) Where an estate or interest can be divested by the act or omission of the legatee or devisee it shall be taxed as if there were no possibility of such divesting.

Estates which can be divested

(6) The value of every future, or contingent or limited estate, income or interest, shall, for the purposes of this act be determined by the rule, methods and standards of mortality and of value that are set forth in the actuaries' combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities and for the determination of the liabilities of life insurance companies, save that the rate of interest to be assessed in computing the present value of all future interest and contingencies shall be five (5) per cent per annum. The insurance commissioner shall without a fee on the application of any superior court or of any inheritance tax appraiser determine the value of any future or contingent estate, income or interest therein limited, contingent, dependent or determinable upon the life or lives of persons in being, upon the facts contained in any such appraiser's application or other facts to him submitted by said appraiser or said court and certify the same in duplicate to such court or appraiser, and his certificate thereof shall be conclusive evidence that the method of computation therein is correct. When an annuity or a life estate is terminated by the death of the annuitant or life tenant, and the tax upon such interest has not been fixed and determined, the value of said interest for the purpose of taxation under this act shall be the amount of the annuity or income actually paid or payable to the annuitant or life tenant during the period for which such annuitant or life tenant was entitled to the annuity or was in possession of the life estate.

Future, contingent or limited estates

(7) Notwithstanding any provisions hereof whereby final determination of taxability of the transfer of property or interests therein or income therefrom, is or may be deferred until the happening of certain contingencies or conditions, the state controller may compromise, adjust and settle with the administrator, executor or trustee having charge of the estate or property in question, the taxability of the transfer of such property and of each and every interest therein, including the income therefrom, whether such interests be absolute or qualified, perpetual or limited, present or future, vested or contingent, or otherwise.

State controller authorized to compromise taxes

The report of the inheritance tax appraiser determining the inheritance tax payable shall be prepared in accordance with

such settlement and if and when said report is confirmed by an order of the superior court having jurisdiction said order shall be a final determination of the matters covered thereby and the payment of said tax as fixed by said order shall be a complete discharge to such administrator, executor or trustee with respect to such taxes.

Stats. 1921,
p. 1511,
amended
Refund if
debts proved
after
payment.

SEC. 10. Section 11 of said act is hereby amended to read as follows:

Sec. 11. (1) If any debts shall be proved against the estate of a decedent after the payment of any legacy or distributive share thereof, from which any such tax has been deducted or upon which it has been paid by the person entitled to such legacy or distributive share, and such person is required by order of the superior court having jurisdiction, on notice to the state controller, to refund the amount of such debts or any part thereof, an equitable proportion of the tax shall be repaid to him by the executor, administrator or trustee, if the tax has not been paid to the county treasurer; or if such tax has been paid to such county treasurer, such officer shall refund out of any inheritance tax moneys in his hands or custody such equitable proportion of the tax and credit himself with the same in the account required to be rendered by him under this act.

Tax on
deductions
for debts
erroneously
allowed

(2) Where it shall be proved to the satisfaction of the superior court that deductions for debts were allowed upon the appraisal, since proved to have been erroneously allowed, it shall be lawful for such superior court to enter an order assessing the tax upon the amount wrongfully and erroneously deducted.

If order is
modified or
reversed

(3) If, after the payment of any tax in pursuance of an order fixing such tax, made by the superior court having jurisdiction, such order be modified or reversed by the superior court having jurisdiction within two years from and after the date of entry of the order fixing the tax, or be modified or reversed at any time on an appeal taken therefrom within the time allowed by law on due notice to the state controller, the county treasurer shall refund to the executor, administrator, trustee, person or persons by whom such tax was paid, the amount of any moneys paid or deposited on account of such tax in excess of the amount of tax fixed by the order modified or reversed, out of any inheritance tax moneys in his hands or custody, and credit himself with the same in the account required to be rendered by him to the controller on his semi-annual settlement; but no application for such refund shall be made after one year from such reversal or modification, unless an appeal shall be taken therefrom, in which case no such application shall be made after one year from the final determination on such appeal or of an appeal taken therefrom, and the representatives of the estate, legatees, devisees or distributees entitled to any refund under this section shall not be entitled to any interest upon such refund, and the state controller shall deduct from the fees allowed by this act to the

county treasurer the amount theretofore allowed him upon such overpayment. This subdivision shall not be construed as giving any right to have such order modified or reversed in addition to those provided in the Code of Civil Procedure for the modification or reversal of judgment.

(4) When any amount of said tax shall have been erroneously paid, the superior court having jurisdiction, on application after notice to the state controller, and on satisfactory proof to it, shall by order require the county treasurer to refund and pay to the executor, administrator, trustee, person or persons who had paid any such tax in error the amount of such tax so erroneously paid; *provided*, that all applications for such repayment of such tax so erroneously paid shall be made within one year of the date of the entry of the order fixing tax or of the decree of final distribution of the estate. Such refund shall be made by said treasurer out of any inheritance tax moneys in his hands or custody and he shall credit himself with the same in the account required to be rendered by him to the controller on semiannual settlement; and the state controller shall deduct from the fees allowed by this act to the county treasurer the amount theretofore allowed him upon such erroneous payment.

Order to
refund tax
erroneously
paid

(5) This section, as amended, shall apply to appeals and proceedings now pending and taxes heretofore paid in relation to which the period of one year from such reversal or modification has not expired when this section, as amended, takes effect.

Application
to pending
proceedings

SEC. 11. Section 12 of said act is hereby amended to read as follows:

Stats. 1921,
p. 1512,
amended

Sec. 12. (1) Whenever the state controller shall have reasonable cause to believe that a tax is due under the provisions of this act, upon any transfer of any property, and that any person, firm, institution, company, association or corporation has possession, custody or control of any books, accounts, papers or documents relating to or evidencing such transfer, the state controller or inheritance tax attorney, or any assistant inheritance tax attorney of the inheritance tax department, is hereby authorized and empowered to inspect the books, records, accounts, papers and documents of any such person, firm, institution, company, association or corporation, including the stock transfer book of any corporation, and to administer oaths to and examine any such person or any officer or agent of such firm, institution, company, association or corporation, for the purpose of acquiring any information deemed necessary or desirable by said state controller or such inheritance tax attorney or assistant inheritance tax attorneys, for the proper enforcement of this act, and for the collection of the full amount of tax which may be due the state hereunder. Any and all information and records acquired by said state controller or said inheritance tax attorney or assistant inheritance tax attorneys shall be deemed and held by said state controller and said inheritance tax attorney and assistant

Examination
of books
etc

inheritance tax attorneys and each of them, as confidential, and shall not be divulged, disclosed or made known by them or any of them except in so far as may be necessary for the enforcement of the provisions of this act. Any controller or ex-controller, or inheritance tax attorney or ex-inheritance tax attorney, or assistant inheritance tax attorney or ex-assistant inheritance tax attorney, who shall divulge, disclose or make known any information acquired by such inspection and examination aforesaid, except in so far as the same may be necessary for the enforcement of the provisions of this act, shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the state prison for not more than five years.

Penalties
for refusal
to permit
examination

(2) An officer or agent of any firm, institution, company, association or corporation having or keeping an office within this state, who has in his custody or under his control any book, record, account, paper or document of such firm, institution, company, association or corporation, and any person having in his custody or under his control such book, record, account, paper or document who refuses to give to the state controller, or said inheritance tax attorney, or any of said assistant inheritance tax attorneys, lawfully demanding, as provided in this section, during office hours to inspect or take a copy of the same, or any part thereof, for the purposes hereinabove provided, a reasonable opportunity so to do, shall be liable to a penalty of not less than one thousand dollars nor more than twenty thousand dollars, and in addition thereto shall be liable for the amount of the taxes, interest and penalties due under this act on such transfer, and the said penalties and liabilities for the violation of this section may be enforced in an action brought by the state controller in any court of competent jurisdiction.

Stats 1921,
p 1515,
amended
Appoint-
ment
of inherit-
ance tax
appraisers
in probate
proceedings

SEC. 12. Section 16 of said act is hereby amended to read as follows:

Sec. 16. (1) When any superior court, having jurisdiction in probate of the estate of any decedent, or a judge of such court, shall, in accordance with section 1444 of the Code of Civil Procedure, appoint the appraiser or appraisers in said section provided for, said superior court or judge thereof shall also at the same time designate and appoint an inheritance tax appraiser (unless such designation and appointment be previously made) to ascertain and report to said superior court the amount of inheritance tax due upon any property passing in said probate proceeding, or a lien thereon, or upon any other property transferred within the meaning of subdivision (3) of section 2 of this act, or under any other provision of this act, to any person, institution or corporation taking property under and by virtue of said probate proceedings, together with such other or additional information as shall assist said court in the determination of said tax. Thereupon said inheritance tax appraiser shall have all the powers of a referee of said superior court, and shall have jurisdiction to require the attendance

Powers.

before him of the executor or administrator of said estate, or any person interested therein, or any other person whom he may have reason to believe possesses knowledge of the estate of said decedent, or knowledge of any property, transferred by said decedent within the meaning of this act, or knowledge of any facts that will aid said appraiser or the court in the determination of said tax. For the purpose of compelling the attendance of such person or persons before him, and for the purpose of appraising any property or interest subject to, or liable for any inheritance tax hereunder, and for the purpose of determining the amount of tax due thereon, the said inheritance tax appraiser is hereby authorized to issue subpoenas compelling the attendance of witnesses before him. Any person or persons who shall be served with a subpoena, issued by said inheritance tax appraiser, to appear and testify or to produce books and papers, and who shall refuse and neglect to appear and testify or to produce books and papers relevant to such appraisement, as commanded in such subpoena, shall be guilty of a contempt of court. And he may examine and take the evidence of such witnesses or of such executor or administrator, or other person under oath concerning such property and the value thereof, and concerning the property or the estate of such decedent subject to probate, and concerning any transfer made by such decedent within the meaning of this act. Upon the completion of his inheritance tax appraisement in any probate proceeding, the inheritance tax appraiser shall make a report in writing to the superior court of the clear market value of the several interests in the estate of the decedent, and shall report the amount of inheritance, or transfer tax chargeable against, or a lien upon such interests, acquired by virtue of said probate proceedings or by any transfer within the meaning of this act, to any person, institution or corporation acquiring any property by virtue of said probate proceedings together with such other facts as may advise the court in regard thereto, or which the court may require, and may return to said superior court such depositions as he may have had reduced to writing, exhibits, or other testimony or information taken before him, or submitted to him.

Report to
superior
court

(2) Upon the filing of said report said appraiser shall mail a copy thereof to the state controller and the clerk of said superior court shall on said day or the next succeeding judicial day give notice of such filing to all persons interested in such proceedings by causing notice to be posted at the courthouse in the county where the court is held, and in addition thereto shall mail to the state controller and to all persons chargeable with any tax in said report who have appeared in such proceeding, a copy of said notice. At any time after the expiration of ten days thereafter, if no objection to said report be filed, the said superior court or a judge thereof, may, without further notice, give and make its order confirming said report and fixing the tax in accordance therewith. At any time prior to the making of said order, any person interested in

Notice of
filing report.

Order
confirming
report

Objections

said proceeding (including the state controller) may file objections in writing to said report. Thereupon the clerk of the said superior court shall fix a time, not less than ten days thereafter, for the hearing thereof, and shall give notice of the said hearing by posting a notice thereof at the courthouse in the county where the court is held and by forthwith mailing a copy of such objection and of such notice to the state controller, county treasurer and inheritance tax appraiser. Upon the hearing of said objections, said court, may make such order as to it may seem meet and proper in the premises; *provided*, that for the purpose of said hearing the report of the inheritance tax appraiser shall be presumed to be correct and it shall be the duty of objector or objectors to proceed in support of said objection or objections.

Order that
no taxes
are due

(3) If, upon examination of the executor or administrator of said estate or other persons familiar with the affairs of such decedent, or from other information before him, it shall appear to the inheritance tax appraiser that there is no inheritance tax due out of said estate or a lien upon any property or interest therein, said appraiser may so certify to the superior court, and at any time thereafter, if no objection to said certificate shall have been filed, said superior court or a judge thereof may, without further notice, make an order or decree that there are no inheritance taxes due out of said estate or upon any interest therein or may make such different order as may to it seem meet in the premises. Such order shall be conclusive only as to such property as may have been returned in the inventory or inventory and appraisement in said probate proceedings.

CHAPTER 845.

An act to establish salesrooms and industrial workshops for the blind, providing for the management, government and administration thereof and making an appropriation for the establishment of a revolving fund therefor.

[Approved by the Governor June 18, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Establish-
ment of
sales-
rooms and
workshops
for the blind
and physi-
cally handi-
capped

SECTION 1. The department of institutions with the approval of the department of finance is hereby authorized to establish in such cities as he may deem necessary, salesrooms and industrial workshops for the instruction of the blind and other physically handicapped persons to enable them to contribute to their own support. Said salesrooms and industrial workshops for the instruction of the blind shall be under the management and control of the department of institutions.

Rules and
regulations.

SEC. 2. The director of the department of institutions shall have the power and the duty to make and enforce all proper

rules and regulations necessary to carry out the provisions of this act.

SEC. 3. The department of institutions is hereby authorized and directed to rent a suitable building or buildings or room or rooms for such salesrooms and industrial workshops and to purchase all necessary and suitable equipment and materials for such salesrooms and industrial workshops and for the use of the workers therein; to provide for the sale of all products manufactured by the workers thereof, to provide for the employment of instructors and such other employees as it may deem necessary and to do all necessary and proper acts to carry out the provisions of this act.

Powers and duties of the director.

SEC. 4. To such industrial workshops may be admitted any blind person who has been a resident of the state for one year prior to his application for admission and is of suitable age, character, and qualifications, and such other physically handicapped persons so qualified as it may be found practicable to receive in said workshop. The rate of wages to be paid workers in said workshop shall be fixed by the department of institutions.

Who may be admitted

Wages

SEC. 5. The sum of fifty thousand dollars (\$50,000) is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for a permanent revolving fund to be known as the "industrial workshop revolving fund," which fund is hereby created. Said fund to be used for the payment of all materials needed by workers in the workshop in manufacturing such products and for the payment of salaries of said workers and other costs of operation and manufacturing.

Appropriation revolving fund

Expenditures

SEC. 6. All moneys received from the sale of products manufactured in said workshops shall be remitted to the state treasury for credit to and the same shall become a part of the industrial workshop revolving fund to be used for the purposes set forth in section 5 of this act.

Receipts from sales.

CHAPTER 846.

An act to provide for the forfeiture of certain lands to the state for the nonpayment of delinquent interest upon any part of the unpaid portion of the purchase price thereof, together with penalties and costs as herein provided, and for the forfeiture of all moneys previously paid thereon, principal as well as interest; prescribing the duties of certain public officers with respect thereto; providing for the

giving of notice of said forfeitures; prescribing certain remedies, and making an appropriation for the purposes of this act.

[Approved by the Governor June 13, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Certain
lands sold
by the state
to revert to
state if
delinquent
payments
not paid

SECTION 1. All lands sold by this state for which certificates of purchase were issued prior to the first day of May, A. D. 1911, for which full payment was not made at the time of purchase, and upon which any interest upon any part of the unpaid portion of the purchase price thereof is delinquent at the time this act shall take effect, or shall at any time thereafter become delinquent, shall be forfeited to the state, without the necessity of reentry or judicial ascertainment, and shall revert to the particular class of land to which it originally belonged, to be resold under the provisions of existing law, or any future law, unless payment of all interest delinquent at the time of payment and of all the costs and penalties herein specified, shall be made as follows:

(a) When such delinquency shall exist at the time this act shall take effect, such payment must be made on or before the thirtieth day of August, 1929.

(b) When such delinquency shall occur after this act shall take effect, on or before the thirtieth day of June of the year following the year for which such delinquency occurred.

Register of
state land
office to
prepare
statements

SEC. 2. On or before the first day of October, of each and every year hereafter, and including also the year 1929, the register of the state land office shall prepare, or cause to be prepared, statements showing, by counties, and by proper legal descriptions, all lands in each of the several counties in this state for which there are outstanding and not annulled as provided by article six of chapter one of title eight of part three of the Political Code any certificate or certificates of purchase which were issued prior to the first day of May, A. D. 1911, and upon which any interest upon any part of the unpaid portion of the purchase price is delinquent at the time this act shall take effect, or which shall at any time thereafter become delinquent. Such statements shall also show the name and post-office address of the purchaser as the same may appear upon the records of the register's office, and the name and post-office address of the assignee, grantee or successor in interest of such purchaser in all cases wherein notice of any assignment of such certificate of purchase, or of any conveyance or other transfer of title of any part of the lands therein described shall have been filed in said office prior to the date herein first mentioned. Such statement shall also show the number and date of the survey or location and of the certificate of purchase, the amount of interest paid, the amount of interest unpaid, and the amount of interest then due. No lands within any reclamation district must be embraced in any such state-

ment if the certificate of the board of supervisors that works of reclamation have been commenced in such district has been filed in the register's office prior to the taking effect of this act.

SEC. 3. Demand is hereby made upon all persons who are or who may become liable for the payment of any interest which is delinquent or which may become delinquent upon any part of the unpaid portion of the purchase price of any of the lands embraced within any of such statements for the payment of all such delinquent interest, together with the costs hereby imposed, as follows:

Demand for
delinquent
interest

(a) When such delinquency shall exist at the time this act shall take effect the demand is that payment be made on or before the thirty-first day of December, 1929.

(b) When such delinquency shall occur after this act shall take effect, the demand is that payment be made on or before the thirty-first day of December of the year for which such delinquency occurred.

In the event of the nonpayment of any portion of such delinquent interest, as provided in subdivisions (a) and (b) of this section, a penalty of twenty per cent of the aggregate amount then delinquent is hereby imposed, in each case upon the person or persons liable for the payment thereof. Except as otherwise provided in sections 4, 5 and 6 of this act, in the event any portion of such delinquent interest, together with such penalty and costs, and all additional interest falling due on the first day of January following be not paid before the thirtieth day of June following, all lands on account of the purchase price of which such delinquency shall then exist are hereby declared to be forfeited to the state, together with all moneys previously paid on account of the purchase price thereof, whether for principal or interest, and all such certificates of purchase are hereby declared to be null and void from and after such date last mentioned.

Penalties

SEC. 4. In the event the owner of any such certificate of purchase shall have died, without disposing of the lands therein described, and no administration of his estate has been had, the time of payment limited by the provisions of the preceding section is hereby extended for a period of six months; *provided, however,* that appropriate probate proceedings must be commenced in each case not later than the thirty-first day of December of the year for which said interest became delinquent, and written notice thereof forwarded by registered mail to the register of the state land office. In such cases the twenty per cent penalty imposed by section 3 hereof shall not attach until six months after the time set therefor in said section 3, and such forfeiture shall not become operative until one year after the time set therefor in said section 3.

In case of
purchaser's
death

SEC. 5. Any person having a conveyance of the whole or any portion of the lands described in any certificate of purchase included in any such statement, but to whom the certificate has never been surrendered, may protect his lands from forfeiture by paying such proportion of the interest delinquent

Grantees of
purchasers
holding
certificates

upon all the lands in such certificate described as the acreage claimed by him bears to the aggregate acreage embraced in such certificate. He shall first, however, file with the register of the state land office satisfactory evidence of his possessory right to such land, and obtain from the latter a certificate directed to the treasurer of the proper county, permitting such payment and stating the amount to be paid, which shall in all cases include the costs imposed by section 9 hereof. Upon such payment being made within the time herein limited such land shall be, and hereby is excepted from the forfeiture prescribed in this act. Said certificate of purchase shall become null and void only as to the remaining lands therein described, and the register in preparing for record the notices of forfeiture provided for in section 10 hereof shall omit therefrom all lands upon which the delinquent interest has been paid as in this section permitted. Should due compliance be made with all other provisions of law governing the issuance of patents, a patent shall issue in the name of the original purchaser of such excepted land, but shall be delivered to the person by whom such payment was made, and the title thereby granted shall inure to the benefit of such person, his heirs or assigns.

Application
of act to
unlisted lieu
and swamp
lands

SEC. 6. This act shall extend to and include all unlisted lieu lands and all unsegregated swamp and overflowed lands sold under the authority of any law of this state; subject to the proviso that instead of the land itself becoming forfeit for nonpayment of delinquent interest, all right, title and interest therein or thereto heretofore acquired or hereafter to be acquired by the original purchaser, his heirs and assigns, shall become and hereby is declared to be forfeit to the state in the event of such nonpayment; and subject to the further proviso that all purchasers of such unlisted lieu lands or of such unsegregated swamp and overflowed lands, their heirs and assigns, who protect themselves against such forfeiture by making the payments required by this act, shall not thereby be deprived of any existing right to receive restitution of all sums paid on account of the purchase price of such lands, whether for principal or interest, upon duly complying with all provisions of law governing such restitution.

Further
duties of
register

SEC. 7. Upon completing the statements required by section 2 hereof, the register shall add thereto a demand that all interest shown to be delinquent therein shall be paid on or before the thirty-first day of the following December, to the treasurer of the proper county, together with the sum of three dollars costs, and a notice that if the same be not so paid a penalty of twenty per cent will be added thereto as provided in section 3 hereof, and a further notice that unless the whole sum delinquent, together with such costs and penalty, and all additional interest falling due the first day of the following January, be paid on or before the thirtieth day of the following June, the lands in said statements described, together with all moneys previously paid on account of the

purchase price thereof, whether for principal or interest, will be forfeit to the state in accordance with the provisions hereof, and that all such certificates of purchase will become ipso facto null and void. He shall thereupon cause each such statement, together with such demand and notice, to be published once a week for four weeks successively in some newspaper published in the county wherein the lands described in such statement are situate, or, if there be no newspaper published in such county, such publication shall be made in a newspaper published in an adjoining county.

Sec. 8. In addition to such publication, the register shall, ^{Same.} not later than October fifteenth, of each and every year hereafter, including the year 1929, forward copies of such statements, demands and notice, by registered mail to the treasurer and to the auditor and to the assessor of each county wherein any of said lands may be situate, and shall likewise forward by registered mail to each person shown by the records of his office to have any interest in any of such lands, either as purchaser, or as assignee, grantee, distributee, or other successor in interest of such purchaser, a copy of so much of said statements as pertains to the lands wherein such person may appear to have any interest, together with such demand and notice, directed to such person at his last known place of residence or of business as the same appears upon the records of the register's office.

It shall be the duty of each county assessor to whom a copy of any such statement shall be sent, immediately upon receipt thereof, to cause the same to be carefully compared with the records of assessments in his office of all tracts of land appearing in such list, and in the event it shall appear from such comparison that any person or persons whose names are not included in the register's statement are shown by such assessment records to have any interest in any part of the lands described in such statement, the assessor must forthwith return, by registered mail, to the register of the state land office a statement containing a description of the land affected and the names and addresses, as the same appear upon his records, of all persons appearing to have any interest therein and not included in the register's statement. In every such case the assessor must return his statement to the register within ten days after the receipt by him of the register's statement. Upon receipt of any such return the register shall without delay, forward to each person therein named, in the same manner as above provided, a copy of so much of said statement as pertains to the lands wherein such person is shown by the assessor's return to have any interest, to which shall be appended such demand and notice.

Duties of
the county
assessors.

Sec. 9. The sum of three dollars to cover the costs of such publication and of such mailing is hereby imposed upon the owner or owners of each such certificate of purchase, as well as upon each person who may have acquired by purchase an interest in all or some portion of the lands in such certifi-

Costs of
publication
and mailing
to be borne
by purchas-
ers and
grantees

cate described, but to whom the certificate has never been surrendered, and it shall be the duty of the treasurer of each county wherein any part of such land may be situate to require the payment of such costs, in all cases, in addition to the delinquent interest, and penalty, if any, and to account for the same in his settlements with the state controller and treasurer, who are hereby authorized and directed to pay all sums so collected for costs into the general fund of the state treasury.

Duties of register

SEC. 10. Immediately following the thirtieth day of June, of each and every year hereafter, the register shall note upon the records of his office the forfeiture herein and hereby declared, and shall forward to the recorder of each county wherein any of said lands may be situate a notice of such forfeiture, in which there shall be embodied the same data required by section 2 hereof, supplemented by a statement of the costs, penalties, and additional interest accrued at the date of forfeiture. It shall be the duty of the recorder to receive and file such notice and to record the same in a book of deeds. Such notice from the time it is filed with the recorder for record is constructive notice of the contents thereof to subsequent purchasers and mortgagees and to all other persons who may thereafter attempt to acquire any interest in, or lien upon, any of the lands in such notice described. In the event any additional forfeiture shall occur on the first day of January following, as provided in section 4 hereof, the register and each county recorder shall proceed with respect to such lands as before, and with like force and effect.

Duties of recorders

Action to recover land erroneously forfeited hereunder

SEC. 11. In the event any land shall be forfeited under the provisions hereof upon which all interest, costs, penalties and accruing interest had been actually paid prior to such forfeiture, though for any reason not properly credited, the person or persons having a beneficial interest therein may within one year following the date of such forfeiture, commence an action in the superior court of the county of Sacramento against the register of the state land office for the purpose of having such forfeiture annulled and set aside. And if it be proven to the satisfaction of the court, at the trial of such action, that such payment was in fact made prior to the date upon which such forfeiture occurred, the court shall render judgment annulling and setting aside such forfeiture, and thereupon the plaintiff or plaintiffs in such action shall be restored to his or their former estate in said land, upon making payment of all interest accruing thereon to the date of restoration.

Construction of act

SEC. 12. This act is cumulative and shall not be construed to deny to the state the right to institute any legal proceedings that may be deemed necessary to enforce the payment of all such delinquent interest, or to procure judgments foreclosing the interests of any and all persons in any of such lands, and annulling any or all of such certificates of purchase. Nor shall anything herein contained ever be deemed, held or construed to give to or confer upon the holder or

holders of any of such certificates of purchase, as against the State of California, any other or greater right to any land therein described than is now possessed by the holder or holders of such certificates.

SEC. 13. The sum of four thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be used in accordance with law to defray the costs of the publication and mailing herein provided for.

Appropriation

CHAPTER 847.

An act to provide for the formation, organization, government, powers, maintenance, change of boundaries and dissolution of airport districts comprising incorporated or unincorporated territory, or both, and providing for the authorization of bonded indebtedness and issuance of bonds thereby.

[Approved by the Governor June 18, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. An airport district may be organized, maintained and managed as herein provided and may exercise the powers herein expressly granted or necessarily implied.

Airport districts may be organized

SEC. 2. Registered voters residing within the boundaries of a proposed airport district equal in number to at least ten per cent of the number of votes cast in the proposed district for the office of governor of this state at the last general election prior to the presenting of the petition for organization of the district may propose the organization of an airport district under the provisions of this act.

Who may propose the organization.

SEC. 3. In order to propose the organization of such a district, a petition signed by the requisite number of registered voters shall be presented to the board of supervisors of the county in which the lands within the proposed district or the greater portion thereof are situated; *provided*, that if one or more municipal corporations are included in the proposed airport district the petition must be signed by registered voters of each such municipal corporation and of the unincorporated territory, if any, equal in number, in each respectively, to ten per cent of the votes cast therein for governor at said last general election. The petition shall set forth and describe the proposed boundaries of the district and propose that the same be organized under the provisions of this act. The petition may consist of any number of separate instruments and shall be presented at a regular meeting of the board of supervisors. The board of supervisors shall forthwith fix a time for the hearing of the petition which shall be not less than twenty-two days nor more than forty days thereafter and the clerk of said board shall cause a notice of the filing

Petition to supervisors

Notice of hearing.

of said petition and of the time and place of said hearing to be published at least once a week for two successive weeks in a newspaper of general circulation printed and published in the county in which the petition is presented. Said notice shall state the fact of the presentation of said petition to the board of supervisors and the time and place fixed by said board for the hearing thereof and shall set forth the boundaries of the proposed district as described in the petition. If any portion of the lands within the proposed district lie within another county or counties, the notice shall be published as above provided in a newspaper published in each of said counties.

Hearing

SEC. 4. At the hearing, which may be adjourned by the board of supervisors from time to time not exceeding four weeks in all, the board shall determine whether or not the petition complies with the requirements herein set forth and whether or not the notice has been published as required and must hear all competent and relevant testimony offered in support of and in opposition thereto. No defects in the contents of the petition or in the title to or form of the notice or signatures, and no lack of signatures thereto or to the petition as published shall vitiate any proceedings thereon, if the petition have a sufficient number of qualified signatures attached thereto. The determination of the board shall be expressed by resolution. If it shall determine that any of the requirements hereinabove set forth have not been complied with, the matter shall be dismissed, without prejudice to the right of the proper number of persons to present a new petition covering the same matter or to present the same petition with additional signatures if such additional signatures are necessary to comply with the requirements of this act. If the board of supervisors shall determine that the petitioners have complied with the requirements hereinabove set forth, it shall proceed to hear all protests or objections to the boundaries of the proposed district and may make such changes in the proposed boundaries as it may deem advisable and shall define and establish such boundaries. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general. Any such suit must be commenced within six months after the recording of the order of the board of supervisors declaring the district organized as herein provided, and not otherwise.

Change in boundaries

Supervisors' findings.

Notice of election

SEC. 5. Upon the final determination of the boundaries of the district, the board of supervisors shall give notice of an election to be held in the proposed district for the purpose of determining whether or not the same shall be organized, the date of which election shall be not more than sixty days from the date of the final hearing of the petition. Such notice shall describe the boundaries so established and shall state the name of the proposed district which name shall contain the

words "----- airport district" and shall be published at least two weeks prior to the election in one newspaper published in the county in which the lands of the proposed district are situated and if lands of the district are situated in more than one county, then in one newspaper published in each of said counties.

At such election, the proposition to be submitted shall be "Shall the proposition to organize ----- airport district under the airport district act of 1929 be adopted?" At such election there shall be elected a district board of directors, five in number. The election shall be called, noticed, and conducted, candidates nominated, the vote canvassed, and the results declared in the same manner provided by law with respect to general municipal elections in cities of the fifth and sixth class and the general laws of the state so far as they may be applicable, except as in this act otherwise provided. *Provided, however,* that the board of directors and the secretary thereof shall, subsequent to such first election, possess the powers and discharge the duties, respectively, with which the legislative body of cities and the clerks thereof are charged by such general laws; *provided, further,* that at said first election the board of supervisors and clerk thereof shall respectively possess and discharge such powers and duties. The votes shall be canvassed by the board of supervisors at a meeting thereof which shall be held on the first Monday next after the time of the holding of said election commencing at the hour of ten o'clock a.m. If a majority of the votes cast at the election shall be in favor of organizing the district, the board shall by an order entered on its minutes, declare the territory included within the proposed boundaries duly organized as an airport district under the name designated therefor, and shall declare the five persons receiving respectively the highest number of votes at said election to be duly elected as members of the board of directors of said district, and the county clerk of the county in which the lands or the greater portion of the lands of the proposed district are situate shall immediately cause to be recorded in the office of the county recorder of each county in which any part of the lands of the district are situate, a certified copy of said order. From and after the date of such recording, the district named in said order shall be deemed fully organized as an airport district with all the rights, privileges, and powers set forth in this act or necessarily incident thereto.

SEC. 6. The provisions of law relating to qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, declaration of results and all other particulars in respect to the calling and holding of general municipal elections, in cities of the fifth and sixth class, so far as they may be applicable, shall govern all airport district elections except as in this act otherwise provided.

Calling and
conduct of
elections

Canvass
of votes

Declaration
of result of
election

When dis-
trict fully
organized

Laws
governing
elections.

Qualifications and meetings of directors

SEC. 7. A board of directors, five in number, shall be the governing body of each airport district. Within thirty days from and after notice of his election or appointment each member of the board of directors of a district shall qualify by taking official oath of office and filing the same with the clerk of the county in which the district or the greater portion thereof is situated. It shall hold its first meeting in the meeting room of the board of supervisors, commencing at ten o'clock a.m. on the first Monday after the district is organized. It shall choose one of its members president and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called and may establish rules for its proceedings. A majority of the board shall constitute a quorum for the transaction of business. Each member of the board shall be allowed, with the approval of the board, all traveling and other expenses necessarily incurred by him in the performance of his duties.

The directors first elected in any district organized hereunder shall hold office until the first general election in said district and until their successors have been elected and qualified; thereafter the term of office of each director shall be four years and until his successor has been elected and qualified. Any vacancy in the office of a director shall be filled by appointment by the remaining directors, the appointee to hold for the balance of the term and until his successor has been elected and qualified.

In each district organized hereunder there shall be held an election to be known as the general airport district election, for the election of directors of the district, on the fourth Tuesday in March in the second year after the organization of the district, and on the fourth Tuesday in March in every fourth year thereafter.

Manager, secretary, etc., to be appointed

SEC. 8. The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint, by a majority vote, a general manager, a secretary, airport district counsel, and an auditor, each of whom shall serve at the pleasure of the board and shall receive such compensation as shall be fixed by the board.

Powers of the district

SEC. 9. Any airport district organized as herein provided shall have power:

- (a) To have perpetual succession;
- (b) To sue and be sued except as otherwise provided herein or by law in all actions and proceedings in all courts and tribunals of competent jurisdiction;
- (c) To adopt a seal, and alter it at pleasure;
- (d) To provide and maintain public airports and landing places for aerial traffic;
- (e) To acquire by purchase, condemnation, donation, lease, or otherwise, real or personal property necessary to the full or convenient exercise of any of its powers or purposes and to improve, construct, or reconstruct, lease, furnish or refurnish, use, repair, maintain, control, sell or dispose of the same,

including any and all buildings, structures, lighting equipment and all other equipment and facilities necessary therefor;

(f) To employ legal counsel and provide all necessary custodians, employees, engineers and attendants for the proper maintenance of the property of the district for any or all the purposes specified herein;

(g) To borrow money and incur indebtedness and to issue bonds or other evidence of such indebtedness; also to refund or retire any indebtedness that may exist against the district;

(h) To cause to be levied and collected taxes for the purpose of maintaining and carrying on the operations of the district and paying the obligations thereof;

(i) To make contracts, to employ labor, and do all acts necessary or convenient for the full exercise of any of the powers of the district.

SEC. 10. The powers herein enumerated shall, **except as** By whom exercised herein otherwise provided, be exercised by the board of directors of the district.

SEC. 11. The president shall sign all contracts on behalf Duties of officers of the district and perform such other duties as may be imposed by the board of directors. The secretary shall countersign all contracts on behalf of the district and perform such other duties as may be imposed by the board of directors. The general manager shall have full charge and control of the construction, maintenance and operation of the physical properties of the district with full power and authority, **except** as herein otherwise provided, to employ and discharge all employees and assistants at pleasure, and prescribe their duties, and shall, subject to the approval of the board of directors, fix their compensation. The general manager shall perform such other duties as may be imposed upon him by the board of directors and shall report to the board from time to time in accordance with such rules and regulations as the board may adopt. The auditor shall be charged with the duty of installing and maintaining a system of auditing and accounting that shall competently and at all times show the financial condition of the district. He shall draw warrants to pay demands made against the district when such demands have been first approved by at least three members of the board of directors and by the general manager. The board of directors shall designate a depository or depositories to have the custody of the funds of the district, all of which depositories shall give security sufficient to secure the district against possible loss and shall pay the warrants drawn by the auditor for demands against the district under such rules as the director may prescribe. The general manager, secretary and auditor and all other employees or assistants of the district who may be required so to do by the board of directors shall give bonds to the district conditioned for the faithful performance of their duties as the board of directors may from time to time prescribe.

Election to
authorize
issuance
of bonds

SEC. 12. The board of directors of any airport district may when in their judgment it is advisable, and must upon a petition of ten per cent of the registered voters of the district, call an election and submit to the electors of the district the question whether the bonds of the district shall be issued and sold for the purpose of raising money for purchasing real property for airport purposes, for building and purchasing one or more buildings or structures including hangars, for making alterations, additions or repairs to the same, for restoring or rebuilding any such buildings or structures damaged, injured or destroyed by fire or other public calamity, for supplying buildings, structures and hangars with furniture, furnishings, and necessary apparatus, for improving the grounds of airports, for acquiring and maintaining lighting equipment and all other equipment, devices and facilities necessary or convenient for such airports, for liquidating any indebtedness already incurred for said purposes or for refunding any valid outstanding indebtedness of the district evidenced by bonds or warrants thereof, and for paying all costs and expenses incident to such election, including engineering, architectural, or legal charges in connection therewith.

Order call-
ing election

SEC. 13. The order calling such election shall be valid and effectual when signed by a majority of the board of directors of the district and may so submit to said electors as one proposal the question of issuing bonds to make all said outlays or so many of them as may be selected; or said order may submit at the said election, as separate questions, the issuance of bonds for any of said outlays, singly or in such combinations as the order may direct.

Notice of
election

SEC. 14. Notice of such election shall be given by posting notices signed by the board or by a majority thereof in three public places in the district not less than twenty days before the election and by publishing such notice not less than once a week for three successive weeks before the election in a newspaper published in the county, if any newspaper is published in the county in which the district or the greater portion thereof is situated.

Same.

SEC. 15. Such notice shall contain :

1. Time and place of holding such election;
2. The names of officers of election appointed to conduct the same;
3. The hours during the day in which the polls will be open;
4. A statement of the purpose for which the election is held;
5. The amount and denomination of the proposed bonds, covering the rate of interest and number of years, not exceeding forty, the whole or any part of said bonds are to run.

Conduct of
elections.

SEC. 16. Such election shall be held and conducted in the manner hereinafter set forth :

- (1) The board of directors of such district are charged with the calling and conducting and the carrying on of all such elections and may subdivide the district into election precincts for the holding of the election, and may change and alter such

precincts as often as occasion may require, and must appoint one inspector and one judge and two clerks of election in each precinct; if none are so appointed or if those appointed are not present at the time for the opening of the polls the electors present may appoint them and they shall conduct the election.

The board of directors may fix the compensation of such election officers at such sum as they may determine not to exceed, however, the sum of seven dollars for each of such officers at each such election.

(2) The polls at all such elections must be open at eight o'clock a.m. and kept open until eight o'clock p.m.

(3) Every elector, resident of the airport district, who is a qualified elector of the county and who is registered in the precinct where the election is held at least thirty days before such election may vote therein.

The secretary of the board of directors shall obtain uniform ^{Ballots} ballots for all such elections and no other form of ballot shall be used. The expenses of printing and distributing such ballots to the polling places in such district shall be paid as other current expenses of the district are paid. The form of said ballot shall be as follows:

“Official ballot provided by the board of directors of the ‘----- airport district’ to be used in the bond election of said district in the county of -----, State of California, on the ----- day of ----- 19----.” And in addition to all other matters required by law to appear upon such ballots shall be the words “Bonds—Yes” and “Bonds—No”; *and provided, further*, that persons voting at such bond elections shall put a cross (X) upon their ballots with pencil or ink after the words “Bonds—Yes” or “Bonds—No” (as the case may be) to indicate whether they have voted for or against the issuance of such bonds.

(4) The elector after properly marking his ballot shall hand it to the inspector who shall then in his presence deposit the same in the ballot box and the judge or clerks shall enter the elector’s name on the poll list. The board of directors shall arrange for secret ballots by providing a booth or private room in which the voter may prepare his ballot. No electioneering shall be carried on within one hundred feet of the polls.

(5) Any person offering to vote may be challenged by any elector of the district and the judge or clerks of the election must thereupon administer to the person challenged an oath ^{Elector’s oath.} in substance as follows: “You do swear that you are a citizen of the United States, that you are twenty-one years of age, that you have resided in this state one year and this county ninety days and in this airport district thirty days preceding this election, and that your name is on the great register of this county and was on the great register of a precinct in this airport district at least thirty days before this election, and that you have not before voted this day.” If he takes the oath prescribed in this section the vote of such elector must be received, otherwise his vote must be rejected.

Poll lists.

(6) The secretary of the board of directors of such airport district shall furnish with the official ballots in this act required official poll and tally lists. The heading of the poll lists shall read "Official poll list of _____ airport district for the airport district bond election on the _____ day of _____ 19____." Under this heading shall be arranged three columns. The first column shall have printed as its heading "Write your name as it appears on the great register of this county." The second column shall have printed as its heading "Write your residence, street and number, town or city, and airport district." The third column shall have printed as its heading the question "Are you a qualified registered voter in this airport district?" The person offering to vote at any such bond election shall write his name on the first column of the poll list, give his residence in the second, and in the third shall write the word "Yes" or "No." If he writes the word "No" he shall not be permitted to vote. The persons writing the word "Yes" may be subject to challenge under the provisions of this act with relation thereto.

Tally lists

(7) The tally list shall have printed as its heading "An official tally list of _____ airport district for the airport district bond election held on the _____ day of _____ 19____." It shall be arranged so as to give room for setting forth the proposition or propositions voted on at such election and shall be vertically ruled providing for counting of votes under a tally system. The final column shall have as its heading "Total votes cast for such bonds" and "Total votes cast against such bonds." At the bottom of the page shall be provided a space for the signatures of the election officers and over these signatures shall be printed the words "We hereby certify that this is a correct report of the election held in _____ airport district in the county of _____ on the _____ day of _____ 19____."

Canvass of ballots

(8) The officers of election must publicly canvass the votes immediately after closing the polls, and fill out the tally sheet certifying to the correctness of the canvass made. They shall make, sign and deliver a certificate of the result of such election and forward the same to the clerk of the board of supervisors of the county in which the district or the greater portion thereof is situated.

On the seventh day after said election at two o'clock p.m. the returns having been made to the board of directors of such airport district, such board must meet and canvass said returns and if it appears that two-thirds of the votes cast at said election was in favor of issuing such bonds then the board shall cause an entry of that fact to be made upon its minutes and shall certify to the board of supervisors of the county all of the proceedings had in the premises and thereupon said board of supervisors shall be and they are hereby authorized and directed to issue the bonds of such district to the number and amount provided in such proceedings, payable out of the

interest and sinking fund of such district, naming the same, and that the money shall be raised by taxation upon the taxable property in said district for the redemption of said bonds and the payment of the interest thereon; *provided*, that the total amount of bonds so issued shall not exceed fifteen per cent of the taxable property of the district as shown by the last equalized assessment book of the county.

(9) The board of supervisors by an order entered upon its minutes shall prescribe the form of said bonds and of the interest coupons attached thereto, and the manner in which the same shall be executed, and must fix the time when the whole or any part of the principal of said bonds shall be payable which shall not be more than forty years from the date thereof. If the notice calling the election shall have provided that the bonds and interest thereon shall be payable in gold coin of the United States the bonds shall be made payable in such gold coin as to the principal and interest. If the notice calling the election shall have provided that the bonds and interest thereon shall be payable in lawful money of the United States the bonds shall be made payable in lawful money of the United States as to principal and interest. If the notice shall have made no such specific provisions the board of supervisors shall have power in the order prescribing the form of bonds, either to make the bonds payable in gold coin of the United States as to principal and interest or to make them payable in lawful money of the United States as to such principal and interest.

Bond
resolutions

(10) In case any officer whose signature or countersignature or attestation appears on any airport district bonds or coupons thereof issued under the provisions of this act, shall cease to be such officer before the delivery of such bonds to the purchaser thereof, such signature or countersignature or attestation appearing either on the bonds or the coupons or on both shall be nevertheless valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of such bonds; and the signature upon the coupons of the person who is auditor at the date of such bonds shall be valid although the bonds themselves may be attested by a different person who is auditor at the time of the delivery of such bonds.

Signatures
on bonds

(11) The board of supervisors may make the principal and interest of such bonds payable at the office of the treasurer of the county or at such other place within the United States as the board may designate or at such treasurer's office or such other designated place at the option of the bondholders; which place of payment shall be specified in the bonds. The expense of paying such principal and interest elsewhere than at the office of the treasurer shall be a charge against the airport district funds to be paid out of the tax for the payment of the bonds. Such bonds must be sold at the times and in the amounts prescribed by the board of supervisors but for not less than par and the proceeds of the sale thereof must be

Issuance
and sale
of bonds.

deposited in the county treasury to the credit of the improvement fund of the said airport district and be drawn out for the purposes aforesaid as other airport district moneys are drawn out. Before selling said bonds or any part thereof, the board of supervisors must advertise for bids therefor for at least two weeks in some daily or weekly newspaper of general circulation published in the county in which the district or the greater portion thereof is situated, or if there is no such newspaper published in such county then in some newspaper published in some other county in the state. If satisfactory bids are received the bonds offered for sale must be awarded to the highest bidder. If no bids are received or the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell said bonds at private sale.

Tax levies

(12) The board of supervisors at the time of making the levy of taxes for county purposes must levy a tax for that year upon the taxable property in such district for the interest and redemption of said bonds and such tax must not be less than sufficient to pay the interest of said bonds for that year and such portion of the principal as is to become due during such year, and in any event must be high enough to raise annually for the first half of the term said bonds have to run a sufficient sum to pay the interest thereon; and during the balance of the term, high enough to pay such annual interest and to pay annually a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run; and all moneys so levied when collected shall be paid into the county treasury to the credit of the interest and sinking fund of such district and be used for the payment of the principal and interest on said bonds and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer upon the warrant of the county auditor out of the fund provided therefor, and it shall be the duty of the county auditor to cancel such bonds and coupons and retain them when he draws his warrants on the treasurer in favor of the owners thereof.

Payment of bonds

Taxes when districts created, abolished, or altered.

(13) When airport districts are created or abolished or the boundaries thereof are changed, the liability to taxation for the outstanding bonded indebtedness thereof shall be as hereinafter set forth, and the authority whose duty it is to levy taxation for the payment of principal and interest on said bonds, shall levy the same upon the districts affected in such proportion as are herein provided for or determined under the authority hereof.

Merger

(a) When any airport district is united or in any manner merged with one or more airport districts so as to form a single district, the district so formed is liable for all the outstanding bonded indebtedness of the districts so united or merged.

(b) When territory is taken from one airport district and annexed to another, such territory thereby becomes liable to taxation for the bonded indebtedness of the district to which it is annexed and the board of supervisors of the county in which such territory is situated shall, by order entered on its minutes within sixty days after the change, determine what proportion of the outstanding bonded indebtedness of the district from which it was taken was incurred for the acquisition or improvement of the real property or buildings, equipment, fixtures or improvements therein situated in the territory so transferred, and the district to which such territory was annexed shall thereupon become liable for the proportion of such indebtedness so determined. Annexation

(c) When any new airport district shall be formed from a portion of the territory of one or more existing districts either under the provisions of this act or otherwise, the board of supervisors of the county shall within sixty days after the formation of such new district, by order entered on its minutes, determine what proportion of the outstanding bonded indebtedness of the district or districts out of which the said new district is formed was incurred for the acquisition or improvement of real property, buildings, equipment or fixtures therein situated in such new district, and the said new district shall thereupon become liable for the proportion of such indebtedness so determined. New districts.

(14) When any bonds issued under the provisions of this act shall remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the board of directors of the airport district for or on account of which such bonds were issued or of any airport district composed wholly or partly of territory which at the time of holding the election hereinabove mentioned was embraced within the district for or on account of which such bonds were issued, may petition the board of supervisors to cause such unsold bonds to be withdrawn from the market and canceled. Upon receiving such petition signed by a majority of the members of said board of directors, the supervisors shall fix a time for hearing the same which shall not be more than thirty days thereafter, and shall cause a notice stating the time and place of hearing and the object of the petition in general terms to be published for ten days prior to the date of hearing in some newspaper published in said airport district if there is one, and if there is no newspaper published in said district then in a newspaper published at the county seat of the county in which such airport district or some part thereof is situated. At the time and place designated in the notice for hearing said petition or at any subsequent time to which said hearing may be postponed, the supervisors shall hear any reason that may be submitted for or against the granting of the petition, and if they shall deem it for the best interest of the airport district named in the petition that such unsold bonds be canceled, they shall Unsold bonds
Cancellation of bonds.

make and enter an order in the minutes of their proceedings that said unsold bonds are canceled and thereupon said bonds and the vote by which they were authorized to be issued shall cease to be of any validity whatever.

Bonds legal
investments
for savings
banks, etc

SEC. 17. The bonds of an airport district issued pursuant to the provisions of this act which have been investigated and certified by any officer of this state now or hereafter authorized to make such investigation and certification and by the authority of which certifications are declared to be legal for investment by savings banks of this state may be lawfully purchased or received in pledge for loans by savings banks, building and loan companies, trust companies, insurance companies, guardians, executors, administrators and special administrators or by any public officer or officers of this state or of any county or other municipal or corporate body within this state having or holding funds which they are allowed by law to invest or loan.

Rules and
regulations
governing
airports

SEC. 18. The board of directors shall make all needful rules and regulations governing the use of the airports, landing places for aerial traffic and other aerial facilities of the district and are hereby authorized and empowered to charge and collect fees, tolls and rentals for the use of the aerial facilities of the district, or any part thereof, in such amounts and at such rates as will, so far as may be, produce revenues sufficient to pay the operating expenses of the district, provide for repairs and depreciation of the properties of the district, pay the interest on the bonded indebtedness of the district and provide a sinking fund or other fund for the payment of the principal of such indebtedness as it may become due.

Fees,
tolls, etc

Levy to be
sufficient to
pay prin-
cipal of and
interest
upon bonds

SEC. 19. If from any cause the revenues of an airport district shall be inadequate to pay the interest on or principal of any bonded indebtedness of the district as it becomes due, or any other expenses of, or claims against, the district, then the board of directors must at least fifteen days before the first day of the month in which the board of supervisors of the county in which the lands or the greater portion of lands of the district are located is required by law to levy the amount of taxes required for county purposes, furnish to said board of supervisors and to the auditor, respectively, an estimate in writing of the minimum amount of money required for the payment of the principal of, and interest on, any bonded indebtedness as it becomes due, and also of the minimum amount of money required by the district for any other purpose, and said board of supervisors must annually, at the time and in the manner of levying other county taxes, and until any such bonded indebtedness is fully paid, levy and cause to be collected by the county tax collector a tax sufficient for the payment of the principal of and the interest on such bonded indebtedness, to be known as the "----- airport bond tax"; and until all other expenses and claims are fully paid, levy and cause to be collected by such tax collector a tax sufficient for the payment thereof, to be known as the "-----

_____ airport district tax"; *provided*, that in no district organized hereunder shall the "_____ airport district tax" levied in any one year exceed the rate of twenty cents on each hundred dollars of the assessed valuation of the real and personal property in such district, exclusive of any tax which might be required and levied for the payment of principal and interest of any bonds issued by said district.

SEC. 20. Such taxes shall be levied on all the taxable property in the territory comprising the district and shall be collected by the county tax collector at the same time and in the same manner and form as county taxes are collected, and when collected shall be paid to the district for which such taxes were levied and collected. Said taxes shall become delinquent at the time the county taxes become so and shall bear like penalties for delinquency. All such taxes shall be a lien on all the taxable property in the territory comprising the district, and shall be of the same force and effect as the liens for county taxes and their collection shall be enforced by the same means as provided for the enforcement of liens for county taxes.

Lien of taxes

SEC. 21. The boundaries of any airport district may be altered and outlying contiguous territory in the same or an adjoining county to such district annexed thereto in the manner following:

Alteration of boundaries of districts.

A petition, signed by fifteen per cent of the qualified electors of such contiguous territory proposed to be annexed as shown by the last great register of the county, designating specifically the boundaries of such contiguous territory proposed to be annexed and the assessed valuation thereof as shown by the last equalized assessment book of the county and stating that such territory is not within the limits of any other airport district and asking that such territory be annexed to said airport district, shall be presented to the board of directors thereof.

When such petition is presented and filed as above provided, the board of directors must within thirty days thereafter order that an election be held for the purpose of determining whether or not such proposed territory shall be annexed. The order must fix the day of such election which must be within sixty days from the date of the order and must show the boundaries of the proposed district. This order shall be entered in the minutes of the board of directors and shall be conclusive evidence of the due presentation of a proper petition and of the fact that each of the petitioners was at the time of the signing of the petition and the presentation thereof, a resident and elector within the limits of the district proposed to be annexed.

A copy of such order shall be posted for four successive weeks prior to the election in three public places within the district and the district proposed to be annexed, and shall be published for four successive weeks prior to the election in some newspaper published in the district if there be one, or

Same

if not in some newspaper published in the county. It shall be sufficient if the order be published once a week.

At any time prior to the day fixed for the election, the board of directors shall select one and may select two polling places within the airport district, and shall select one and may select two polling places within the district proposed to be annexed, appoint officers of election and make all necessary and proper arrangements for holding the election. Upon the ballots to be used at such election there shall be printed the words "For annexation to the airport district" and "Against annexation to the airport district" and there shall be a voting square to the right of and opposite each such proposition. The election shall be conducted in accordance with the general election laws of the state so far as the same may be applicable except as herein otherwise provided. Every qualified elector resident within the district and the district proposed to be annexed for the length of time necessary to enable him to vote at a general election shall be entitled to vote at the election above provided for. After the votes shall have been announced the ballots shall be sealed up and delivered to the secretary of the board of directors of the airport district who shall as soon as practicable proceed to canvass the same.

Immediately upon the completion of such canvass, said board of directors shall cause a record thereof to be made and entered upon its minutes showing the whole number of votes cast in such airport district, the whole number of votes cast in the district proposed to be annexed, the whole number of votes cast in each in favor of annexation and the number thereof cast in each against annexation.

If it shall appear from such canvass that a majority of all of the votes cast in such airport district and a majority of all the votes cast in the district proposed to be annexed thereto are in favor of annexation, the secretary or other officer performing the duties of secretary of the board of directors of such airport district, shall make and cause to be entered in the minutes of said board and endorsed on said petition an order approving said petition. It shall thereupon be transmitted and filed with the board of supervisors in the county in which the district or the greater portion thereof is situated. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this act or by law and of the fact stated in such entry.

The board of supervisors, at its next regular meeting after the filing of said petition, shall by an order alter the boundaries of said airport district and annex thereto the contiguous territory described in such petition. Such order shall be conclusive evidence of the validity of all prior proceedings leading up to such annexation and recited in said order and from and after the same, such territory shall become and be a part of such airport district.

SEC. 22. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors thereof at an election called by the board of directors upon the question of dissolution. Such election shall be called and conducted in the same manner as other elections (other than bond elections) of the district. Upon such and any other dissolution, the property of the district lying within the corporate limits of any city or town shall vest absolutely in the incorporated city or town; and if the whole or a portion of the property of the district is without the corporate limits of an incorporated city or town, the whole or the portion of the property of the district that lies without the corporate limits of the city or town shall vest in the board of supervisors of the county; *provided, however*, that if at the time of such election for dissolving such district there be any outstanding bonded indebtedness of such district, then in such event the vote to dissolve the district shall dissolve the same for all purposes excepting only the levying and collection of taxes for the payment of such indebtedness and for the payment of the expenses of assessing, levying and collecting the same, and the expenses of maintaining the property of such district in good order and repair, and from the time such district is thus or otherwise dissolved until such bonded indebtedness with the interest thereon is fully paid, satisfied and discharged the legislative authority of said incorporated city or town when the property of the district lies wholly within the corporate limits of an incorporated city or town and in all other cases the board of supervisors, are hereby constituted ex officio the board of directors of such airport district. And it is hereby made obligatory upon such board or legislative authority to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness and the interest thereon, and for the purpose of maintenance of the property of said district in good order and repair, and as said board or legislative authority shall fulfill and compel fulfillment of any and all contracts made by the airport district and shall maintain and protect all rights acquired by the district.

Dissolution
of districtsBonded
indebtedness
upon
dissolution

SEC. 23. This act shall be known and designated and may be referred to as the "California airport district act."

Short title.

CHAPTER 848.

An act to amend the Code of Civil Procedure by amending section 204e thereof, relating to jury commissioners in counties, or cities and counties, where there is a secretary of the judges of the superior court.

[Approved by the Governor June 18, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 204e of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1927,
p 1153,
amended.

Secretary
of judges
as jury com-
missioner

204e. In any county or city and county where there is a secretary of the judges of the superior court in said county, or city and county, a majority of the said judges may in their discretion require such secretary to perform the duties of jury commissioner in addition to his regular duties as secretary. In such case the salary of the secretary of the said judges shall be six hundred dollars per month, except in counties, or cities and counties, having a population of less than five hundred thousand, as ascertained and determined in the manner provided by section 4005c of the Political Code, in which counties, or cities and counties, the salary of the secretary shall be four hundred dollars per month.

On the authorization of the judges in such a case, the secretary shall have two assistant secretaries, who shall assist also in the performance of the duties of jury commissioner and one whose salary shall be three hundred dollars per month and the other two hundred fifty dollars per month. The salaries herein authorized shall be paid out of the same fund that salaries of county officers are paid.

CHAPTER 849.

An act to amend section 1306 of the Penal Code, relating to forfeiture of bail bonds, payment of judgments thereon, and refund of the principal sum thereof under certain circumstances to the judgment debtor.

[Approved by the Governor June 18, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1927,
p. 1385,
amended.
Enforcement
of forfeiture
of bail
bonds.

SECTION 1. Section 1306 of the Penal Code is hereby amended to read as follows:

1306. When any bond is forfeited, if the court which has declared the same forfeited has civil jurisdiction to render judgment in an action arising upon a contract of similar nature and amount ninety days after such forfeiture, if the same has not been set aside, it shall enter a summary judgment against each bondsman named in such bond in the amount for which such bondsmen shall have bound himself; if the court declaring such forfeiture has not jurisdiction to give judgment in an action arising upon a contract of similar nature and amount, said court ninety days after such forfeiture, if the same has not been set aside, shall deliver to the district attorney of the county in which said court is located said bond, together with a certified copy of its order declaring the same forfeited, and immediately thereafter said district attorney must file said bond and said certified copy of forfeiture in a court having jurisdiction to render judgment in an action arising upon a contract of similar nature and amount. The court in which said bond and certified copy of

forfeiture shall be so filed shall forthwith enter a summary judgment against each bondsman named in such bond in the amount for which said bondsman shall have bound himself. ^{Same}

A dismissal of the indictment or information after the default of the defendant shall not release or affect the obligation of the bail bond or undertaking.

Within five days after said judgment becomes final the district attorney or other civil legal adviser of the board of supervisors shall demand immediate payment of said judgment. If the judgment remains unpaid for a period of ten days after demand has been made, he shall forthwith cause a writ of execution to issue and be levied upon the property of the judgment debtor and shall take any other steps necessary to collect said judgment.

Payments made to a city, city and county, or county, by reason of a summary judgment shall be paid into a bail bond trust fund in the treasury of such city, city and county, or county, and properly designated with the title and number of the criminal action out of which such judgment arose. If at any time within one year after entry of such judgment the defendant in the criminal action is returned into custody and is subsequently convicted at any time of the highest offense charged in the complaint, information or indictment upon which such defendant was admitted to bail, the principal amount of such judgment, less all charges resulting from the pursuit, capture and return of the defendant, including rewards paid, shall be repaid, in the same manner as are all other payments to such surety; *provided*, that the surety file with his application for refund under the provisions of this section an affidavit that the absence of the defendant was not with his connivance. Such payment is hereby made a proper charge against such trust fund account in the treasury of any city, city and county, or county. The board of supervisors or other legislative body of the city, city and county, or county shall provide by resolution for the maintenance of records in the appropriate offices showing the amount of disbursements by said city, city and county, or county, resulting from the pursuit, capture and return of the defendant, including payment of rewards, and shall provide for a report thereon to the treasurer of the city, city and county, or county, within thirty days after the return to custody of such defendant.

If the defendant is not so returned within one year after the entry of the summary judgment, the amount of said judgment shall thereupon be deposited in the general fund of the city, city and county, or county, and all liability for the return thereof shall terminate.

CHAPTER 850.

An act relating to the use of the air and to make uniform the law with reference thereto; providing for the licensing of aircraft, airmen and air navigation facilities; providing, in a certain contingency, for the creation of the aeronautical commission of California, prescribing its powers and duties and making an appropriation for its use; providing for the enforcement of the act and penalties for violations thereof and repealing acts in conflict therewith.

[Approved by the Governor June 18, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Words and
phrases
defined

SECTION 1. (a) The term "aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

(b) The term "air navigation facility" includes any airport, emergency landing field, light, or other signal structure, radio directional finding facility, radio or other communication facility, and any other structure or facility used as an aid to air navigation.

(c) The term "airport" means any locality either of water or land which is adapted for the landing and taking off of aircraft and which provides facilities for shelter, supply, and repair of aircraft, or a place used regularly for receiving or discharging passengers or cargo by air.

(d) The term "airman" means any individual (including the person in command and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling, or repairing of aircraft.

(e) The term "federal license" shall mean, as the case may be, a valid, unrevoked and unsuspended aircraft certificate or airman certificate issued by the secretary of commerce under the authority of the federal act and the lawful rules and regulations issued or which may be issued thereunder.

(f) The term "person" means every natural person, firm, copartnership, association or corporation.

Unlawful
flying.

SEC. 2. Except in taking off from or landing on an established landing field, airport, or on property designated for that purpose by the owner, it shall be unlawful to navigate any aircraft over the congested parts of a city, town, settlement or open-air assembly of persons, except at a height sufficient to permit of a reasonably safe emergency landing, which in no case shall be less than one thousand feet, or elsewhere at a height less than five hundred feet, except where indispensable to an industrial flying operation; *provided*, that the pro-

visions of this section shall not apply when special circumstances render a departure therefrom necessary to avoid immediate danger or when such departure is required because of stress of weather conditions or other unavoidable cause.

SEC. 3. It shall be unlawful to acrobatically fly an aircraft carrying passengers for hire or any aircraft over a congested area of any city, town, settlement or open-air assembly of persons, or below two thousand feet in height over any established civil airway or at any height over any established airport or landing field. Any acrobatic maneuvers performed over any other place shall be concluded at a height greater than one thousand five hundred feet. The term "acrobatically fly" as used in this section means any intentional maneuver not necessary to air navigation.

Unlawful acrobatic flying

SEC. 4. It shall be lawful for any person to navigate any aircraft within the State of California, if it is licensed and registered under the laws of the United States and any regulations made pursuant thereto, but it shall be unlawful for any person to navigate any aircraft within the State of California unless it is so licensed and registered.

Unlawful to navigate any aircraft in California not licensed by U S

SEC. 5. It shall be lawful for any person to operate or participate in the operation of any aircraft within the State of California or to act as an airman in connection therewith if such person is licensed and registered under the laws of the United States or any regulation made pursuant thereto, but it shall be unlawful for any person to act as an airman in any capacity, except that for which he is licensed under the laws of the United States or any regulations adopted pursuant thereto.

Same, by any person not licensed by U S

SEC. 6. The certificate of the licensee, required by section 5 of this act, shall be kept in the personal possession of the licensee when he is operating aircraft within this state and must be presented for inspection upon the demand of any passenger, any peace officer of this state or any official, manager or person in charge of any airport in this state upon which he shall land.

License to be displayed

SEC. 7. Any person, firm or association or corporation, or any county, city and county, city, or other political subdivision of the state having management or control of any airport or air navigation facilities may establish rules or regulations governing the use of same but shall not establish any rule or regulation, whether by law, ordinance or otherwise, inconsistent with or contrary to the provisions of this act or of any act of the United States or any regulation established pursuant thereto.

Local rules and regulations.

SEC. 8. Any person, firm, association or corporation violating any of the provisions of this act, which violation is not herein declared to be a felony, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or be subject to both such fine and imprisonment.

Penalties

Penalty for operating aircraft while intoxicated, etc

SEC. 9. It shall be unlawful for any person who is an habitual user of narcotic drugs or who is under the influence of intoxicating liquor or narcotic drugs to navigate any aircraft in this state. Any person violating the provisions of this section shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the state prison for not less than one nor more than five years.

State to exercise exclusive power of legislation concerning aircraft, etc

SEC. 10. Except as otherwise provided in this act, no city, county, city and county, town or other political subdivision of this state, shall by law, ordinance, rule, regulation, or otherwise, license aircraft or airmen, or provide for the registration thereof, or prescribe any air traffic rules to govern the operation of aircraft in flying, or the use of airports, emergency or other landing fields, or in any way regulating or controlling emergency or other landing fields or air navigation facilities, and the Legislature hereby declares that the government of the State of California has, to the exclusion of all political subdivisions thereof, complete sovereignty of the air space over the lands and waters of the State of California, and hereby reserves complete and exclusive legislative jurisdiction concerning the same.

Aeronautical commission to be appointed, when

SEC. 11. If and when it shall be finally determined by the courts that any portion of either section 4 or section 5 of this act is unconstitutional, then, and only in that event:

(a) There shall be appointed by the governor, a commission to be known as the aeronautical commission of California, consisting of three members, each of whom shall be a person trained and experienced in aviation, shall hold office at the pleasure of the governor and shall receive no salary but shall receive his actual and necessary traveling expenses incurred in the performance of his duties. This commission shall be attached to the department of public works as an independent commission and for purposes of representation in the governor's council only. The commission may appoint, prescribe the duties, and fix the compensation of a secretary and such employees as may be necessary.

Powers and duties of commission

(b) Said commission is hereby authorized and empowered:
(1) To formulate rules and regulations for the examination of aircraft as to their air worthiness, and the licensing of the same; and for the examination of airmen as to their qualifications, and the licensing of the same;
(2) To examine and license aircraft and airmen;
(3) To revoke for cause, after written notice to the holder and a hearing being had thereon, any license issued by the commission hereunder.

Rules to conform with federal laws

Such rules and regulations must be consistent with the provisions of this act and shall provide standards for determining the air worthiness of aircraft and the requisite skill, experience, and qualification of airmen, may cover such other matters as are authorized by the provisions hereof, and shall conform to, and coincide with, so far as possible the provisions of the air

commerce act of 1926 and amendments thereto, passed by the congress of the United States and the air commerce regulations issued from time to time pursuant thereto.

(c) In accordance with the provisions of this act and the rules and regulations formulated hereunder: Issuance of licenses

(1) Airmen licenses will be issued upon application, for a period of one year from date of issue, and upon the expiration of the respective terms of such licenses the licensees will be relicensed upon application for like periods, if the applicant is eligible therefor and has the necessary skill, experience and other qualifications:

(2) Aircraft licenses will be issued upon the application of the owner for a period of one year from date of issue and upon the expiration of the respective terms of such license the aircraft will be relicensed upon like applications for like periods if the aircraft be air worthy and conforms to the requirements of this act and said rules and regulations.

No state license shall be necessary under this section in the case of any aircraft or airman holding a valid and existing federal license, corresponding to the state license which would otherwise be required hereunder. When license not required

(d) There shall be no fees charged for licenses issued under the provisions of this section. There is hereby appropriated, out of any money in the state treasury, the sum of ten thousand dollars to be expended by said commission for payment of expenses incurred by it in carrying out the provisions hereof. Disbursement of such funds shall be made from time to time by a controller's warrant upon the written orders of the chairman of said commission. Appropriation

(e) Any person who (1) navigates any aircraft within the State of California unless said aircraft is licensed under the provisions of this section or is licensed and registered under the laws of the United States and any regulations made pursuant thereto, or (2) operates or participates in the operation of any aircraft within the State of California or acts as an airman in connection therewith unless he is licensed therefor under the provisions of this section or is registered and licensed therefor under the laws of the United States and any regulations made pursuant thereto, is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars or imprisonment in the county jail for not more than six months, or both such fine and imprisonment. Penalties for flying without a license

SEC. 12. In case that any section or sections or part of any section of this act shall be found to be unconstitutional or invalid for any reason the remainder of the act shall not thereby be invalidated but shall remain in full force and effect. Constitutionality

SEC. 13. All acts or parts of acts which are inconsistent or in conflict with this act are hereby repealed. Repeal

SEC. 14. This act may be designated and referred to for all purposes as "The California air navigation act." Short title

CHAPTER 851.

An act to amend section 4273 of the Political Code, relating to fees and salaries of officers in counties of the forty-fourth class.

[Approved by the Governor June 18, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1927,
p. 876,
amended
Counties of
44th class
officers and
employees

SECTION 1. Section 4273 of the Political Code is hereby amended to read as follows:

4273. In counties of the forty-fourth class the county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following fees, salaries, and expenses, to wit:

Clerk.

1. The county clerk, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per annum which office is hereby created. He shall appoint said deputy.

In each even numbered year, the county clerk may appoint such additional assistants as he may deem necessary whose compensation shall not exceed in the aggregate the sum of one hundred dollars per year.

Sheriff.

2. The sheriff, three thousand six hundred dollars per annum, and his reasonable and necessary expenses incurred in the performance of the duties of his office in criminal matters; said expenses to be allowed by the board of supervisors as other county charges are allowed. He shall also have one deputy at a salary of one thousand eight hundred dollars per annum, which office is hereby created; said deputy shall be appointed by the sheriff. He shall also have one deputy at a salary of one thousand five hundred dollars per annum, which office is hereby created. Said deputy shall be appointed by the sheriff.

The salary and allowance above named shall be compensation in full and the said sheriff shall pay over to the county all mileage, fees or other commissions received by him for service in civil matters.

Recorder.

3. The recorder, one thousand nine hundred dollars per annum. He shall also have one deputy at a salary of one thousand five hundred dollars per annum.

Auditor.

4. The auditor, eight hundred dollars per annum. He shall also appoint one deputy at a salary of one hundred twenty-five dollars per month, which office is hereby created, said deputy to be employed for a period not exceeding four months in any one year.

Treasurer.

5. The treasurer, two thousand dollars per annum. He shall also have one deputy at a salary of one hundred twenty-five dollars per month.

Collector.

6. The tax collector, one thousand dollars per annum, and ten per cent of all licenses collected by him as license collector.

The tax collector shall also be allowed one per cent of all money collected by him as taxes from municipalities, irrigation districts, sanitary districts, or improvement districts.

7. The assessor, three thousand dollars per annum and six per cent of all unsecured personal taxes collected by him, except only such portion of said tax as belongs to the school fund. He shall also have one deputy for a period of six months in each year, beginning January first and ending June thirtieth, at a salary of one hundred twenty-five dollars per month; said deputy shall be appointed by the assessor. Assessor

8. The district attorney, two thousand four hundred dollars per annum. He is hereby allowed a stenographer at a salary of nine hundred dollars per annum. Attorney.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Public administrator

11. The superintendent of schools, two thousand one hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. The superintendent of schools is hereby allowed additional office help. Such additional help shall receive compensation at the rate of five dollars per day, not to exceed in the aggregate sixty days in any one year. Superintendent of schools

12. The county surveyor shall receive ten dollars per diem, when engaged in county work; *provided, however*, that he shall be given all work for the county in which the county employs one surveyor or civil engineer. He shall also receive all actual expenses when at work in the field. Surveyor

13. Justices of the peace in counties of this class shall receive the following monthly salaries, to be paid each month in the same manner, at the same time, and out of the same funds as the county officers are paid. In townships having a population of over four thousand, one hundred twenty-five dollars per month; in townships having a population of over three thousand and less than four thousand, seventy-five dollars per month; in townships having a population of less than three thousand, twenty dollars per month. They shall also receive the fees that are now or may hereafter be allowed by law; and shall receive such sums as may be necessary to maintain their offices; *provided*, that such sum shall not be in excess of twenty per cent of their salary as allowed herein. The board of supervisors of such county shall furnish and supply to the justices of the peace of the various townships the codes of the state and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business. For the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three. Justices

14. Constables in counties of this class shall receive the following monthly salaries, to be paid each month in the same Constables

manner and at the same time and out of the same funds as the county officers are paid. In townships having a population of four thousand or over, one hundred dollars per month; in townships having a population of over three thousand and less than four thousand, fifty dollars per month; and in townships having a population of less than three thousand, twenty-five dollars per month; and in addition thereto all necessary and reasonable expenses for performing the duties of their office in criminal matters. In addition to the monthly salaries allowed herein, each constable may receive for his own use in civil cases the fees now or hereafter allowed by law.

Supervisors. 15. Each member of the board of supervisors, one thousand dollars per annum, and mileage from residence to the county seat, at each sitting of the board, at twenty-five cents per mile; *provided*, that each supervisor, is in addition, allowed three hundred dollars per annum to cover mileage expense at twenty-five cents per mile in viewing the roads which said salaries and mileage shall be in full for all services.

Reporter. 16. In counties of this class, the official reporter of the superior court shall receive a salary of one hundred dollars per month, to cover all work done in criminal cases, both in the superior and justice's courts of the county; and shall receive as compensation for taking notes in civil cases tried in the superior court a per diem of ten dollars, and for transcription of said notes, when required during the progress of the trial, he shall receive the sum of twenty-five cents per folio for the original, and five cents per folio for one copy, in both criminal and civil cases; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for the original, and five cents per folio for copies required: said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

Jurors 17. Grand jurors, and trial jurors, in criminal cases, shall receive the following fees and mileage: (1) Grand jurors and jurors in the superior court in criminal cases, shall be paid three dollars per day for each day's attendance and for each mile actually traveled in going only, while acting as jurors, twenty-five cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same.

Jurors' fees in justices' courts. 18. For attending as a trial juror in criminal cases only, in any justice's court of the county, for each day's attendance, two dollars and fifty cents. The justice of the peace shall certify to the auditor the number of days' attendance of each

juror, and the auditor shall then draw his warrant therefor, and the treasurer shall pay the same.

19. For attending as a witness in criminal cases only, in the superior court of the county, for each day's attendance, the sum of three dollars, and for each mile actually traveled in going, one way only, while acting as juror, twenty-five cents. Witnesses

20. For attending as a witness in criminal cases only, in any justice's court, for each day's attendance the sum of two dollars, and for each mile actually traveled in going only, while acting as a witness twenty-five cents, one way. The judge of the superior court, or the justice of the peace shall certify to the auditor the number of days attendance of each witness, and the auditor shall thereupon draw his warrant therefor and the treasurer pay the same. Witnesses' fees in justices' courts

21. The county librarian, two thousand one hundred dollars per year. Librarian

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 852.

An act to amend an act entitled "An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties; and the disposition of funds received as fees therefor; making the violation of the provisions of this act a misdemeanor, and providing penalties therefor and providing for collection of damages by owners of live stock injured by dogs," approved June 3, 1921, as amended, by amending sections 1 and 4 of said act and adding sections 4a, 4b and 4c to said act, relating to the running of dogs at large and the killing or injuring of live stock or poultry by dogs.

[Approved by the Governor June 19, 1920. In effect August 14, 1920.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of an act entitled "An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties; and the disposition of funds received as fees therefor; making violation of the provisions of this act a misdemeanor and providing penalties therefor, and providing for collection of damages by owners of live stock injured by dogs," approved June 3, 1921, as amended is hereby amended to read as follows: Stats 1921, p 1306, amended

Dog tag or
license

Section 1. It shall be unlawful for any person to own, harbor or keep any dog over the age of three months, unless such dog has attached to its neck or leg a substantial collar on which is fastened a metallic tag giving the name and post-office address of the owner of such dog, or a metal license tag issued by the authority of a county, city and county, or any municipal corporation for the purpose of identifying such dog and designating the owner thereof.

Running
at large
forbidden.

It shall be unlawful for any person to suffer or permit any such dog owned, harbored or controlled by him to run at large unless said dog wears a tag, as provided for in this section. Any dog, found running at large, without such tag, may be seized and impounded by any peace officer.

Stats 1921,
p. 1306,
amended

SEC. 2. Section 4 of said act, as amended, is hereby amended to read as follows:

Unlawful
killing or
impounding

Sec. 4. It shall be unlawful for any person to kill, injure or impound any dog, the owner of which has complied with the provisions of this act, except as otherwise provided herein.

New section.

SEC. 3. A new section is hereby added to said act as amended to be numbered 4a to read as follows:

Killing or
seizure
permitted

Sec. 4a. Any person shall have the right to kill any dog found in the act of killing, wounding or persistently pursuing or worrying any live stock or poultry on land or premises not owned or possessed by the owner of such dog, or if he shall have such proof as conclusively shows that such dog has been recently engaged in killing or wounding live stock or poultry on land or premises not owned or possessed by the owner of such dog, and no action, civil or criminal, shall be maintained therefor for killing such dog.

Any dog entering any enclosed or unenclosed property wherein live stock or poultry are confined may be seized or killed by the owner or tenant of such property or any employee of such owner or tenant and no action, civil or criminal, shall be maintained therefor against such owner, tenant or employee.

The provisions of this section shall not apply to dogs inside the corporate limits of any city, city and county, or town, or to dogs under the reasonable control of their owner or keeper, unless actually caught in the act of worrying, wounding, chasing or killing any live stock or poultry.

New section

SEC. 4. A new section is hereby added to said act, as amended, to be numbered 4b, to read as follows:

Complaint
to justice

Sec. 4b. Whenever any person sustains any loss or damage to any live stock or poultry by dogs, or whenever any live stock of any person is necessarily destroyed because of having been bitten by a dog, such person may complain to any justice of the peace of the township or county within which the damage occurred. Such complaint shall be in writing, signed by the person making it, and shall state when, where, what and how much damage was done, and if known, by whose dog or dogs. If it shall appear who is the owner or person in charge of the dog causing said loss, or damage, said justice of the peace shall forthwith issue a summons against said owner or person

Procedure

in charge commanding him to appear before said justice of the peace and show cause why said dog should not be killed. Such summons shall be made returnable not less than two nor more than six days from the date therein and shall be served at least two days before the time of appearance mentioned therein. The service of said summons may be made by any person over the age of eighteen years or by registered mail to the last known address of said owner or person in charge and any expense connected therewith to be borne by the owner of the live stock or poultry injured or the party making the complaint. Upon the return day fixed in said summons, said justice of the peace shall proceed to determine whether said loss or damage to said live stock was caused by said dog, and if he shall so find, he shall forthwith notify the owner or person in charge to kill said dog; failure of the owner or person in charge to kill the dog as directed will make the said owner subject to penalties herein provided.

SEC. 5. A new section is hereby added to said act, as amended, to be numbered 4c, to read as follows: New section

Sec. 4c. The owner of any live stock or poultry injured or killed by any dog or dogs may recover as liquidated damages from the owner of such dog or dogs, twice the actual value of the animals killed or twice the value of the damages sustained by reason of said injuries as the case may be. If two or more dogs kept by two or more owners or keepers injure or kill any live stock or poultry at the same time, the owners or keepers of such dogs are jointly and severally liable for such damage. Damages

CHAPTER 853.

An act to add nine new sections to article eighteen, of chapter three, of title one, of part three, of the Political Code, to be numbered 694a, 694b, 694c, 694d, 694e, 694f, 694g, 694h, and 694i, relating to the organization, powers and duties of the state board of agriculture, the state agricultural society and district agricultural association, and the officers, members and employees thereof, and the powers and duties of the department of finance in relation thereto, and creating a division of exhibits within the department of finance.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of the Political Code to be numbered 694a and to read as follows: New section

694a. There is hereby created in the department of finance a division to be known as the division of exhibits. The division shall be in charge of a chief who shall be appointed by the director of finance, with the approval of the governor, upon Division of exhibits
Chief, appointment

recommendation of the board of directors of the State Agricultural Society created in section 694*d* of this code. The chief of the division shall hold office at such annual salary as may be fixed by said director, with the approval of the governor, and shall be removed by the director of finance only upon recommendation by a majority of the board of directors of the State Agricultural Society.

New section

SEC. 2. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of said code to be numbered 694*b* and to read as follows:

Department
of finance
to succeed
to powers
and duties
of state
board of
agriculture
and State
Agricultural
Society

694*b*. The department of finance shall succeed to and is hereby vested with all of the duties, powers, purposes, responsibilities and jurisdiction of the state board of agriculture, the State Agricultural Society, and of the several members, officers, deputies and employees of said board and society and whenever by the provisions of this statute or law now in force a duty or jurisdiction is imposed or authority conferred upon said board or society, or any of said members, officers, deputies or employees, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of finance with the same force and effect as though the title of the department of finance had been specifically set forth and named therein in lieu of the name of any board, office, officer, deputy or employee thereof, as the case may be; *provided, however*, that the statutes and laws under which the state board of agriculture, the State Agricultural Society and of the several members, officers, deputies and employees existed and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction, together with all lawful rules and regulations established thereunder are hereby expressly continued in force and shall be performed and discharged by the department of finance.

New section

SEC. 3. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of said code to be numbered 694*c* and to read as follows:

Construction
of terms
used in other
statutes.

694*c*. For the purposes of this article, the terms "state board of agriculture," "State Agricultural Society," or similar designations, and of the several members, officers and employees of such board now used in any statute or law now in force shall be construed to mean and refer to the department of finance the same as though the title of the department of finance had been specifically set forth and named therein; *provided, however*, that nothing herein contained shall be construed as divesting the board of directors of the State Agricultural Society, or the board of directors of the state fair created by this act of any of the powers, duties, purposes, responsibilities and jurisdiction expressly conferred upon or vested in said board by the provisions of this article.

New section

SEC. 4. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of said code to be numbered 694*d* and to read as follows:

694*d*. Within the department of finance, the board of directors of the State Agricultural Society consisting of fourteen members, is hereby created to arrange for and conduct the California state fair, subject to the approval of the director of finance. Twelve of the members of said board shall be appointed by the governor for a term of four years from the expiration of the respective terms of the members of the state board of agriculture in office at the time this act becomes effective. Two of the members of the said board shall be members of an agricultural district or county fair board and shall be appointed annually by the governor on the first day of February of each year; *provided*, that said two members shall not be members of the same agricultural district or county fair board.

Board of directors of State Agricultural Society
Composition
Appointment

The members of the state board of agriculture in office at the time this act takes effect shall become members of the board of directors of the State Agricultural Society.

The president of the board of directors of the State Agricultural Society shall be designated annually by the governor on the first day of February from among the members of the board. The president so named shall also be the president of the state board of agriculture.

President

SEC. 5. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of said code to be numbered 694*e* and to read as follows:

New section

694*e*. The department of finance shall succeed to and is hereby invested with all of the duties, powers, purposes, responsibilities and jurisdiction of any district agricultural association organized under the provisions of an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein and for the management and control of the same by the state, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, as amended, and the directors of such associations in office at the time this act takes effect shall continue in office for the remainder of the term for which they were appointed or until their successors are appointed, and shall continue to arrange for and conduct any district fair or exposition for the exhibition of industries and industrial products within their districts, in accordance with law, and with the approval of the director of finance.

Department to succeed to powers and duties of district agricultural associations

SEC. 6. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of said code to be numbered 694*f* and to read as follows:

New section

694*f*. Immediately after the date upon which this act becomes effective, any moneys now or hereafter appropriated by law, or any special fund in the state treasury now or hereafter made available by law, for the use, support or maintenance of the California state fair or of the State Agricultural Society in carrying on the work and affairs of the State Agricultural Society as a state institution, shall by the state con-

Transfer of funds.

troller be transferred to and become a part of the appropriation made available by law for the use, support or maintenance of the department of finance

New section

SEC. 7. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of said code to be numbered 694g and to read as follows:

Transfer of records and property of State Agricultural Society

694g. Immediately after the date upon which this act becomes effective the department of finance shall take possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, real or personal property now or hereafter held by the state board of agriculture in carrying on the work and affairs of the State Agricultural Society as a state institution.

New section

SEC. 8. A new section is hereby added to article eighteen, of chapter three, of title one, of part three of said code to be numbered 694h and to read as follows:

State board of agriculture

694h. The state board of agriculture is hereby expressly continued in force; *provided, however*, that after the date upon which this act becomes effective said board shall consist of nine members, eight of whom shall be appointed by the governor after this act becomes effective. The governor shall not appoint more than one such member from any one congressional district nor more than one from any one county; nor shall he appoint more than one such member from, nor as a representative of, any one branch of the agricultural industry.

Members

The members of the board shall be residents and citizens of the State of California. The eight appointive members shall be specially qualified for this service through actual farm business or economic agricultural training. The ninth member of said board shall be the president of the board of directors of the State Agricultural Society, and shall also be the president of said state board of agriculture and an ex officio member of the regents of the University of California. The members shall serve without pay, but shall be allowed necessary traveling expenses incurred in the discharge of their duties.

Term of office.

The terms of office of the eight members first appointed to said board shall be two for one year, two for two years, two for three years and two for four years. Thereafter, appointive members shall serve for a term of four years or until their successors are appointed; *provided, however*, appointments made to fill vacancies shall be made for the remainder of the unexpired terms; *provided, further*, that after the initial appointment of the entire board following the effective date of this act, all subsequent appointments shall be confirmed by the Senate at the next regular session thereof, all appointments made during recess or adjournment of any regular or special session of the Legislature shall be effective until confirmed or rejected by the Senate at the next regular or special session of the Legislature.

Meetings.

The board shall hold meetings at least once in every month in the office of the director of agriculture at Sacramento. Such meetings shall be held within the week preceding the

regular monthly meeting of the governor's council. Special or adjourned meetings may be held at the place of regular meeting, or at such other places in the State of California as the chairman may deem necessary. Meetings of the board shall also be called by the chairman at any time upon the written request of four members of the board.

SEC. 9. A new section is hereby added to article eighteen, New section of chapter three, of title one, of part three of said code to be numbered 694i and to read as follows:

694i. The state board of agriculture is hereby authorized Functions and it shall be its duty to inquire into the needs of the farming industry of this state and the functions of the department of agriculture in relation thereto, and to confer and advise with the governor and the director of agriculture as to how said industry may best be served by said department.

CHAPTER 854.

An act to permit governing boards of school districts to provide for the payment of retirement salaries to the teachers and other employees thereof in the manner prescribed by this act.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 855.

An act authorizing the department of natural resources to acquire, purchase, and obtain objects of historical interest, to establish and maintain museums and purchase sites therefor, and making an appropriation.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. The department of natural resources is hereby authorized and empowered to acquire, purchase, and obtain Purchase of historical objects. objects of historical interest, and to establish and maintain museums for said objects of historical interest, and to purchase Museums sites therefor.

SEC. 2. The sum of two thousand five hundred dollars or so much thereof as may be necessary, is hereby appropriated Appropriation. out of any funds of the state treasury not otherwise appropriated to acquire, purchase, and obtain objects of historical interest, establish and maintain museums in which said objects may be placed, and to purchase sites therefor.

CHAPTER 856

An act to amend section 19x15 of the juvenile court law, relating to compensation of probation officers in counties of the fifteenth class

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1927,
p 718,
amended

SECTION 1. Section 19x15 of the juvenile court law, approved June 5, 1915, as amended, is hereby amended to read as follows:

Counties of
15th class
probation
officer

Sec. 19x15. In counties of the fifteenth class, there shall be one chief probation officer whose salary shall be three thousand three hundred dollars per annum, and one assistant probation officer whose salary shall be two thousand four hundred dollars per annum, and one assistant probation officer whose salary shall be two thousand one hundred dollars per annum, and one assistant probation officer whose salary shall be one thousand two hundred dollars per annum.

CHAPTER 857.

An act to add a new article to chapter three of title one of part three of the Political Code to be numbered article eleven o, embracing sections 378 to 378g, inclusive, creating a bureau of commerce in the state department of finance, defining the powers, duties, jurisdiction and functions thereof and making an appropriation therefor.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

New article

SECTION 1. The Political Code is hereby amended by adding a new article to chapter three of title one of part three thereof to be numbered article eleven o, embracing sections 378 to 378g, inclusive, and to read as follows:

ARTICLE XIo.

Bureau of Commerce.

Bureau of
commerce
duties

378. There is hereby created in the state department of finance a bureau to be known as the bureau of commerce. It shall be the province and the duty of the bureau:

(a) To promote trade and market expansion and to assist in finding markets for any and all of the products grown, raised, produced, caught, manufactured or processed within this state;

(b) To foster, promote and develop foreign and domestic commerce and trade in agricultural and industrial products of California, to the end that markets may be found for all such products and to extend such markets to take care of all increased production in this state so far as possible;

(c) To investigate, find and discover existing, local and foreign markets and to promote and encourage a taste and demand for California's products.

(d) To cooperate and collaborate with the departments of agriculture and of commerce of the United States in developing such markets.

378a. The bureau shall be conducted under the supervision and control of the state department of finance and shall be in charge of an executive officer to be known as the chief of the bureau of commerce, which office is hereby created. The chief of said bureau shall be appointed by and hold office at the pleasure of the governor, and shall receive a salary of six thousand dollars per annum. Before entering upon the duties of his office, the chief shall execute an official bond to the State of California in the penal sum of twenty thousand dollars, conditioned upon the faithful performance of his duties. Chief.

378b. The chief of the bureau, subject to the approval of the director of finance, shall have power to arrange and classify the work of the bureau and may adopt such rules and regulations as may be necessary to govern the activities of the bureau, and may assign to each of the officers and employees thereof such duties and labors as he may see fit. He shall, with the approval of the director of finance, have power to appoint such assistants, deputies, agents, experts and other employees as are necessary for the administration of the affairs of the bureau, to prescribe their duties and fix their salaries in accordance with the classifications made by the civil service commission; *provided, however*, that he shall have no authority on the part of the state to incur obligations for salaries exceeding the amount of moneys made available by law for that purpose. The chief of the bureau and all assistants, deputies, agents, experts and other employees thereof shall be entitled to receive in addition to their salaries, their actual necessary traveling expenses when away from their headquarters on state business. Chief: powers. Expenses

378c. All departments, commissions, boards and offices of the state and all persons connected therewith shall give the bureau of commerce ready access to their state records and full information and reasonable assistance in any matters of research of the bureau of commerce requiring recourse to them or to data within their knowledge or control. The bureau of commerce may cooperate with any and all other state departments, commissions, boards and offices in any manner approved by the chief of the bureau of commerce, and such other departments, commissions, boards and offices.

378d. Each department, commission, board and office of the state shall furnish to the bureau of commerce upon request therefor approved by the civil service commission, such assist- Assistance from other departments

ance as he or it may render, including the deputizing of agents, statisticians, experts and other employees when consistent with law and the temporary reassignment of employees when the same will tend to eliminate duplication or expense.

Records open
to public

378e. The records, statistics, data and information gathered and assembled by the bureau of commerce shall be public records and the contents thereof available at all times to producers, distributors, consumers and all other persons interested; *provided*, that all data as to the production, sales, purchases, costs or other information concerning any individual, firm or corporation shall be deemed to be confidential.

Report

378f. It shall be the duty of the chief of the bureau of commerce annually on or before the first day of January of each year to prepare and file with the director of finance a careful report of the activities of the bureau and particularly he shall show in such report what success or failure may have resulted from any of the activities of the bureau. Said report shall also show as definitely as may be possible, the amount of products and the value thereof, the sale of which may fairly be attributed to the activities of the bureau.

Receipt of
funds

378g. The bureau of commerce is hereby authorized to receive funds from counties or municipalities or other political or quasi political corporations or any person, firm, corporation, or association in this state and any funds so received shall be paid into the state treasury to the credit of the appropriation for the support of said bureau and such funds are hereby appropriated for carrying out the purposes of the bureau as defined and set forth in this article.

Appropriation.

SEC. 2. Out of any moneys in the state treasury not otherwise appropriated, the sum of seventy-five thousand dollars is hereby appropriated to be expended in accordance with law by the bureau of commerce in carrying out the purposes of this act.

CHAPTER 858.

An act to amend section 791 of the Political Code, relating to the appointment of notary publics in counties of the second class.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1927,
p. 323,
amended

SECTION 1. Section 791 of the Political Code is hereby amended to read as follows:

Number of
notaries

791. The governor may appoint and commission such number of notaries public for the several counties and cities and counties of the state as he shall deem necessary for the public convenience, except that in counties of the second class the number shall not exceed one hundred ninety.

CHAPTER 859.

An act to provide for the investigation of the economic problems of agriculture, by the University of California.

[I object to the item of \$20,000 in section 6 and reduce the amount to \$10,000. With this reduction I approve the bill Dated June 19, 1929. C. C. YOUNG, Governor. In effect, as reduced, August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. It is hereby declared that the prosperity of the agricultural industry is vital and necessary to the prosperity of the state as a whole.

Public
Interest in
prosperity of
agriculture.

SEC. 2. The College of Agriculture of the University of California is hereby authorized and instructed to investigate the economic problems of agriculture of the state; to collect, coordinate and analyze available data from whatsoever source bearing upon the economic disadvantage and disability of agriculture; with particular reference to:

Investigation
of economic
problems of
agriculture
provided for

(a) The economic status of and outlook for California agricultural products;

Scope.

(b) The cost of production and enterprise efficiency studies;

(c) The marketing of farm products and the development of new outlets;

(d) The factors affecting the behavior of prices of agricultural products;

(e) The improvement of credit facilities, including a study of how farm loans may be more effectively obtained and renewed at lower rates than have in the past prevailed;

(f) The problem of taxation in its relation to agriculture, with particular reference to the burden of taxes now borne by agricultural lands in proportion to their value, as compared with that borne by other classes of taxable property, and how that burden may be more effectively equalized.

SEC. 3. It shall also be the duty of said College of Agriculture of the University of California, after making such investigation, to make a report to the governor on or before December 1, 1930, said report to be transmitted by him to the Legislature not later than the opening of the legislative session of 1931, which report shall contain the said College of Agriculture's determinations and findings on all matters hereinbefore mentioned and shall contain such recommendations as said College of Agriculture may determine justifiable or helpful in carrying out the purposes of this act, having in mind particularly the owners of agricultural and farm lands and also those who grow and produce live stock and farm products.

Report

SEC. 4. It shall be the duty of the director of agriculture and also of the superintendent of banks and the attorney general and all other state officers to give such information, data and advice, as will be of assistance to said College of Agriculture.

Assistance to
be rendered

Examina-
tions and
hearings
authorized

SEC. 5. Said College of Agriculture is authorized to examine any and all data, to obtain experts legal, and economic opinions and opinions of practical agriculturists, to hold hearings, to take such evidence as it may deem helpful or necessary and to make use of any data which may be obtained from any of the departments of the state.

Appropriation

SEC. 6. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of twenty thousand dollars and said sum is hereby made immediately available for any of the purposes of this act.

Conflicting
statutes
repealed.

SEC. 7. Any act, statute or law of this state in conflict with the above provisions is to the extent of such conflict hereby repealed.

CHAPTER 860.

An act providing for the membership of public schools in organizations for the promotion and advancement of public education, and for the listing of such organizations by the state board of education.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

CHAPTER 861.

An act to amend section 15 of the corporate securities act, relating to the state corporation department.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats. 1927,
p 737,
amended

SECTION 1. Section 15 of the corporate securities act is hereby amended to read as follows:

State cor-
poration
department
created

Sec. 15. There is hereby created a state corporation department. The chief officer of such department shall be the commissioner of corporations. He shall be appointed by the governor and hold office at the pleasure of the governor. He shall receive an annual salary of seven thousand five hundred dollars, to be paid monthly out of the state treasury upon a warrant of the controller. He shall within fifteen days from the time of notice of his appointment take and subscribe to the constitutional oath of office and file the same in the office of the secretary of state and execute to the people of the state a bond in the penal sum of ten thousand dollars with corporate security or two or more sureties, to be approved by the governor of the state, for the faithful discharge of the duties of his office.

CHAPTER 862.

An act authorizing a suit against the State of California to quiet title to certain real property in the city of Oakland, county of Alameda, State of California.

[Approved by the Governor June 19, 1929. In effect August 14, 1929]

The people of the State of California do enact as follows:

SECTION 1. Larue Wharf and Warehouse Company, a California corporation, is hereby authorized to bring suit against the State of California in any court of said state of competent jurisdiction to quiet title to the real property hereinafter described or to any portion thereof, and to prosecute the same to final judgment. The rules of practice in civil cases relating to suits to quiet title shall apply to any suit brought under this authorization. If judgment be given against the state in any such suit no costs shall be recovered from the state.

Suit against state authorized.

Procedure

Costs.

SEC. 2. Any suit brought under this authorization shall be commenced within one year after this act takes effect. Service of summons in any such suit shall be made on the governor and attorney general, and it shall be the duty of the attorney general to represent the state in any such suit.

Limitation Service of summons

SEC. 3. The property hereinabove referred to is that certain parcel of real property situate in the city of Oakland, county of Alameda, State of California, more particularly described as follows, to wit:

Property described.

“Beginning at a point on the Southwestern line of East 12th Street formerly Washington Street where the same is intersected by the line dividing Lots 1 and 2 in Block 1, as said street, lots and block are delineated and so designated upon that certain Map entitled ‘Map of San Antonio’ filed etc. Sept. 12, 1854, and running thence Northwesterly along the Southwestern line of East 12th Street as the same exists since the abandonment of a portion thereof on June 30, 1915, a distance of 165.10 feet more or less to its intersection with the Northeastern production of the Southeastern line of Lot 29 in Block 56 as said lot and said block are delineated and so designated upon that certain map entitled, ‘Map of James B. Larue’s Addition to the Towns of Clinton and San Antonio’ filed etc. Sept. 13, 1855; thence Southwesterly along said produced line and said Southeastern line of said lot 29, a distance of 110.40 feet more or less to the Northeastern line of lot 27 in said Block 56, as shown on said map; thence Southeasterly along the said last mentioned line 9.30 feet more or less to the most Eastern corner of said lot 27, thence Southwesterly along the Southeastern line of lots 27, 26, and 25 in said Block 56, a distance of 75 feet to the most Eastern corner of lot 24, in said block 56; thence Northwesterly along the Northeastern line of said lot 24, a distance of 75 feet to the Southeastern line of 14th Avenue formerly Commerce Street; thence Southwesterly along said line of 14th Avenue 29.90 feet more or less to the most Western corner of said lot 24; thence

Southeasterly along the Southwestern line of said lot 24 a distance of 75 feet to the most Southern corner of said lot 24; thence Southwesterly along the Southeastern line of lots 23 and 22 in said block 56 a distance of 40.41 feet more or less to the Northeastern line of the right of way described in a deed to San Francisco Terminal Railway and Ferry Company, a corporation, dated Aug. 18, 1902 and recorded in Liber 857 of Deeds, page 154, Alameda County Records; thence along said Northeastern line of said right of way S. 63° 7' E. 50 feet; S. 62° 55' E. 50 feet; S. 62° 38' E. 50 feet; S. 62° 28' E. 50 feet and S. 61° 35' E. 34.82 feet; thence leaving said right of way line and running along a fence N. 42° 38' E. 63.93 feet to the Southwestern line of a parcel of land described in a deed from Larue Wharf and Warehouse Company, a corporation, to Frederick C. Hampel dated April 2, 1907 and recorded in Liber 1340 of Deeds, page 235, Alameda County Records; thence along said last mentioned line N. 46° 43' W. 48.84 feet; thence N. 37° 51' E. 94.35 feet; thence North 52° 45' W. 25 feet to the said dividing line between Lots 1 and 2 in Block 1 of San Antonio; thence Northeasterly thereon 41.55 feet more or less to the point of beginning. Being a portion of Block 1 as shown on said Map of San Antonio and a portion of Block 56, as shown on said Map of James B. Larue's Addition and that portion of East 12th Street formerly Union Place, which was closed up and abandoned by Ordinance No. 868 N. S. passed by the Council of the City of Oakland on June 30, 1915."

CHAPTER 863.

An act to amend the title and sections 1, 2 and 5 of "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney buses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act."

[Approved by the Governor June 19, 1929 In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1919,
p 457,
amended.

SECTION 1. The title of the auto stage and truck transportation act, approved May 10, 1917, as amended, is hereby amended to read as follows:

Title

An act providing for the supervision and regulation of the transportation of property for compensation over any public highway by auto trucks; defining transportation companies and providing for the supervision and regulation thereof by

the railroad commission; providing for the enforcement of the provisions of this act and for punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act.

SEC. 2. Section 1 of said act is hereby amended to read as follows: Stats. 1925,
p. 298,
amended

Section 1. (a) The term "corporation" when used in this act means a corporation, a company, an association or a joint stock association. Words and
phrases
defined

(b) The term "person" when used in this act, means an individual, a firm or copartnership.

(c) The term "transportation company" when used in this act, means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing, any auto truck used in the business of transportation of property, or as a common carrier of property, for compensation, over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the limits of an incorporated city or town or of a city and county; *provided*, that nothing in this act shall apply to the transportation of baggage and express when transported incidental to the transportation of passengers by a passenger stage corporation as defined in section 2½ of the public utilities act.

(d) The term "public highway," when used in this act, means every public street, road or highway in this state.

(e) The words "between fixed termini or over a regular route," when used in this act, mean the termini or route between or over which any transportation company usually or ordinarily operates any auto truck even though there may be departures from said termini or route, whether such departures be periodic or irregular. Whether or not any auto truck is operated by a transportation company "between fixed termini or over a regular route" within the meaning of this act shall be a question of fact and the finding of the railroad commission thereon shall be final and shall not be subject to review.

SEC. 3. Section 2 of said act is hereby amended to read as follows: Stats. 1917,
p. 331,
amended.

Sec. 2. No corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, shall operate any auto truck for the transportation of property for compensation on any public highway in this state except in accordance with the provisions of this act. Auto trucks
must be
operated
according
to law.

SEC. 4. Section 5 of said act is hereby amended to read as follows: Stats. 1927,
p. 113,
amended

Sec. 5. No transportation company shall hereafter begin to operate any auto truck for the transportation of property, for compensation, on any public highway in this state without first having obtained from the railroad commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required of any transportation company as to the fixed termini between which Certificates
of con-
venience and
necessity

or the route over which it is actually and lawfully operating in good faith at the time this act becomes effective, or for operations exclusively within the limits of an incorporated city, town, or city and county. Any right, privilege, franchise or permit held, owned or obtained by any transportation company may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the railroad commission. The railroad commission shall have power, with or without hearing to issue said certificate as prayed for, or to refuse to issue the same, or to issue if for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity may require; *provided*, that no such certificate may be granted to a foreign corporation.

The railroad commission may at any time for a good cause suspend and upon notice to the grantee of any certificate and opportunity to be heard, revoke, alter or amend any certificate issued under the provisions of this section.

Fee.

Every application for a certificate of public convenience and necessity must be accompanied by a fee of fifty dollars.

CHAPTER 864.

An act to repeal chapter one and articles one to six inclusive of chapter two of title ten of part four, division third, of Civil Code, and to add a new chapter one of title ten of part four, division third, in place thereof, and to declare title eleven of part three of the Code of Civil Procedure in certain respects limited by said new chapter one, and to amend article seven of chapter two of title ten of part four, division third, of the Civil Code, by making said article seven, chapter two of title ten of part four, division third, of the Civil Code; all relating to partnerships; and to make the partnership law of the State of California uniform with the law of other states.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Repealed.

SECTION 1. Chapter one and articles one, two, three, four, five and six of chapter two of title ten of part four, division three, of the Civil Code of the State of California are hereby

New chapter.

repealed and a new chapter one of title ten of part four, division three of said Civil Code is hereby added to read as follows:

CHAPTER I.

PARTNERSHIP IN GENERAL.

- Article I. Preliminary provisions.
 Article II. Nature of a partnership.

Article III. Relations or partners to persons dealing with the partnership.

Article IV. Relation of partners to one another.

Article V. Property rights of a partner.

Article VI. Dissolution and winding up.

Article VII. Miscellaneous provisions.

ARTICLE I.

PRELIMINARY PROVISIONS.

Section 2395. Name of act.

Section 2396. Definition of terms.

Section 2397. Interpretation of knowledge and notice.

Section 2398. Rules of construction.

Section 2399. Rules for cases not provided for in this act.

2395. Chapter one of this title may be cited as "uniform partnership act."

2396. In this act, "court" includes every court and judge having jurisdiction in the case. Words and phrases defined

"Business" includes every trade, occupation, or profession.

"Person" includes individuals, partnerships, corporations, and other associations.

"Bankrupt" includes bankrupt under the federal bankruptcy act or insolvent under and state insolvent act.

"Conveyance" includes every assignment, lease, mortgage, or incumbrance.

"Real property" includes land and any interest or estate in land.

2397. (1) A person has "knowledge" of a fact within the meaning of this act not only when he has actual knowledge thereof, but also when he has knowledge of such other facts as in the circumstances shows bad faith. Interpretation of knowledge and notice.

(2) A person has "notice" of a fact within the meaning of this act when the person who claims the benefit of the notice

(a) States the fact to such person, or

(b) Delivers through the mail, or by other means of communication, a written statement of the fact to such person or to a proper person at his place of business or residence.

2398. (1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act. Rules of construction.

(2) The law of estoppel shall apply under this act.

(3) The law of agency shall apply under this act.

(4) This act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

(5) This act shall not be construed so as to impair the obligations of any contract existing when the act goes into effect, nor to affect any action or proceedings begun or right accrued before this act takes effect.

2399. In any case not provided for in this act the rules of law and equity, including the law merchant, shall govern. Rules for cases not provided for in this act

ARTICLE II.

NATURE OF PARTNERSHIP.

Section 2400. Partnership defined.

Section 2401. Rules for determining the existence of a partnership.

Section 2402. Partnership property.

Partnership defined.

2400. (1) A partnership is an association of two or more persons to carry on as coowners a business for profit.

(2) But any association formed under any other statute of this state, or any statute adopted by authority, other than the authority of this state, is not a partnership under this act, unless such association would have been a partnership in this state prior to the adoption of this act; but this act shall apply to special and mining partnerships except in so far as the statutes relating to such partnerships are inconsistent herewith.

Rules for determining the existence of a partnership.

2401. In determining whether a partnership exists, these rules shall apply:

(1) Except as provided by section 2410 persons who are not partners as to each other are not partners as to third persons.

(2) Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such coowners do or do not share any profits made by the use of the property.

(3) The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

(4) The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payment:

(a) As a debt by installments or otherwise.

(b) As wages of an employee or rent to a landlord.

(c) As an annuity to a widow or representative of a deceased partner.

(d) As interest on a loan, though the amount of payment vary with the profits of the business.

(e) As the consideration for the sale of the good will of a business or other property by installments or otherwise.

Partnership property.

2402. (1) All property originally brought into the partnership stock or subsequently acquired, by purchase or otherwise, on account of the partnership is partnership property.

(2) Unless the contrary intention appears, property acquired with partnership funds is partnership property.

(3) Any estate in real property may be acquired in the partnership name. Title so acquired can be conveyed only in the partnership name.

(4) A conveyance to a partnership in the partnership name, though without words of inheritance, passes the entire estate of the grantor unless a contrary intent appears.

ARTICLE III.

RELATIONS OF PARTNERS TO PERSONS DEALING WITH THE
PARTNERSHIP.

Section 2403. Partner agent of partnership as to partnership business.

Section 2404. Conveyance of real property of the partnership.

Section 2405. Partnership bound by admission of partner.

Section 2406. Partnership charged with knowledge of or notice to partner.

Section 2407. Partnership bound by partner's wrongful act.

Section 2408. Partnership bound by partner's breach of trust.

Section 2409. Nature of partner's liability.

Section 2410. Partner by estoppel.

Section 2411. Liability of incoming partner.

2403. (1) Every partner is an agent of the partnership for the purpose of its business, and the act of every partner, including the execution in the partnership name of any instrument, for apparently carrying on the usual way the business of the partnership of which he is a member binds the partnership, unless the partner so acting has in fact no authority to act for the partnership in the particular matter, and the person with whom he is dealing has knowledge of the fact that he has no such authority.

Partner
agent of
partnership
as to
partnership
business

(2) An act of a partner which is not apparently for carrying on of the business of the partnership in the usual way does not bind the partnership unless authorized by the other partners.

(3) Unless authorized by the other partners or unless they have abandoned the business, one or more but less than all the partners have no authority to:

(a) Assign the partnership property in trust for creditors or on the assignee's promise to pay the debts of the partnership.

(b) Dispose of the good will of the business.

(c) Do any other act which would make it impossible to carry on the ordinary business of the partnership.

(d) Confess a judgment.

(e) Submit a partnership claim or liability to arbitration or reference.

(4) No act of a partner in contravention of a restriction on his authority shall bind the partnership to persons having knowledge of the restriction.

2404. (1) Where title to real property is in the partnership name, any partner may convey title to such property by a conveyance executed in the partnership name; but the partnership may recover such property unless the partner's act binds the partnership under the provisions of paragraph (1) of section 2403, or unless such property has been conveyed by the grantee or a person claiming through such grantee to a

Conveyance
of real
property
of the
partnership

holder for value without knowledge that the partner, in making the conveyance, has exceeded his authority.

(2) Where title to real property is in the name of the partnership, a conveyance executed by a partner, in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of paragraph (1) of section 2403.

(3) Where title to real property is in the name of one or more but not all the partners, and the record does not disclose the right of the partnership, the partners in whose name the title stands may convey title to such property, but the partnership may recover such property if the partners' act does not bind the partnership under the provisions of paragraph (1) of section 2403, unless the purchaser or his assignee, is a holder for value, without knowledge.

(4) Where the title to real property is in the name of one or more or all the partners, or in a third person in trust for the partnership, a conveyance executed by a partner in the partnership name, or in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of paragraph (1) of section 2403.

(5) Where the title to real property is in the names of all the partners a conveyance executed by all the partners passes all their rights in such property.

Partnership
bound by
admission
of partner.

2405. An admission or representation made by any partner concerning partnership affairs within the scope of his authority as conferred by this act is evidence against the partnership.

Partnership
charged with
knowledge
of or notice
to partner.

2406. Notice to any partner of any matter relating to partnership affairs, and the knowledge of the partner acting in the particular matter, acquired while a partner or then present to his mind, and the knowledge of any other partner who reasonably could and should have communicated it to the acting partner, operate as notice to or knowledge of the partnership, except in the case of a fraud on the partnership committed by or with the consent of that partner.

Partnership
bound by
partner's
wrongful
act.

2407. Where, by any wrongful act or omission of any partner acting in the ordinary course of the business of the partnership, or with the authority of his copartners, loss or injury is caused to any person, not being a partner in the partnership, or any penalty is incurred, the partnership is liable therefor to the same extent as the partner so acting or omitting to act.

Partnership
bound by
partner's
breach of
trust

2408. The partnership is bound to make good the loss:

(a) Where one partner acting within the scope of his apparent authority receives money or property of a third person and misapplies it; and

(b) Where the partnership in the course of its business receives money or property of a third person and the money or property so received is misapplied by any partner while it is in the custody of the partnership.

2409. All partners are liable.

(a) Jointly and severally for everything chargeable to the partnership under sections 2407 and 2408.

Nature of partner's liability.

(b) Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract.

2410. (1) When a person, by words spoken or written or by conduct, represents himself, or consents to another representing him to any one, as a partner in an existing partnership or with one or more persons not actual partners, he is liable to any such person to whom such representation has been made, who has, on the faith of such representation, given credit to the actual or apparent partnership, and if he has made such representation or consented to its being made in a public manner he is liable to such person, whether the representation has or has not been made or communicated to such person so giving credit by or with the knowledge of the apparent partner making the representation or consenting to its being made.

Partner by estoppel

(a) When a partnership liability results, he is liable as though he were an actual member of the partnership.

(b) When no partnership liability results, he is liable jointly with the other persons, if any, so consenting to the contract or representation as to incur liability, otherwise separately.

(2) When a person has been thus represented to be a partner in an existing partnership, or with one or more persons not actual partners, he is an agent of the persons consenting to such representation to bind them to the same extent and in the same manner as though he were a partner in fact, with respect to persons who rely upon the representation. Where all the members of the existing partnership consent to the representation, a partnership act or obligation results; but in all other cases it is the joint act or obligation of the person acting and the persons consenting to the representation.

2411. A person admitted as a partner into an existing partnership is liable for all the obligations of the partnership arising before his admission as though he had been a partner when such obligations were incurred, except that this liability shall be satisfied only out of partnership property.

Liability of incoming partner

ARTICLE IV.

RELATIONS OF PARTNERS TO ONE ANOTHER.

Section 2412. Rules determining rights and duties of partners.

Section 2413. Partnership books.

Section 2414. Duty of partners to render information.

Section 2415. Partner accountable as a fiduciary.

Section 2416. Right to an account.

Section 2417. Continuation of partnership beyond fixed term.

Rules determining rights and duties of partners

2412. The rights and duties of the partners in relation to the partnership shall be determined, subject to any agreement between them, by the following rules:

(a) Each partner shall be repaid his contributions, whether by way of capital or advances to the partnership property and share equally in the profits and surplus remaining after all liabilities, including those to partners, are satisfied; and must contribute towards the losses, whether of capital or otherwise, sustained by the partnership according to his share in the profits.

(b) The partnership must indemnify every partner in respect to payments made and personal liabilities reasonably incurred by him in the ordinary and proper conduct of its business, or for the preservation of its business or property.

(c) A partner, who in aid of the partnership makes any payment or advance beyond the amount of the capital which he agreed to contribute, shall be paid interest from the date of the payment or advance.

(d) A partner shall receive interest on the capital contributed by him only from the date when repayment should be made.

(e) All partners have equal rights in the management and conduct of the partnership business.

(f) No partner is entitled to remuneration for acting in the partnership business, except that a surviving partner is entitled to reasonable compensation for his services in winding up the partnership affairs.

(g) No person can become a member of a partnership without the consent of all the partners.

(h) Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners; but no act in contravention of any agreement between the partners may be done rightfully without the consent of all the partners.

Partnership books

2413. The partnership books shall be kept, subject to any agreement between the partners, at the principal place of business of the partnership, and every partner shall at all times have access to and may inspect and copy any of them.

Duty of partners to render information.

2414. Partners shall render on demand true and full information of all things affecting the partnership to any partner or the legal representative of any deceased partner or partner under legal disability.

Partner accountable as a fiduciary

2415. (1) Every partner must account to the partnership for any benefit and hold as trustee for it any profits derived by him without the consent of the other partners from any transaction connected with the formation, conduct, or liquidation of the partnership or from any use by him of its property.

(2) This section applies also to the representatives of a deceased partner engaged in the liquidation of the affairs of the partnership as the personal representatives of the last surviving partner.

2416. Any partner shall have the right to a formal account as to partnership affairs: Right to an account.

(a) If he is wrongfully excluded from the partnership business or possession of its property by his copartners,

(b) If the right exists under the terms of any agreement,

(c) As provided by section 2415,

(d) Whenever other circumstances render it just and reasonable.

2417. (1) When a partnership for a fixed term or particular undertaking is continued after the termination of such term or particular undertaking without any express agreement, the rights and duties of the partners remain the same as they were at such termination, so far as is consistent with a partnership at will. Continuation of partnership beyond fixed term

(2) A continuation of the business by the partners or such of them as habitually acted therein during the term, without any settlement or liquidation of the partnership affairs, is prima facie evidence of a continuation of the partnership.

ARTICLE V.

PROPERTY RIGHTS OF A PARTNER.

Section 2418. Extent of property rights of a partner.

Section 2419. Nature of a partner's right in specific partnership property.

Section 2420. Nature of partner's interest in the partnership.

Section 2421. Assignment of partner's interest.

Section 2422. Partner's interest subject to charging order.

2418. The property rights of a partner are (1) his rights in specific partnership property, (2) his interest in the partnership, and (3) his right to participate in the management. Extent of property rights of a partner.

2419. (1) A partner is coowner with his partners of specific partnership property holding as a tenant in partnership. Nature of a partner's right in specific partnership property

(2) The incidents of this tenancy are such that:

(a) A partner, subject to the provisions of this chapter and to any agreement between the partners, has an equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to possess such property for any other purpose without the consent of his partners.

(b) A partner's right in specific partnership property is not assignable except in connection with the assignment of the rights of all the partners in the same property.

(c) A partner's right in specific partnership property is not subject to attachment, or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt the partners, or any of them, or the representatives of a deceased partner, can not claim any right under the homestead or exemption laws.

(d) On the death of a partner his right in specific partnership property vests in the surviving partner or partners,

except where the deceased was the last surviving partner, when his right in such property vests in his legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

(e) A partner's right in specific partnership property is not subject to dower, curtesy, or allowances to widows, heirs, or next of kin, and is not community property.

Nature of a partner's interest in the partnership
Assignment of partner's interest

2420. A partner's interest in the partnership is his share of the profits and surplus, and the same is personal property.

2421. (1) A conveyance by a partner of his interest in the partnership does not of itself dissolve the partnership, nor, as against the other partners in the absence of agreement, entitle the assignee, during the continuance of the partnership, to interfere in the management or administration of the partnership business or affairs, or to require any information or account of partnership transactions, or to inspect the partnership books; but it merely entitles the assignee to receive in accordance with his contract the profits to which the assigning partner would otherwise be entitled.

(2) In case of a dissolution of the partnership, the assignee is entitled to receive his assignor's interest and may require an account from the date only of the last account agreed to by all the partners.

Partner's interest subject to charging order

2422. (1) On due application to a competent court by any judgment creditor of a partner, the court which entered the judgment, order, or decree, or any other court, may charge the interest of the debtor partner with payment of the unsatisfied amount of such judgment debt with interest thereon; and may then or later appoint a receiver of his share of the profits, and of any other money due or to fall due to him in respect of the partnership, and make all other orders, directions, accounts, and inquiries which the debtor partner might have made, or which the circumstances of the case may require.

(2) The interest charged may be redeemed at any time before foreclosure, or in case of a sale being directed by the court may be purchased without thereby causing a dissolution:

(a) With separate property, by any one or more of the partners, or

(b) With partnership property, by any one or more of the partners with the consent of all the partners whose interests are not so charged or sold.

(3) Nothing in this chapter shall be held to deprive a partner of his right, if any, under the exemption laws, as regards his interest in the partnership.

ARTICLE VI.

Section 2423. Dissolution [defined].

Section 2424. Partnership not terminated by dissolution.

Section 2425. Causes of dissolution.

Section 2426. Dissolution by decree of court.

Section 2427. General effect of dissolution on authority of partner.

Section 2428. Right of partner to contribution from copartners after dissolution.

Section 2429. Power of partner to bind partnership to third person after dissolution.

Section 2430. Effect of dissolution on partner's existing liability.

Section 2431. Right to wind up.

Section 2432. Rights of partners to application of partnership property.

Section 2433. Rights where partnership is dissolved for fraud or misrepresentation.

Section 2434. Rules for distribution.

Section 2435. Liability of persons continuing the business in certain cases.

Section 2436. Rights of retiring or estate of deceased partner when the business is continued.

Section 2437. Accrual of actions.

2423. The dissolution of a partnership is the change in the relation of the partners caused by any partner ceasing to be associated in the carrying on as distinguished from the winding up of the business. Dissolution defined

2424. On dissolution the partnership is not terminated, but continues until the winding up of partnership affairs is completed. Partnership not terminated by dissolution

2425. Dissolution is caused:

(1) Without violation of the agreement between the partners, Causes of dissolution

(a) By the termination of the definite term or particular undertaking specified in the agreement,

(b) By the express will of any partner when no definite term or particular undertaking is specified,

(c) By the express will of all the partners who have not assigned their interests or suffered them to be charged for their separate debts, either before or after the termination of any specified term or particular undertaking,

(d) By the expulsion of any partner from the business bona fide in accordance with such a power conferred by the agreement between the partners;

(2) In contravention of the agreement between the partners, where the circumstances do not permit a dissolution under any other provision of this section by the express will of any partner at any time;

(3) By any event which makes it unlawful for the business of the partnership to be carried on or for the members to carry it on in partnership;

(4) By the death of any partner;

(5) By the bankruptcy of any partner or the partnership;

(6) By decree of court under section 2426.

Dissolution
by decree
of court

2426. (1) On application by or for a partner the court shall decree a dissolution whenever:

(a) A partner has been declared a lunatic in any judicial proceeding or is shown to be of unsound mind,

(b) A partner becomes in any other way incapable of performing his part of the partnership contract,

(c) A partner has been guilty of such conduct as tends to affect prejudicially the carrying on of the business,

(d) A partner wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable to carry on the business in partnership with him,

(e) The business of the partnership can only be carried on at a loss,

(f) Other circumstances render a dissolution equitable.

(2) On the application of the purchaser of a partner's interest under sections 2421 and 2422:

(a) After the termination of the specified term or particular undertaking,

(b) At any time if the partnership was a partnership at will when the interest was assigned or when the charging order was issued.

General
effect of
dissolution
on authority
of partner

2427. Except so far as may be necessary to wind up partnership affairs or to complete transactions begun but not then finished, dissolution terminates all authority of any partner to act for the partnership;

(1) With respect to the partners,

(a) When the dissolution is not by the act, bankruptcy or death of a partner; or

(b) When the dissolution is by such act, bankruptcy or death of a partner in cases where section 2428 so requires;

(2) With respect to persons not partners, as declared in section 2429.

Right of
partner to
contribution
from copart-
ners after
dissolution

2428. Where the dissolution is caused by the act, death or bankruptcy of a partner, each partner is liable to his copartners for his share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless

(a) The dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution, or

(b) The dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy.

Power of
partner to
bind part-
nership to
third person
after
dissolution

2429. (1) After dissolution a partner can bind the partnership except as provided in paragraph three,

(a) By any act appropriate for winding up partnership affairs or completing transactions unfinished at dissolution,

(b) By any transaction which would bind the partnership if dissolution had not taken place; *provided*, the other party to the transaction:

I. Had extended credit to the partnership prior to the dissolution and had no knowledge or notice of the dissolution; or

II. Though he had not so extended credit, had nevertheless known of the partnership prior to dissolution, and, having no knowledge or notice of dissolution, the fact of dissolution had not been advertised in a newspaper of general circulation in the place, or in each place if more than one, at which the partnership business was regularly carried on.

(2) The liability of a partner under paragraph (1b) shall be satisfied out of partnership assets alone when such partner had been prior to dissolution.

(a) Unknown as a partner to the person with whom the contract is made; and

(b) So far unknown and inactive in partnership affairs that the business reputation of the partnership could not be said to have been in any degree due to his connection with it.

(3) The partnership is in no case bound by any act of a partner after dissolution.

(a) Where the partnership is dissolved because it is unlawful to carry on the business, unless the act is appropriate for winding up partnership affairs; or

(b) Where the partner has become bankrupt; or

(c) Where the partner has no authority to wind up partnership affairs; except by a transaction with one who

I. Had extended credit to the partnership prior to dissolution and had no knowledge or notice of his want of authority; or

II. Had not extended credit to the partnership prior to dissolution, and, having no knowledge or notice of his want of authority, the fact of his want of authority has not been advertised in the manner provided for advertising the fact of dissolution in paragraph (1bII).

(4) Nothing in this section shall affect the liability under section 2410 of any person who after dissolution represents himself or consents to another representing him as a partner in a partnership engaged in carrying on business.

2430. (1) The dissolution of the partnership does not of itself discharge the existing liability of any partner.

Effect of
dissolution
on partner's
existing
liability

(2) A partner is discharged from any existing liability upon dissolution of the partnership by an agreement to that effect between himself, the partnership creditor and the person or partnership continuing the business; and such agreement may be inferred from the course of dealing between the creditor having knowledge of the dissolution and the person or partnership continuing the business.

(3) Where a person agrees to assume the existing obligations of a dissolved partnership, the partners whose obligations have been assumed shall be discharged from any liability to any creditor of the partnership who, knowing of the agreement, consents to a material alteration in the nature or time of payment of such obligations.

(4) The individual property of a deceased partner shall be liable for all obligations of the partnership incurred while he was a partner but subject to the prior payment of his separate debts.

Right to
wind up.

2431. Unless otherwise agreed the partners who have not wrongfully dissolved the partnership or the legal representative of the last surviving partner, not bankrupt, has the right to wind up the partnership affairs; *provided, however*, that any partner, his legal representative, or his assignee, upon cause shown, may obtain winding up by the court.

Rights of
partners to
application
of part-
nership
property

2432. (1) When dissolution is caused in any way, except in contravention of the partnership agreement, each partner, as against his copartners and all persons claiming through them in respect of their interests in the partnership, unless otherwise agreed, may have the partnership property applied to discharge its liabilities, and the surplus applied to pay in cash the net amount owing to the respective partners. But if dissolution is caused by expulsion of a partner, bona fide under the partnership agreement, and if the expelled partner is discharged from all partnership liabilities, either by payment or agreement under section 2430 (2), he shall receive in cash only the net amount due him from the partnership.

(2) When dissolution is caused in contravention of the partnership agreement the rights of the partners shall be as follows:

(a) Each partner who has not caused dissolution wrongfully shall have

I. All the rights specified in paragraph (1) of this section, and

II. The right, as against each partner who has caused the dissolution wrongfully, to damages for breach of the agreement.

(b) The partners who have not caused the dissolution wrongfully, if they all desire to continue the business in the same name, either by themselves or jointly with others, may do so, during the agreed term for the partnership and for that purpose may possess the partnership property; *provided*, they secure the payment by bond approved by the court, or pay to any partner who has caused the dissolution wrongfully, the value of his interest in the partnership at the dissolution, less any damages recoverable under clause (2aII) of this section, and in like manner indemnify him against all present or future partnership liabilities.

(c) A partner who has caused the dissolution wrongfully shall have:

I. If the business is not continued under the provisions of paragraph (2b) all the rights of a partner under paragraph (1), subject to clause (2aII) of this section.

II. If the business is continued under paragraph (2b) of this section the right as against his copartners and all claiming through them in respect of their interests in the partnership,

to have the value of his interest in the partnership, less any damages caused to his copartners by the dissolution, ascertained and paid to him in cash, or the payment secured by bond approved by the court, and to be released from all existing liabilities of the partnership; but in ascertaining the value of the partner's interest the value of the good will of the business shall not be considered.

2433. Where a partnership contract is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto the party entitled to rescind is, without prejudice to any other right, entitled,

Rights where partnership is dissolved for fraud or misrepresentation

(a) To lien on, or right of retention of, the surplus of the partnership property after satisfying the partnership liabilities to third persons for any sum of money paid by him for the purchase of an interest in the partnership and for any capital or advances contributed by him; and

(b) To stand, after all liabilities to third persons have been satisfied, in the place of the creditors of the partnership for any payments made by him in respect of the partnership liabilities; and

(c) To be indemnified by the person guilty of the fraud or making the representation against all debts and liabilities of the partnership.

2434. In settling accounts between the partners after the dissolution, the following rules shall be observed, subject to any agreement to the contrary:

Rules for distribution

(a) The assets of the partnership are:

I. The partnership property,

II. The contributions of the partners necessary for the payment of all the liabilities specified in clause (b) of this paragraph.

(b) The liabilities of the partnership shall rank in order of payment, as follows:

I. Those owing to creditors other than partners,

II. Those owing to partners other than for capital and profits,

III. Those owing to partners in respect of capital,

IV. Those owing to partners in respect of profits.

(c) The assets shall be applied in the order of their declaration in clause (a) of this paragraph to the satisfaction of the liabilities.

(d) The partners shall contribute, as provided by section 2412 (a) the amount necessary to satisfy the liabilities; but if any, but not all, of the partners are insolvent, or, not being subject to process, refuse to contribute, the other partners shall contribute their share of the liabilities and, in the relative proportions in which they share the profits, the additional amount necessary to pay the liabilities.

(e) An assignee for the benefit of creditors or any person appointed by the court shall have the right to enforce the contributions specified in clause (d) of this paragraph.

(f) Any partner or his legal representative shall have the right to enforce the contributions specified in clause (d) of this paragraph, to the extent of the amount which he has paid in excess of his share of the liability.

(g) The individual property of the deceased partner shall be liable for the contributions specified in clause (d) of this paragraph.

(h) When partnership property and the individual properties of the partners are in the possession of a court for distribution, partnership creditors shall have priority on partnership property and separate creditors on individual property, saving the rights of lien or secured creditors as heretofore.

(i) Where a partner has become bankrupt or his estate is insolvent the claims against his separate property shall rank in the following order:

I. Those owing to separate creditors.

II. Those owing to partnership creditors.

III. Those owing to partners by way of contribution.

Liability of
persons
continuing
business in
certain
cases.

2435. (1) When any new partner is admitted into an existing partnership, or when any partner retires and assigns (or the representative of the deceased partner assigns) his rights in partnership property to two or more of the partners, or to one or more of the partners and one or more third persons, if the business is continued without liquidation of the partnership affairs, creditors of the first or dissolved partnership are also creditors of the partnership so continuing the business.

(2) When all but one partner retire and assign (or the representative of a deceased partner assigns) their rights in partnership property to the remaining partner, who continues the business without liquidation of partnership affairs, either alone or with others, creditors of the dissolved partnership are also creditors of the person or partnership so continuing the business.

(3) When any partner retires or dies and the business of the dissolved partnership is continued as set forth in paragraphs (1) and (2) of this section, with the consent of the retired partners or the representative of the deceased partner, but without any assignment of his right in partnership property, rights of creditors of the dissolved partnership and of the creditors of the person or partnership continuing the business shall be as if such assignment had been made.

(4) When all the partners or their representatives assign their rights in partnership property to one or more third persons who promise to pay the debts and who continue the business of the dissolved partnership, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(5) When any partner wrongfully causes a dissolution and the remaining partners continue the business under the provisions of section 2432 (2b) either alone or with others, and

without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(6) When a partner is expelled and the remaining partners continue the business either alone or with others, without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(7) The liability of a third person becoming a partner in the partnership continuing the business, under this section to the creditors of the dissolved partnership shall be satisfied out of partnership property only.

(8) When the business of a partnership after dissolution is continued under any conditions set forth in this section the creditors of the dissolved partnership, as against the separate creditors of the retiring or deceased partner or the representatives of the deceased partner, have a prior right to any claim of the retired partner or the representative of the deceased partner against the person or partnership continuing the business, on account of the retired or deceased partner's interest in the dissolved partnership or on account of any consideration promised for such interest or for his right in partnership property.

(9) Nothing in this section shall be held to modify any right of creditors to set aside any assignment on the ground of fraud.

(10) The use by the person or partnership continuing the business of the partnership name, or the name of a deceased partner as part thereof, shall not of itself make the individual property of the deceased partner liable for any debts contracted by such person or partnership.

2436. When any partner retires or dies, and the business is continued under any of the conditions set forth in section 2435 (1, 2, 3, 5, 6), or section 2432 (2b) without any settlement of accounts as between him or his estate and the person or partnership continuing the business, unless otherwise agreed, he or his legal representative as against such persons or partnership may have the value of his interest at the date of dissolution ascertained, and shall receive as an ordinary creditor an amount equal to the value of his interest in the dissolved partnership with interest, or, at his option or at the option of his legal representative, in lieu of interest, the profits attributable to the use of his right in the property of the dissolved partnership; *provided*, that the creditors of the dissolved partnership as against the separate creditors, or the representative of the retired or deceased partner, shall have priority on any claim arising under this section, as provided by section 2435 (8) of this code.

Rights of retiring or estate of deceased partner when business is continued

2437. The right to an account of his interest shall accrue to any partner, or his legal representative, as against the winding up partners or the surviving partners or the person or partnership continuing the business, at the date of dissolution, in the absence of any agreement to the contrary.

Accrual of actions

ARTICLE VII.

MISCELLANEOUS PROVISIONS.

Section 2438. General partnership and general partners.

Section 2439. Provisions of Code of Civil Procedure subject to this chapter.

General
partnership
and general
partners

2438. Every partnership that is not formed in accordance with the law concerning special or mining partnerships, and every special partnership, so far only as those partners who are not special partners are concerned, is a general partnership. Every partner who is not a special partner nor a member of a mining partnership is a general partner.

Provisions
of Code of
Civil Pro-
cedure sub-
ject to this
chapter

2439. The rights and duties of surviving partners, the legal representatives of deceased partners, the creditors of such partners, and the creditors of the partnership created by or defined in chapter I of this title shall be given full force and effect notwithstanding any provision inconsistent therewith in title eleven of part three of the Code of Civil Procedure, but nothing contained in said chapter one shall otherwise affect any provision of said title eleven.

Amended

SEC. 2. Article seven of title ten of part four of division third of the Civil Code of the State of California, is amended by making said article seven, chapter two of title ten of part four of division third of the Civil Code of the State of California.

Repealed

SEC. 3. All acts or parts of acts inconsistent with this act are hereby repealed.

To remain
in force.

SEC. 4. Chapter four of title ten of part four of division third of the Civil Code of the State of California shall remain in force.

CHAPTER 865.

An act to repeal chapter three of title ten of part four, division third of the Civil Code, and to add a new chapter three of part four, division third, in place thereof, all relating to limited partnerships, and to make the law relating to limited partnerships uniform with the law of other states.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Repealed

New
chapter.

SECTION 1. Chapter three of title ten of part four, division three, of the Civil Code of the State of California, is hereby repealed, and a new chapter three of title ten of part four, division three of said Civil Code is hereby added to read as follows:

CHAPTER III.

LIMITED PARTNERSHIPS.

- Article I. Nature of partnership.
- Article II. Formation of partnership.
- Article III. Powers, rights, duties and liabilities of partners.
- Article IV. Alteration and dissolution of the partnership.
- Article V. Miscellaneous provisions.

ARTICLE I.

NATURE OF PARTNERSHIP.

Section 2477. Limited partnership defined.

2477. A limited partnership is a partnership formed by two or more persons under the provisions of section 2478, having as members one or more general partners and one or more limited partners. The limited partners as such shall not be bound by the obligations of the partnership.

Limited partnership defined.

ARTICLE II.

FORMATION OF PARTNERSHIP.

Section 2478. Formation.

2478. (1) Two or more persons desiring to form a limited partnership shall

Formation.

(a) Sign and swear to certificates in duplicate, which shall state

- I. The name of the partnership,
- II. The character of the business,
- III. The location of the principal place of business,
- IV. The name and place of residence of each member; general and limited partners being respectively designated,
- V. The term for which the partnership is to exist,
- VI. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner,
- VII. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made,
- VIII. The time, if agreed upon, when the contribution of each limited partner is to be returned,
- IX. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution,
- X. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution,
- XI. The right, if given, of the partners to admit additional limited partners,
- XII. The right, if given, of one or more of the limited partners to priority over other limited partners, as to con-

tributions or as to compensation by way of income, and the nature of such priority,

XIII. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement or insanity of a general partner, and

XIV. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

(b) File one of said certificates in the clerk's office and file the other for record in the office of the recorder of the county in which the principal place of business of the partnership is situated, in a book to be kept for that purpose open to public inspection, and if the partnership has places of business situated in different counties, a copy of the certificate, certified by the recorder in whose office it is recorded, must be filed in the clerk's office and recorded in like manner in the office of the recorder in each such county.

(2) A limited partnership is formed if there has been substantial compliance in good faith with the requirements of paragraph one of this section.

ARTICLE III.

POWERS, RIGHTS, DUTIES AND LIABILITIES OF PARTNERS.

Section 2479. Business which may be carried on.

Section 2480. Character of limited partner's contribution.

Section 2481. A name not to contain surname of limited partner; exceptions.

Section 2482. Liability for false statements in certificate.

Section 2483. Limited partner is not liable to creditors.

Section 2484. Admission of additional limited partners.

Section 2485. Rights, powers and liabilities of a general partner.

Section 2486. Rights of limited partner.

Section 2487. Status of person erroneously believing himself a limited partner.

Section 2488. One person both general and limited partner.

Section 2489. Loans and other business transactions with limited partner.

Section 2490. Relation of limited partner inter se.

Section 2491. Compensation of limited partner.

Section 2492. Withdrawal or reduction of limited partner's contribution.

Section 2493. Liability of limited partner to partnership.

Section 2494. Nature of limited partner's interest in partnership.

Business
which
may be car-
ried on.

2479. A limited partnership may carry on any business which a partnership without limited partners may carry on, except banking and insurance.

2480. The contribution of a limited partner may be cash or other property, but not services.

Character of limited partner's contribution
Name not to contain surname of limited partner; exceptions

2481. (1) The surname of a limited partner shall not appear in the partnership name, unless

(a) It is also the surname of a general partner, or

(b) Prior to the time when the limited partner became such the business had been carried on under a name in which his surname appeared.

(2) A limited partner whose name appears in a partnership name contrary to the provisions of paragraph one of this section is liable as a general partner to partnership creditors who extend credit to the partnership without actual knowledge that he is not a general partner.

2482. If the certificate contains a false statement, one who suffers loss by reliance on such statement may hold liable any party to the certificate who knew the statement to be false.

Liability for false statements in certificate

(a) At the time he signed the certificate, or

(b) Subsequently, but within a sufficient time before the statement was relied upon to enable him to cancel or amend the certificate, or to file a petition for its cancellation or amendment as provided in subdivision three of section 3001.

2483. A limited partner shall not become liable as a general partner unless, in addition to the exercise of his rights and powers as a limited partner, he takes part in the control of the business.

Limited partner is not liable to creditors

2484. After the formation of a limited partnership, additional limited partners may be admitted upon filing an amendment to the original certificate in accordance with the requirements of section 3001.

Admission of additional limited partners.

2485. (1) A general partner shall have all the rights and powers and be subject to all the restrictions and liabilities of a partner in a partnership without limited partners, except that without the written consent or ratification of the specific act by all the limited partners, a general partner or all of the general partners have no authority to

Rights, powers and liabilities of a general partner.

(a) Do any act in contravention of the certificate,

(b) Do any act which would make it impossible to carry on the ordinary business of the partnership,

(c) Confess a judgment against the partnership,

(d) Possess partnership property, or assign their rights in specific partnership property, for other than a partnership purpose,

(e) Admit a person as a general partner,

(f) Admit a person as a limited partner, unless the right so to do is given in the certificate,

(g) Continue the business with partnership property on the death, retirement or insanity of a general partner, unless the right so to do is given in the certificate.

2486. (1) A limited partner shall have the same rights as a general partner to

Rights of limited partner

(a) Have the partnership books kept at the principal place of business of the partnership, and at all times to inspect and copy any of them,

(b) Have on demand true and full information of all things affecting the partnership, and a formal account of partnership affairs whenever circumstances render it just and reasonable, and

(c) Have dissolution and winding up by decree of court.

(2) A limited partner shall have the right to receive a share of the profits or other compensation by way of income, and to the return of his contribution as provided in sections 2491 and 2492.

Status of person erroneously believing himself a limited partner.

2487. A person who has contributed to the capital of a business conducted by a person or partnership erroneously believing that he has become a limited partner in a limited partnership, is not, by reason of his exercise of the rights of a limited partner, a general partner with the person or in the partnership carrying on the business, or bound by the obligations of such person or partnership; *provided*, that on ascertaining the mistake he promptly renounces his interest in the profits of the business or other compensation by way of income.

One person both general and limited partner.

2488. (1) A person may be a general partner and a limited partner in the same partnership at the same time.

(2) A person who is a general, and also at the same time a limited partner, shall have all the rights and powers and be subject to all the restrictions of a general partner; except that, in respect to his contribution, he shall have the rights against the other members, which he would have had if he were not also a general partner.

Loans and other business transactions with limited partner.

2489. (1) A limited partner also may loan money to and transact other business with the partnership, and, unless he is also a general partner, receive on account of resulting claims against the partnership, with general creditors, a pro rata share of the assets. No limited partner shall in respect to any such claim

(a) Receive or hold as collateral security any partnership property, or

(b) Receive from a general partner of the partnership any payment, conveyance, or release from liability, if at the time the assets of the partnership are not sufficient to discharge partnership liabilities to persons not claiming as general or limited partners.

(2) The receiving of collateral security, or a payment, conveyance, or release in violation of the provisions of paragraph one is a fraud on the creditors of the partnership.

Relation of limited partner inter se.

2490. Where there are several limited partners the members may agree that one or more of the limited partners shall have a priority over other limited partners as to the return of their contributions, as to their compensation by way of income, or as to any other matter. If such an agreement is made it shall be stated in the certificate, and in the absence of such a statement all the limited partners shall stand upon equal footing.

Compensation of limited partner.

2491. A limited partner may receive from the partnership the share of the profits or the compensation by way of income

stipulated for in the certificate; *provided*, that after such payment is made, whether from the property of the partnership or that of a general partner, the partnership assets are in excess of all liabilities of the partnership except liabilities to limited partners on account of their contributions and to general partners.

2492. (1) A limited partner shall not receive from a general partner or out of partnership property any part of his contribution until

Withdrawal
or reduction
of limited
partner's
contribution

(a) All liabilities of the partnership, except liabilities to general partners and to limited partners on account of their contributions, have been paid or there remains property of the partnership sufficient to pay them,

(b) The consent of all members is had, unless the return of the contribution may be rightfully demanded under the provisions of paragraph two, and

(c) The certificate is canceled or so amended as to set forth the withdrawal or reduction.

(2) Subject to the provisions of paragraph one of this section a limited partner may rightfully demand the return of his contribution

(a) On the dissolution of a partnership, or

(b) When the date specified in the certificate for its return has arrived, or

(c) After he has given six months' notice in writing to all other members, if no time is specified in the certificate either for the return of the contribution or for the dissolution of the partnership.

(3) In the absence of any statement in the certificate to the contrary or the consent of all members, a limited partner, irrespective of the nature of his contribution, has only the right to demand and receive cash in return for his contribution.

(4) A limited partner may have the partnership dissolved and its affairs wound up when

(a) He rightfully but unsuccessfully demands the return of his contribution, or

(b) The other liabilities of the partnership have not been paid, or the partnership property is insufficient for their payment as required by paragraph one *a* of this section and the limited partner would otherwise be entitled to the return of his contribution.

2493. (1) A limited partner is liable to the partnership.

Liability
of limited
partner to
partnership

(a) For the difference between his contribution as actually made and that stated in the certificate as having been made, and

(b) For any unpaid contribution which he agreed in the certificate to make in the future at the time and on the conditions stated in the certificate.

(2) A limited partner holds as trustee for the partnership

(a) Specific property stated in the certificate as contributed by him, but which was not contributed or which has been wrongfully returned, and

(b) Money or other property wrongfully paid or conveyed to him on account of his contribution.

(3) The liabilities of a limited partner as set forth in this section can be waived or compromised only by the consent of all members; but a waiver or compromise shall not affect the right of a creditor of a partnership, who extended credit or whose claim arose after the filing and before a cancellation or amendment of the certificate, to enforce such liabilities.

(4) When a contributor has rightfully received the return in whole or in part of the capital of his contribution, he is nevertheless liable to the partnership for any sum, not in excess of such return with interest, necessary to discharge its liabilities to all creditors who extended credit or whose claims arose before such return.

Nature of
limited
partner's in-
terest in the
partnership

2494. A limited partner's interest in the partnership is personal property.

ARTICLE IV.

ALTERATION AND DISSOLUTION OF THE PARTNERSHIP.

Section 2495. Assignment of limited partner's interest.

Section 2496. Effect of retirement, death or insanity of a general partner.

Section 2497. Death of limited partner.

Section 2498. Rights of creditors of limited partner.

Section 2499. Distribution of assets.

Section 2500. When certificate shall be canceled or amended.

Section 2501. Requirements for amendments and for cancellation of certificates.

Section 2502. Parties to actions.

Assignment
of limited
partner's
interest.

2495. (1) A limited partner's interest is assignable.

(2) A substituted limited partner is a person admitted to all the rights of a limited partner who has died or has assigned his interest in a partnership.

(3) An assignee, who does not become a substituted limited partner, has no right to require any information or account of the partnership transactions or to inspect the partnership books; he is only entitled to receive the share of the profits or other compensation by way of income, or the return of his contributions, to which his assignor would otherwise be entitled.

(4) An assignee shall have the right to become a substituted limited partner if all the members (except the assignor) consent thereto or if the assignor, being thereunto empowered by the certificate, gives the assignee that right.

(5) An assignee becomes a substituted limited partner when the certificate is appropriately amended in accordance with section 25.

(6) The substituted limited partner has all the rights and powers, and is subject to all the restrictions and liabilities of his assignor, except those liabilities of which he was ignorant

at the time he became a limited partner and which could not be ascertained from the certificate.

(7) The substitution of the assignee as a limited partner does not release the assignor from liability to the partnership under sections 2482 and 2493.

2496. The retirement, death or insanity of a general partner dissolves the partnership, unless the business is continued by the remaining general partners

Effect of retirement, death or insanity of a general partner

(a) Under a right so to do stated in the certificate, or

(b) With the consent of all members.

2497. (1) On the death of a limited partner his executor or administrator shall have all the rights of a limited partner for the purpose of settling his estate, and such power as the deceased had to constitute his assignee a substituted limited partner.

Death of limited partner

(2) The estate of a deceased limited partner shall be liable for all his liabilities as a limited partner.

2498. (1) On due application to a court of competent jurisdiction by any creditor of a limited partner, the court may charge the interest of the indebted limited partner with payment of the unsatisfied amount of such claim; and may appoint a receiver, and make all other orders, directions, and inquiries which the circumstances of the case may require.

Rights of creditors of limited partner.

(2) The interest may be redeemed with the separate property of any general partner, but may not be redeemed with the partnership property.

(3) The remedies conferred by paragraph one of this section shall not be deemed exclusive of others which may exist.

(4) Nothing in this act shall be held to deprive a limited partner of his statutory exemption.

2499. (1) In settling accounts after dissolution the liabilities of the partnership shall be entitled to payment in the following order:

Distribution of assets.

(a) Those to creditors, in the order of priority as provided by law, except those to limited partners on account of their contributions, and to general partners,

(b) Those to limited partners in respect to their share of the profits and other compensation by way of income on their contributions,

(c) Those to limited partners in respect to the capital of their contributions,

(d) Those to general partners other than for capital and profits,

(e) Those to general partners in respect to profits,

(f) Those to general partners in respect to capital.

(2) Subject to any statement in the certificate or to subsequent agreement, limited partners share in the partnership assets in respect to their claims for capital, and in respect to their claims for profits or for compensation by way of income on their contributions respectively, in proportion to the respective amounts of such claims.

When certificate shall be canceled or amended.

2500. (1) The certificate shall be canceled when the partnership is dissolved or all limited partners cease to be such.

(2) A certificate shall be amended when

(a) There is a change in the name of the partnership or in the amount or character of the contribution of any limited partner,

(b) A person is substituted as a limited partner,

(c) An additional limited partner is admitted,

(d) A person is admitted as a general partner,

(e) A general partner retires, dies, or becomes insane, and the business is continued under section 2496,

(f) There is a change in the character of the business of the partnership,

(g) There is a false or erroneous statement in the certificate,

(h) There is a change in the time as stated in the certificate for the dissolution of the partnership or for the return of a contribution,

(i) A time is fixed for the dissolution of the partnership, or the return of a contribution, no time having been specified in the certificate, or

(j) The members desire to make a change in any other statement in the certificate in order that it shall accurately represent the agreement between them.

Requirements for amendments and for cancellation of certificates.

2501. (1) The writing to amend a certificate shall

(a) Conform to the requirements of subdivision one a of section 2478 as far as necessary to set forth clearly the change in the certificate which it is desired to make, and

(b) Be signed and sworn to by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

(2) The writing to cancel a certificate shall be signed by all members.

(3) A person desiring the cancellation or amendment of a certificate, if any person designated in paragraphs one and two of this section as a person who must execute the writing refuses to do so, may petition the superior court in the county where the principal place of the partnership is situated to direct a cancellation or amendment thereof.

(4) If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the county recorder of the county in which the original certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

(5) A certificate is amended or canceled when there is filed for record in the offices where the certificate is filed and recorded:

(a) A writing in accordance with the provisions of paragraph one or two of this section, or

(b) A certified copy of the order of court in accordance with the provisions of paragraph four of this section.

(6) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this act.

2502. A contributor, unless he is a general partner, is not a proper party to proceedings by or against a partnership, except where the object is to enforce a limited partner's right against or liability to the partnership. Parties to actions.

ARTICLE V.

MISCELLANEOUS PROVISIONS.

Section 2503. Name of act.

Section 2504. Rules of construction.

Section 2505. Rules for cases not provided for in this chapter.

Section 2506. Provisions for existing partnership.

2503. This chapter may be cited as the uniform limited partnership act. Name of act.

2504. (1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act. Rules of construction

(2) This act shall be so interpreted and constructed as to effect its general purpose to make uniform the law of those states which enact it.

(3) This act shall not be so construed as to impair the obligations of any contract existing when the act goes into effect, nor to affect any action or proceedings begun or right accrued before this act takes effect.

2505. In any case not provided for in this act the rules of law and equity, including the law merchant, shall govern. Rules for cases not provided for in this chapter

2506. (1) A limited partnership formed under any statute of this state prior to the adoption of this act, may become a limited partnership under this act by complying with the provisions of section 2478, provided the certificate sets forth: Provisions for existing partnership

(a) The amount of the original contribution of each limited partner, and the time when the contribution was made, and

(b) That the property of the partnerships exceeds the amount sufficient to discharge its liabilities to persons not claiming as general or limited partners by an amount greater than the sum of the contributions of its limited partners.

(2) A limited partnership formed under any statute of this state prior to the adoption of this act, until or unless it becomes a limited partnership under this act, shall continue to be governed by the provisions of chapter three of title ten of part four of division third of this code as they existed

prior to the repeal thereof, except that such partnership shall not be renewed unless so provided in the original agreement.

Repealed.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

CHAPTER 863.

An act providing for the establishment and maintenance of twenty-four-hour elementary schools by elementary school districts with the approval of the state board of education, providing for the admission to such schools and providing for the government, control, conduct, and support thereof.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 867.

An act to amend sections 5 and 9 of an act entitled "An act to allow unincorporated cities and towns to equip and maintain a fire department" approved March 4, 1881, as amended, relating to the support thereof.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1909,
p 1029,
amended

SECTION 1. Section 5 of an act entitled "An act to allow unincorporated cities and towns to equip and maintain a fire department," approved March 4, 1881, as amended, is hereby amended to read as follows:

What notice
must
specify

Sec. 5. Such notice must specify the time and place for holding the election.

Stats 1909,
p 1030,
amended

SEC. 2. Section 9 of said act is hereby amended to read as follows:

Tax levy

Sec. 9. The board of supervisors must, at the time of levying the county taxes, levy a tax as well upon all the taxable property within the fire limits of the unincorporated town or village sufficient to defray the maintenance thereof and of such other expenditures as are authorized by this act in connection therewith. The taxes so levied shall be computed and entered on the assessment roll of the county auditor and collected at the same time and in the same manner as the state and county taxes, and when collected shall be put in the county treasury for the use of the district for which the tax was authorized.

CHAPTER 868.

An act to amend section 3051 of the Civil Code, relating to liens.

[Approved by the Governor June 19, 1929 In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 3051 of the Civil Code is hereby amended to read as follows:

3051. Every person who, while lawfully in possession of an article of personal property renders any service to the owner thereof, by labor or skill, employed for the protection, improvement, safekeeping, or carriage thereof, has a special lien thereon, dependent on possession, for the compensation, if any, which is due to him from the owner for such service; a person who makes, alters, or repairs any article of personal property, at the request of the owner, or legal possessor of the property, has a lien on the same for his reasonable charges for the balance due for such work done and materials furnished, and may retain possession of the same until the charges are paid; and livery or boarding or feed stable proprietors, and persons pasturing horses or stock, have a lien, dependent on possession, for their compensation in caring for, boarding, feeding, or pasturing such horses or stock; and laundry proprietors and persons conducting a laundry business, have a general lien, dependent on possession, upon all personal property in their hands belonging to a customer, for the balance due them from such customer for laundry work; and veterinary proprietors and veterinary surgeons shall have a lien dependent on possession, for their compensation in caring for, boarding, feeding, and medical treatment of animals; and keepers of garages for automobiles shall have a lien, dependent on possession for their compensation in caring for and safekeeping, and for making repairs and performing any labor upon or furnishing supplies or materials for such automobiles; *provided, however*, that where the possession of, or lien upon, any automobile held under a claim of lien hereunder is lost by reason of fraud, trick or device, the repossession of said automobile by said garage keeper shall revive the lien so lost; *provided, further*, that any lien thus revived shall be subordinate to any sale, lien, encumbrance, right, title or interest in such automobile acquired or exercised in good faith and for value by any person between the time of loss of possession and the time of repossession.

Stats 1911.
p 887,
amended
Lien on
personal
property for
services
thereon

CHAPTER 869.

An act to amend section 1183 of the Code of Civil Procedure, relating to mechanics' liens.

[Approved by the Governor June 19, 1929 In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1911,
p 1313,
amended

Mechanics
have lien
upon prop-
erty on
which they
have la-
bored, etc

SECTION 1. Section 1183 of the Code of Civil Procedure is hereby amended to read as follows:

1183. Mechanics, materialmen, contractors, subcontractors, artisans, architects, machinists, builders, miners, teamsters and draymen, and all persons and laborers of every class performing labor upon or bestowing skill or other necessary services, or furnishing materials to be used or consumed in or furnishing appliances, teams and power contributing to the construction, alteration, addition to or repair, either in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road or other structure, or other work of improvement, or performing labor upon or bestowing skill or other necessary services, or furnishing materials to be used or consumed in or furnishing appliances, teams and power contributing to the grading, filling in, or other improvement of any lot or tract of land or the making of any improvement in connection therewith, including within the meaning of the said word "improvement" any seeding, sodding or planting of such lot or tract of land for landscaping purposes or the demolition of buildings thereon or the removal of buildings therefrom, made or done on such real property, shall have a lien upon the property upon which they have bestowed labor or furnished materials, for the value of such labor done and materials furnished and for the value of the use of such appliances, teams or power, whether at the instance of the owner, or of any other person acting by his authority or under him, as contractor or otherwise; and every contractor, subcontractor, architect, builder or other person having charge of the construction, alteration, addition to or repair either in whole or in part of any building or other improvement as aforesaid shall be held to be the agent of the owner for the purposes of this chapter.

Mining
claims

Any person who performs labor in any mining claim or claims, or in or upon any real property worked as a mine, either in the development thereof or in working thereon by the subtractive process or furnishes materials to be used or consumed therein, has a lien upon the same and the works owned and used by the owners for milling or reducing the ores from the same, for the value of the work or labor done or materials furnished by each respectively, whether done or furnished at the instance of the owner of such mining claim or claims or real property worked as a mine, or his agent, and every contractor, subcontractor, superintendent or other person having charge of any mining or work or labor per-

formed in and about such mining claim or claims or real property worked as a mine, either as lessee or under a working bond or contract thereon shall be held to be the agent of the owner for the purposes of this chapter.

The liens in this chapter provided for shall be direct liens, and shall not in the case of any claimants, other than the contractor be limited, as to amount, by any contract price agreed upon between the contractor and the owner except as hereinafter provided; but said several liens shall not in any case exceed in amount the reasonable value of the labor done or material furnished, or both, for which the lien is claimed, nor the price agreed upon for the same between the claimant and the person by whom he was employed, nor in any case, where the claimant was employed by a contractor, or subcontractor shall the lien extend to any labor or materials not embraced within or covered by the original contract between the contractor and the owner, or any modification thereof made by or with the consent of such owner, and of which such contract, or modification thereof the claimant shall have had actual notice before the performance of such labor or the furnishing of such materials. The filing of such original contract, or modification thereof, in the office of the county recorder of the county where the property is situated, before the commencement of the work, shall be equivalent to the giving of such actual notice by the owner to all persons performing work or furnishing materials thereunder. In case said original contract shall, before the work is commenced, be so filed, together with a bond of the contractor with good and sufficient sureties in an amount not less than fifty (50) per cent of the contract price named in said contract, which bond shall in addition to any conditions for the performance of the contract, be also conditioned for the payment in full of the claims of all persons performing labor upon or furnishing materials to be used in, or furnishing appliances, teams or power contributing to, such work, and shall also by its terms be made to inure to the benefit of any and all persons who perform labor upon or furnish materials to be used in or furnish appliances, teams or power contributing to, the work described in said contract so as to give such persons a right of action to recover upon said bond in any suit brought to foreclose the liens provided for in this chapter or in a separate suit brought on said bond, then the court must, where it would be equitable so to do, restrict the recovery under such liens to an aggregate amount equal to the amount found to be due from the owner to the contractor, and render judgment against the contractor and his sureties on said bond for any deficiency or difference there may remain between said amount so found to be due to the contractor and the whole amount found to be due to claimants for such labor or materials or both. No change or alteration of the work or modification of any such contract between the owner and his contractor, nor rescision or attempted rescision thereof, or of

Shall be direct liens not limited by contract price

Filing of contract, etc

Bond

Liability of sureties

said bond, nor conditions precedent nor conditions subsequent, contained therein, attempting to limit the right of recovery under said contract or under the bond given for the benefit of laborers and materialmen under the foregoing provision nor any fraud practiced by any person other than such laborer, materialman or other person seeking to recover thereon nor any change in any agreement pertaining to the furnishing of labor or materials, nor the terms or time of payment thereof, shall release or exonerate any surety or sureties upon any bond given under this section. All bonds given pursuant to the provisions of this chapter will be construed most strongly against the surety and in favor of all persons for whose benefit such a bond is given, and under no circumstances shall a surety be in any wise released from liability to the said laborers or materialmen or persons furnishing appliances, teams or power, for whose benefit said bond has been written, by reason of any breach of contract between owner and contractor or on the part of any obligee named in said bond, but the sole condition of recovery on the part of such person furnishing labor or material or appliances, teams or power as aforesaid, shall be that said labor or materials has been used or consumed in or said appliances, teams or power have contributed to the work of improvement to which said bond refers, and that the said third person for whose benefit said bond has so been made to inure has not been actually paid some part or all of the sums due him for the same.

Provisions
limiting
actions

No provision in any of the bonds given pursuant to any of the provisions of this chapter attempting by contract to shorten the period prescribed for the commencement of an action thereon as laid down in section 337 of this code, shall be valid if such provision attempts to limit the time for commencement of action thereon to a shorter period than six months from the completion of said structure or work of improvement, as "completior" is defined in section 1187 of this code, nor shall any provision in any of said bonds attempting to limit the period for the commencement of actions thereon be valid in so far as actions brought by persons furnishing labor or materials, appliances or teams or power as aforesaid, are concerned, unless said bond be filed for record, with the contract to which it refers, before the work of improvement is commenced, with the county recorder of the county or city and county in which the property referred to therein, or some part thereof, is situated.

Filing of
bond

In case the surety or sureties on any bond given as in this chapter provided shall have caused said bond to be filed and recorded in the office of the county recorder of the county in which the property is situated, before the work of improvement is completed, then no action may be maintained thereon unless there shall previously have either been filed a mechanic's lien claim as in this chapter provided or unless written notice shall previously have been given to the surety on said bond before the expiration of the time prescribed in this chapter for

filing a lien to enforce such claim, which notice shall state that the person giving such notice has performed labor or furnished materials, or both, or furnished appliances, teams or power, to the contractor or other person acting by the authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor, materials, appliances, teams or power and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both. The filing of an action to foreclose such lien shall not be a condition precedent to a recovery on said bond. If said bond has been so filed as herein last provided then any suit brought against such surety or sureties shall be filed within six months after completion of said structure or work of improvement, as "completion" is defined in section 1187 of this code. The written notice to be given to the surety or sureties hereinabove provided for may be given by delivery thereof personally to, or by depositing same in the mail, postage prepaid, and registered, addressed,

Notice to
sureties

(1) If to an individual surety, at his residence or place of business, if known, or

(2) If to an individual surety and his residence is unknown, then in care of the county clerk of the county in which said bond has been so filed, or

(3) At the place designated as the residence of the surety in the certificate, if any, filed by such surety or sureties as provided by section 1163 of the Civil Code, or

(4) If to a corporate surety, at the office or care of the agent designated by the surety in the bond as the address to which such notice shall be sent, or

(5) At the office or care of any officer of the surety in the State of California, or

(6) At the office of or care of the statutory agent of the surety in the State of California, or

(7) By service in the manner prescribed for the service of summons as provided by section 411 of the Code of Civil Procedure.

It is the intent and purpose of this section to limit the owner's liability, in all cases, to the measure of the contract price where he shall have filed or caused to be filed in good faith with his original contract a valid bond with good and sufficient sureties in the amount and upon the conditions as herein provided. It shall be lawful for the owner to protect himself against any failure of the contractor to perform his contract and make full payment for all work done and materials furnished thereunder by exacting such bond or other security as he may deem necessary.

CHAPTER 870.

An act to amend sections 1187 and 1188 of the Code of Civil Procedure, relating to mechanics' liens.

[Approved by the Governor June 19, 1929 In effect August 14, 1929]

The people of the State of California do enact as follows:

Stats 1919,
p. 190,
amended
Claim of
lien filed
in the
recorder's
office

SECTION 1. Section 1187 of the Code of Civil Procedure is hereby amended to read as follows:

1187. Every original contractor, claiming the benefit of this chapter, within sixty days after the completion of his contract, and every person save the original contractor claiming the benefit of this chapter, at any time after he has ceased to perform labor or furnish material, or both, for any work of improvement mentioned in this chapter, and until thirty days after the completion of such work of improvement, as a whole, may file for record with the county recorder of the county or city and county in which such property or some part thereof is situated a claim of lien containing a statement of his demand after deducting all just credits and offsets, the name of the owner or reputed owner, if known, a general statement of the kind of work done or materials furnished by him, or both, the name of the person by whom he was employed or to whom he furnished the materials, and a description of the property sought to be charged with the lien sufficient for identification; which claim of lien must be verified by oath of claimant or some other person. In all cases, any of the following shall be deemed equivalent to a completion for all the purposes of this chapter; the occupation or use of a building, improvement or structure by the owner, or his representative, accompanied by cessation from labor thereon; or the acceptance by the owner, or said agent, of said building, improvement or structure, or cessation from labor for thirty days upon any contract or upon any building, improvement or structure, or the alteration, addition to, or repair thereof; the filing of the notice hereinafter provided for.

Owner may
file record
of completion
with
recorder.

The owner shall within ten days after the completion of any contract or work of improvement provided for in this chapter, or within ten days after there has been a cessation from labor thereon for a period of thirty days, file for record in the office of the county recorder of the county where the property is situated a notice setting forth the date when the same was completed, or on which cessation from labor occurred, together with his name, address and the nature of his title, and a description of the property sufficient for identification, together with the name of the contractor, if any, which notice shall be verified by himself or some other person on his behalf. The fee for recording the same shall be one dollar. In case such notice be not so filed, then all persons claiming the benefit of this chapter, shall have ninety days after the completion of said work of improvement within which to file their claims

of lien. The phrase "work of improvement" and the word "improvement" as used in this chapter are each hereby defined to mean the entire structure or scheme of improvement as a whole.

SEC. 2. Section 1188 of the Code of Civil Procedure is hereby amended to read as follows:

1188. In every case in which one claim is filed against two or more buildings, mining claims, or other improvements owned or reputed to be owned by the same person or on which the lien claimant has been employed by the same person to do his work or furnish his materials, whether said parcels are owned by one or more owners, the person filing such claim must at the same time, designate the amount due to him on each of such buildings, mining claims, or other improvements; otherwise the lien of such claim is postponed to other liens. In the event such lien claimant has been employed to furnish labor or materials under a contract providing for a lump sum to be paid to him for his work or materials on said buildings, mining claims or other improvements as a whole, and such contract does not segregate the amount due for the work done and materials furnished on such buildings, mining claims, or other improvements separately, then such lien claimant for the purposes of this section, may estimate an equitable distribution of the sum due him over all of said buildings, mining claims or other improvements based upon the proportionate amount of work done or materials furnished upon said respective buildings, mining claims or other improvements. The lien of such claimant does not extend beyond the amount designated, as against other creditors having liens, by judgment, mortgage, or otherwise, upon either of such buildings or other improvements, or upon the land upon which the same are situated; *provided, however*, that, for all purposes of this section, if there is a single structure on more than one parcel of land owned by one or more different owners, it shall not be the duty of the lien claimant to segregate the proportion of material or labor entering into the structure on any one of said parcels; but upon the trial thereof the court may, where it deems it equitable so to do, distribute the lien equitably as between the several parcels involved; *provided, further*, that all persons interested as owners of, encumbrancers on, contractors, subcontractors, or entitled to liens on any of said parcels, may be joined in one action to foreclose the liens hereinabove referred to.

Code Civ.
Proc., 1872,
p. 314,
amended.
Liens upon
two or more
pieces of
property

Amount due
from each
to be
designated

CHAPTER 871.

An act to amend section 1197 of the Code of Civil Procedure, relating to mechanics' liens.

[Approved by the Governor June 11, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1911,
p 1319,
amended
Lien does
not impair
right of per-
sonal action
to recover
debt

SECTION 1. Section 1197 of the Code of Civil Procedure is hereby amended to read as follows:

1197. Nothing contained in this chapter shall be construed to impair or affect the right of any person to whom any debt may be due for work done or materials furnished, or furnishing appliances, teams or power contributing to any work of improvement to maintain a personal action to recover said debt against the person liable therefor and to, either in an action to foreclose his lien or in a separate action, take out an attachment therefor against the person personally liable for such debt notwithstanding his lien, and in his affidavit to procure an attachment need not state that his demand is not secured by a lien, but the judgment, if any, obtained by the plaintiff in such personal action shall not be construed to impair or merge any lien held by said plaintiff under this chapter; *provided, only*, that any money collected on said judgment shall be credited on the amount of such lien in any action brought to enforce the same, in accordance with the provisions of this chapter.

CHAPTER 872.

An act to amend section 1168 of the Penal Code, relating to terms of imprisonment, credits to prisoners for good behavior and parole of prisoners; and to repeal sections 18, 18a and 1588, of the Penal Code, relating to terms of imprisonment.

[Approved by the Governor June 13, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1927,
p 1491,
amended
Term of im-
prisonment
not fixed

SECTION 1. Section 1168 of the Penal Code is hereby amended to read as follows:

1168. (1) Imprisonment. Every person convicted of a public offense, for which imprisonment in any reformatory or state prison is now prescribed by law shall, unless such convicted person be placed on probation, a new trial granted, or the imposing of sentence suspended, be sentenced to be imprisoned in a state prison, but the court in imposing the sentence shall not fix the term or duration of the period of imprisonment.

It is hereby made the duty of the warden of any of the state prisons to receive such person, who shall be imprisoned until duly released as provided for in this section. The term of imprisonment shall not exceed the maximum or be less than the minimum term of imprisonment provided by law for the public offense of which such person was convicted. Term limits

It shall be the duty of the judge before whom the convicted person was tried, and of the district attorney conducting the prosecution, to obtain, and, with the commitment, furnish to the state board of prison directors, in writing, all information that can be given in regard to the career, habits, degree of education, age, nativity, nationality, parentage, and previous occupation of such convicted person, together with a statement to the best of their knowledge, as to whether such person was industrious or not, of good character or not, the nature of his associates and his disposition. Information regarding convicts

The state board of prison directors shall determine after the expiration of the minimum term of imprisonment provided by law, except that in cases in which the minimum term of imprisonment is more than one year, the state board of prison directors may determine after the expiration of one year from and after the actual commencement of such imprisonment, what length of time, if any, such person shall be imprisoned, unless the sentence be sooner terminated by commutation or pardon by the governor of the state. The term of imprisonment so fixed by the state board of prison directors, shall not thereafter be increased or diminished by said board for any reason whatsoever except as in this section provided. In all cases there may be allowed to apply upon the term of imprisonment fixed such credits for meritorious conduct and diligent labor as are or may be authorized by law. Period of confinement.

Any convicted person undergoing sentence in any of the state prisons, not sooner released under the provisions of this section shall, in accordance with the provisions of existing law, be discharged from custody on serving the maximum punishment provided by law for the offense of which such person was convicted.

(2) Maximum penalty, generally. Except in cases where a different punishment is prescribed by this code, every offense declared to be a felony is punishable by imprisonment in any of the state prisons, not exceeding five years. Maximum penalty.

(3) Minimum penalty, generally. Except in cases where a different minimum punishment is prescribed by this code, for every offense declared to be a felony and punishable by imprisonment in the state prison, the minimum punishment shall be imprisonment in any of the state prisons for not less than six months. Minimum penalty.

(4) Certain minimum penalties. The following shall be the minimum term of sentence and imprisonment in certain cases, notwithstanding any other provisions of this code, or any provision of law specifying a lesser sentence: Minimum penalties in certain cases.

(a) For a person not previously convicted of a felony, but armed with a deadly weapon either at the time of his commission of the offense, or a concealed deadly weapon at the time of his arrest, seven years;

(b) For a person previously convicted of a felony either in this state or elsewhere, and armed with a deadly weapon, either at the time of his commission of the offense, or a concealed deadly weapon at the time of his arrest, fifteen years;

(c) For a person previously convicted of a felony but not armed with a deadly weapon at the time of his commission of the offense, or a concealed deadly weapon at the time of his arrest, seven years.

"Deadly
weapon"
defined

The words "deadly weapon" as used in this section are hereby defined to include any instrument or weapon of the kind commonly known as a blackjack, slung shot, billy, sand club, sand bag, metal knuckles, any dirk, dagger, pistol, revolver or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade and any metal pipe or bar used or intended to be used as a club.

Good
credits

(5) Good credits. The state board of prison directors shall require of every able-bodied prisoner imprisoned in any state prison as many hours of faithful labor in each and every day during his term of imprisonment as shall be prescribed by the rules and regulations of the prison.

Except as otherwise provided in this section, every prisoner who has committed no infraction of the rules or regulations of the prison, or the laws of the state, and who performs in a faithful, diligent, industrious, orderly and peaceable manner the work, duties and tasks assigned to him to the satisfaction of the prison officials, and in whose behalf the warden of the prison shall file a report certifying that his conduct and work have been meritorious and recommending allowance of time credits to him, shall upon, but not until, the adoption of such recommendation by the state board of prison directors, be allowed time credit deducted as from his term of confinement as fixed by the board of directors (instead of and in lieu of such time credits as were heretofore allowed by law) a deduction of two months in each of the first two years, four months in each of the next two years, and five months in each of the remaining years of said term, and correspondingly for any part of the year, where such term of confinement is for more or less than a year. The mode of reckoning credits, recommended by the warden and allowed by the board of prison directors, shall be as shown by the following table:

Number of years of sentence	Good time that may be earned	Total good time that may be earned	Time to be served if full credits are earned and allowed
1st year-----	2 months	2 months	10 months
2d year-----	2 months	4 months	1 year 8 months
3d year-----	4 months	8 months	2 years 4 months
4th year-----	4 months	1 year	3 years
5th year-----	5 months	1 year 5 months	3 years 7 months
6th year-----	5 months	1 year 10 months	4 years 2 months
7th year-----	5 months	2 years 3 months	4 years 9 months
8th year-----	5 months	2 years 8 months	5 years 4 months
9th year-----	5 months	3 years 1 month	5 years 11 months
10th year-----	5 months	3 years 6 months	6 years 6 months

And so on, through as many years as may be the time of confinement.

If any convict shall assault any keeper, guard, foreman, officer convict or other person, or threaten or endanger the person or life of anyone, or violate or disregard any prison rule or regulation, or neglect or refuse to do the work to which he is assigned, or be guilty of any misconduct, or violate any of the rules or regulations governing parole, the board of prison directors may declare a forfeiture of all time credits theretofore earned by or allowed to him before the commission of such offense, and/or all time credits which he may thereafter earn, or the board of prison directors may forfeit such part of such time credits as they may determine; such forfeitures, however, shall be made only by the board of directors after due proof of the offense and notice to the offender and the board may restore time credits forfeited for good cause shown.

(6) Parole. The state board of prison directors shall have power to establish rules and regulations under which any prisoner who is now, or who hereafter may be imprisoned in any of the state prisons, and who has served the period of time prescribed by this section, may be allowed to go upon parole outside the prison buildings and inclosures.

No prisoner may be paroled in any case until he has served the minimum term of imprisonment provided by law for the offense of which he was convicted.

No prisoner who has served a previous sentence in a state prison in this or any other state may be paroled until he has served at least two calendar years, or, if the minimum term of imprisonment imposed by law for the offense of which he was convicted be greater than two years, until he has served such minimum term.

No prisoner who has had imposed upon him two or more cumulative or consecutive sentences may be paroled until he has served at least two calendar years of the aggregate time of such cumulative or consecutive sentences, or, if the minimum term of imprisonment imposed by law for the offenses of which the prisoner was convicted be greater than two years, until he has served such minimum term.

No prisoner imprisoned under a life sentence may be paroled until he has served at least seven calendar years.

No prisoner serving terms of imprisonment running concurrently may be paroled until he has served the greater of the minimum terms of imprisonment imposed by law for the offenses of which he was convicted.

If no maximum term of imprisonment is imposed by law for the offense of which the prisoner was convicted, he may be paroled at the expiration of the minimum term of imprisonment imposed by law.

If neither a maximum nor a minimum term of imprisonment is imposed by law for the offense of which the prisoner was convicted, but a fixed and definite term is imposed by the court, he may be paroled after serving one calendar year of his term.

At least thirty days before the state board of prison directors shall meet to consider the granting of a parole to any prisoner or to fix and determine the length of time any prisoner shall be confined, the said board shall send written notice thereof to the judge of the superior court before whom the prisoner was tried and convicted, and to the district attorney and the sheriff of the county from which the prisoner was sentenced.

Prisoners on parole shall remain under the legal custody and control of the state board of prison directors and shall be subject at any time to be taken back within the inclosure of the prison. If any paroled prisoner shall leave the state without permission of the state board of prison directors, he shall be held as an escaped prisoner and arrested as such.

Forfeiture
of credits
after parole
granted.

The state board of prison directors upon granting any parole to any prisoner may impose on the parole such conditions as it may deem proper, and may impose as a condition of the parole, that all or a portion of his credits earned, or to be earned, may be forfeited by order of the state board of prison directors in the event that such prisoner shall break his parole or violate any law of the state, or rule or regulation of the prison, or of the state board of prison directors, or any of the conditions of his parole.

Such forfeiture of credits shall not be had except upon a hearing upon the question of such violation and an adjudication by the board that such prisoner was guilty thereof, which adjudication shall be final. At such hearing such prisoner shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

Full power to make and enforce rules and regulations relating to the parole of prisoners, to grant paroles thereunder, and to retake and imprison any prisoner so upon parole, is hereby conferred upon the state board of prison directors. The written order of the board certified by the president of the board shall be a sufficient warrant for all officers named therein to authorize such officers to return to actual custody any conditionally released or paroled prisoner.

It is hereby made the duty of all chiefs of police, marshals of cities and villages, sheriffs of counties, and all police, prison and peace officers, and constables to execute any such order in like manner as ordinary criminal process.

The governor of the state shall have like power to cancel and revoke the parole of any prisoner. The written authority of the governor shall likewise be sufficient to authorize any of the officers named therein to retake and return said prisoner to the state prison. His written order canceling or revoking the parole shall have the same force and effect and be executed in like manner as the order of the state board of prison directors.

Powers of
governor

No parole shall be revoked and no credits forfeited without cause, which cause must be stated in the order revoking the parole or forfeiting the credits.

Nothing contained in this section shall be deemed in any way to affect or control the admission to parole of any prisoner whose term of imprisonment shall have commenced prior to the first day of September, 1929.

Construction
of act

(7) Rules and regulations. The state board of prison directors shall make all necessary rules and regulations to carry out the provisions of this section not inconsistent therewith, and may provide the forms of all documents necessary therefor.

Rules and
regulations

SEC. 2. Sections 18, 18a, and 1588 of the Penal Code are hereby repealed.

Repealed

CHAPTER 873.

An act to authorize, empower and direct the governor of the State of California to employ counsel, agents and attorneys for the purpose of prosecuting, collecting and recovering claims of the State of California against the United States of America for disbursements made by the State of California in aid of the general government during the Civil, Spanish, Indian and other wars and to prescribe the terms and conditions of employment, the rate of compensation therefor; and the manner of payment thereof, and to repeal an act entitled "An act to authorize, empower, and direct the governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof," approved March 23, 1907, and also repealing an

act entitled "Concerning the war debt of this state, and providing for the redemption thereof," approved April 19, 1856.

[Approved by the Governor June 16, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Employment
of legal
counsel to
prosecute
certain war
claims.

SECTION 1. The governor of the State of California is hereby authorized and empowered to employ counsel, agents and attorneys and to enter into the necessary contracts and agreements with such counsel, agents and attorneys to prosecute the claims of the State of California against the United States before the committees of congress or any court or department of general government of the United States, for disbursements made by the State of California during the Civil, Spanish, Indian or other wars; and he is hereby authorized to pay such counsel, agents or attorneys out of any money so collected, not to exceed twenty-five per centum on the first one million two hundred thousand dollars which may be collected from said sources, exclusive of the sum of two hundred thousand dollars lawful money of the United States, recoverable by the State of California from the United States of America pursuant to that certain act entitled "An act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same, approved March 24, 1903, and set out in the statutes of the State of California, 1903, at pages 397 and 398; fifteen per centum on all moneys collected for the State of California from said sources on the next one million dollars over and above said sum of one million two hundred thousand dollars and the sum of ten per centum out of any moneys so collected for the State of California from said sources over and above the sum of two million two hundred thousand dollars said sums to be in full payment for all fees and expenses; *provided*, that in any litigation growing out of the prosecution of said claims, the attorney general of the State of California shall have the right to be associated as an attorney on the part of the State of California.

Compensa-
tion

Claims in
favor of
counsel.

SEC. 2. Any claim arising against the State of California under the provisions of this act in favor of the counsel, agents and attorneys employed under the provisions of this act is hereby specially exempted from the operation of section 669 of the Political Code of the State of California.

Stats 1907,
p 938,
repealed.

SEC. 3. That certain act entitled "An act to authorize, empower, and direct the governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of

compensation therefor, and the manner of payment thereof," approved March 23, 1907, is hereby repealed.

SEC. 4. That certain act entitled "Concerning the war debt of this state, and providing for the redemption thereof," approved April 19, 1856, is hereby repealed. Stats 1856, p 206, repealed

CHAPTER 874.

An act to amend section 258 of the Code of Civil Procedure, relating to the appointment of court commissioners and to add a new section to chapter two of title three of part one of the Code of Civil Procedure to be numbered 259a, relating to the powers and duties of court commissioners in counties and cities and counties having a population of nine hundred thousand or more.

[Approved by the Governor June 19, 1929. In effect August 14, 1929]

The people of the State of California do enact as follows:

SECTION 1. Section 258 of the Code of Civil Procedure is hereby amended to read as follows: 1880 code amendments, p. 51, amended Court commissioners appointment and qualifications

258. The superior court of any city and county, and the superior court of every county having a population of nine hundred thousand inhabitants, or more, may appoint not exceeding six commissioners, and the superior court of every other county in the state may appoint one commissioner, to assist said court in disposing of its business connected with administration of justice. Each person so appointed shall be designated as "court commissioner" of such county, or city and county, as the case may be. Every court commissioner must be a citizen, of the United States, a resident of this state, and shall hold office during the pleasure of the courts appointing him. The judges of the superior courts of two or more counties may appoint the same person as court commissioner. The appointment of a court commissioner shall be made by order entered in the minutes of the court.

SEC. 2. A new section is hereby added to chapter two of title three of part one of the Code of Civil Procedure to be numbered 259a, and to read as follows: New section.

259a. Subject to the supervision of the court, every court commissioner of a county or city and county having a population of nine hundred thousand inhabitants or more shall, in addition to the powers and duties contained in section 259 of this code, have power: Court commissioners additional duties and powers in counties of 900,000 population or more

1. To hear and determine ex parte motions for orders and alternative writs and writs of habeas corpus in the superior court of the county, or city and county, for which he is appointed;

2. To take proof and make and report his findings thereon as to any matter of fact upon which information is required by the court; but any party to any contested proceeding may except to such report within five days after written notice that the same has been filed, and may argue his exceptions before the court on giving notice of motion for that purpose;

3. To take and approve bonds and undertakings whenever the same may be required in actions or proceedings in such superior courts, and to examine the sureties thereon when an exception has been taken to their sufficiency, and to administer oaths and affirmations, and take affidavits and depositions in any action or proceeding in any of the courts of this state, or in any matter or proceeding whatever, and to take acknowledgements and proof of deeds, mortgages and other instruments requiring proof or acknowledgement for any purpose under the laws of this or any other state or country;

4. To act as judge pro tempore when otherwise qualified so to act and when appointed for that purpose; *provided*, that while acting as such he shall receive no compensation therefor other than his compensation as commissioner;

5. When ordered by the court appointing him so to do, to hear, and report his findings and conclusions to the court for approval, rejection or change, all preliminary matters including motions or petitions for the custody and support of children, the allowance of temporary alimony, costs and attorneys' fees, and issues of fact in contempt proceedings in divorce, maintenance and annulment of marriage cases;

6. When ordered by the court appointing him so to do, to hear, report on and determine all uncontested actions and proceedings other than actions for divorce, maintenance or annulment of marriage;

7. To charge and collect the same fees for the performance of official acts as are now, or may hereafter be, allowed by law to notaries public in this state for like services; *provided*, that this subdivision shall not apply to any services of such commissioner, the compensation for which is expressly fixed by law; *provided, further*, that in each county, or city and county, having a population of nine hundred thousand inhabitants or more, the fees so collected shall be paid by said commissioner to the treasurer of the county, or city and county, in which said commissioner is appointed and acting, and such fees shall be deposited in the general fund of such county, or city and county, by said treasurer.

Constitutionality

SEC. 3. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 875.

An act to add a new section to the Penal Code to be numbered 1127c, relating to instructions on evidence of flight.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. A new section, to be numbered 1127c, is hereby added to the Penal Code, to read as follows: New section

1127c. In any criminal trial or proceeding where evidence of flight of a defendant is relied upon as tending to show guilt, the court shall instruct the jury substantially as follows: Instructions to jury on evidence of flight

The flight of a person immediately after the commission of a crime, or after he is accused of a crime that has been committed, is not sufficient in itself to establish his guilt, but is a fact which, if proved, the jury may consider in deciding his guilt or innocence. The weight to which such circumstance is entitled is a matter for the jury to determine.

No further instruction on the subject of flight need be given.

CHAPTER 876.

An act to add a new section to the Penal Code to be numbered 1127b, relating to instructions to the jury with reference to the opinions of expert witnesses.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Penal Code, to be numbered 1127b, to read as follows: New section

1127b. When, in any criminal trial or proceeding, the opinion of any expert witness is received in evidence, the court shall instruct the jury substantially as follows: Instructions to jury with reference to expert testimony

Duly qualified experts may give their opinions on questions in controversy at a trial. To assist the jury in deciding such questions, the jury may consider the opinion with the reasons stated therefor, if any, by the expert who gives the opinion. The jury is not bound to accept the opinion of any expert as conclusive, but should give to it the weight to which they shall find it to be entitled. The jury may, however, disregard any such opinion, if it shall be found by them to be unreasonable.

No further instruction on the subject of opinion evidence need be given.

CHAPTER 877.

An act to amend section 475c of the Penal Code, relating to checks, orders and drafts.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1919,
p 238,
amended
Penalty for
issuing bank
check with
intent to
defraud.

SECTION 1. Section 476a of the Penal Code is hereby amended to read as follows:

476a. Any person who for himself or as the agent or representative of another or as an officer of a corporation, wilfully, with intent to defraud, makes or draws or utters or delivers any check, or draft or order upon any bank or depository, or person, or firm, or corporation, for the payment of money, knowing at the time of such making, drawing, uttering or delivering that the maker or drawer or the corporation has not sufficient funds in, or credit with said bank or depository, or person, or firm, or corporation, for the payment of such check, draft or order, in full upon its presentation, although no express representation is made with reference thereto, is punishable by imprisonment in the county jail for not more than one year, or in the state prison for not more than fourteen years.

Protest

Where such check, draft or order is protested, on the ground of insufficiency of funds or credit, the notice of protest thereof shall be admissible as proof of presentation, nonpayment and protest and shall be presumptive evidence of knowledge of insufficiency of funds or credit with such bank or depository, or person, or firm, or corporation.

"Credit"
defined.

The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or depository or person or firm or corporation for the payment of such check, draft or order.

Constitutionality.

If any of the preceding paragraphs, or parts thereof, shall be found unconstitutional or invalid, the remainder of this section shall not thereby be invalidated, but shall remain in full force and effect.

CHAPTER 878.

An act to amend sections 3, 6, 6a, 9, 11, 12, 13 and 15 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1915,
p. 699,
amended

SECTION 1. Section 3 of an act entitled "An act to insure the better education of dental surgeons and to regulate the

practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended, is hereby amended to read as follows:

Sec. 3. It shall be the power and duty of said board to elect from its membership a president, vice president and a secretary. The secretary shall receive such compensation as may be fixed by the board, which shall be in addition to his per diem as a member of the board, and all necessary traveling expenses incurred in connection with the performance of the duties of his office. The board shall meet regularly once each year in San Francisco and once each year in Los Angeles within thirty days after the commencement of the dental schools for the purpose of examining applicants and at such other times and places as the board may designate, for the purpose of transacting its business, and special meetings may be held at such other times as the board may elect, or on the call of the president of the board, or of not less than four members thereof. A written notice of the time, place and object of such special meeting shall be mailed by said secretary to all the members not parties to the call, at least fifteen days before the day of meeting. Meetings may be held at any time and place and without notice by unanimous consent evidenced either by writing or by the presence of any member whose consent is necessary. The said board shall examine all applicants for license to practice dentistry according to the provisions of this act and issue licenses to practice dentistry in this state to such applicants as successfully pass the examination of the board and otherwise comply with the provisions of this act; collect and apply all fees as directed by this act; keep a book showing the names of all persons to whom licenses have been granted by said board to practice dentistry, and such other books as may be necessary to plainly show all the acts and proceedings of said board; to have and use a seal bearing the name "Board of dental examiners of California." The board shall make an annual report of its proceedings to the governor of California by the fifteenth day of December of each year, together with an account of all moneys received and disbursed by it, pursuant to this act. The board shall have power to adopt rules concerning its meetings and the holding of examinations and the manner of issuance and reissuance of licenses not inconsistent with the provisions of this act. Four members of said board shall constitute a quorum for the transaction of business at any meeting of the board. Each member of the board shall, upon his qualification, file with the secretary his post-office address, and thereafter any notice of any change thereof. Any notice mailed to the address so on file, shall be deemed to comply with the requirements of this act as to notice to such member of the board.

SEC. 2. Section 6 of said act is hereby amended to read as follows:

Sec. 6. Any person over twenty-one years of age shall be eligible to take an examination before the board of dental

Officers of board

Meetings

Examination of applicants

Annual report

Quorum.

State 1921, p. 233, amended.

Eligibility to take examination

examiners of California, upon making application therefor, and upon (1) paying a fee of twenty-five dollars; *provided*, that the fee shall be fifty dollars for applicants presenting credentials of graduation from dental schools other than in California; (2) furnishing satisfactory testimonials of good moral character; (3) furnishing satisfactory evidence of having graduated from a reputable dental college, which must have been approved by the board of dental examiners of California; *provided*, he shall also file his diploma or certificate of graduation with recommendations from a high school accredited to the University of California or any other university of equal standing; or a certificate signed by a state superintendent of public instruction, or similar officer to the effect that such applicant has had scholastic preparation equivalent in all respects to that demanded for graduation with recommendations from a high school giving a four-year course of instruction in the state from which such certificate is issued; (4) in lieu of such diploma or certificate from an accredited high school, such applicant, may and with like effect furnish to said board of dental examiners a certificate from the board of dental examiners, or similar official body, of some other state in the United States, showing that such applicant has been a duly licensed practitioner of dentistry in such other state for a period of at least five years; *provided, however*, that every person actually engaged as an apprentice to a regularly licensed dentist who has practiced in the State of California for ten years or more shall be eligible for examination, if, within thirty days after the passage of this act, he shall file with the secretary of the board an affidavit stating his name, age, the length of time for which he has been actually apprenticed and with whom; and who, at the time of his application for examination shall show to the satisfaction of the board that he has served an apprenticeship of at least five years and is a graduate from a high school or similar institution of learning in this or some other state of the United States requiring a three years' course of study; *and provided*, that no examination shall be given to an applicant claiming the right to take the same as an apprentice later than December 30, 1915.

Apprentices.

Fee for certificate of scholastic preparation.

Each applicant for the certificate of scholastic preparation to be issued by the state superintendent of public instruction as hereinbefore provided shall pay a fee of ten dollars, all of such fees to be paid into the state treasury to the credit of the contingent fund of the superintendent of public instruction and applied by him in defraying or in partially defraying the expense of investigating the qualifications of such applicants.

Stats 1921, p 234, amended

SEC. 3. Section 6a of said act is hereby amended to read as follows:

Examination for dental hygienist

Sec. 6a. Any person over eighteen years of age shall be eligible to take an examination before the board of dental

examiners of California as dental hygienists upon making application therefor.

Preliminary to examination by the board of dental examiners, a dental hygienist shall comply with the following requirements:

1. Such person shall deposit with the board a fee of twenty-five dollars which in no case shall be refunded. Fee and qualifications
2. Such person shall present evidence of graduation or certification in a course or curricula in dental hygiene from an institution of the standard herein described, which is as follows: Any legally incorporated dental college, dental infirmary, or any other institution of equal standing which maintains a course of instruction for dental hygienists equivalent in all respects to similar courses of instruction maintained in the University of California.
3. Such person shall present evidence that he, or she, is at least eighteen years of age and of good moral character.
4. Such person shall present evidence that he, or she, has complied with and fulfilled the preliminary and professional requirements of the statute.

Upon satisfactory evidence of compliance with the aforesaid requirements, the state board of dental examiners shall give said applicant a thorough examination in the following subjects: Elements of inorganic chemistry, physiology, anatomy, bacteriology, anesthesia, radiography, materia medica, dental histology, principles of nursing and hygiene, and a practical examination in the removal of deposits from and the polishing of the exposed surfaces of the teeth. Subjects

Having satisfactorily passed such examination such person shall obtain a license as a dental hygienist from the board of dental examiners and shall be by them registered as such. Such license shall remain in force until the following first day of May and thereafter so long as the holder thereof shall comply with the provisions of this section relating to an annual tax, but not otherwise, and notwithstanding the payment of such tax, such license may at any time be forfeited or revoked for a violation of any provisions of this act that are applicable to dental hygienists. License

To provide a fund for the enforcement of the provisions of this section, every person holding a license as a dental hygienist in this state without exception, shall pay an annual license tax for the year commencing with the first day of May next following the issuance of such license and annually thereafter, such payment to be effective shall be made prior to the commencement of the year for which the same accrues and the receipt of the secretary of the board shall be indispensable evidence that the same has been made. The failure, neglect, or refusal of any person who was a regularly licensed and registered hygienist to pay in advance said annual tax of two dollars during the time such license remained in force shall ipso facto work a forfeiture of such license and it shall not be restored except upon a written application therefor and the Annual license tax

payment to said board of five dollars except that such person shall not be required to submit to any examination.

Scope of
employment
and work

Any licensed dentist, public institution or school authority may employ such licensed and registered dental hygienist.

Such dental hygienist may remove lime deposits, accretions and stains from the exposed surface of the teeth, but shall not perform any other operation on the teeth or tissues of the mouth. Such dental hygienist may operate in the office of any licensed dentist or in any public institution or in the schools under the general direction or supervision of a licensed dentist and nothing herein shall be construed as authorizing any dental hygienist to perform any operation in the mouth without supervision.

Revocation
of license

The board of dental examiners may revoke or suspend the license of any licensed dentist who shall permit any dental hygienist operating under his supervision to perform any operation other than that permitted under the provisions of this section, and the said board may also revoke or suspend a license of any dentist hygienist violating the provisions of this section.

Every person licensed to practice as a dental hygienist in this state shall comply with all of the provisions of section 8 of this act except that a separate book shall be kept by the county clerk for the registration of dental hygienists and except that the fee for the restoration of a license shall be five dollars instead of twenty-five dollars.

Stats 1915,
p 703,
amended
License to
practice
dentistry
Fees

SEC. 4. Section 9 of said act is hereby amended to read as follows:

Sec. 9. Before any person can practice dentistry in this state, he shall obtain a license to do so from the board of dental examiners. Each application for license shall be accompanied by a fee of twenty-five dollars; *provided*, that the fee shall be fifty dollars for applicants presenting credentials of graduation from dental schools other than in California, which shall in no case be refunded, except that in the case of applicants requiring examination the said fee shall be refunded if the applicant shall be found ineligible to take such examination. Such license shall remain in force until the following first day of May and thereafter so long as the holder thereof shall comply with the provisions of this section relating to an annual tax but not otherwise, and notwithstanding the payment of such tax such license may at any time be forfeited or revoked for a violation of the further requirements of this act. To provide a fund for the enforcement of the provisions of this act every person holding a license to practice dentistry in this state without exception shall pay an annual license tax for the year commencing with the first day of May next following the issuance of such license and annually thereafter. Such payment to be effective shall be made prior to the commencement of the year for which the same accrues and the receipt of the secretary of the board shall be indispensable evidence that the same has been made. The failure, neglect or refusal of any per-

Annual
license tax.

son who was a regularly licensed dentist to pay in advance said annual tax of two dollars during the time his or her license remained in force shall ipso facto work a forfeiture of his or her license, and it shall not be restored except upon a written application therefor and the payment to said board of twenty-five dollars, except that such person shall not be required to submit to any examination.

SEC. 5. Section 11 of said act is hereby amended to read as follows:

Sec. 11. Any person shall be understood to be practicing dentistry within the meaning of this act who shall (1) by card, circular, pamphlet, newspaper, or in any other way advertise himself as a dentist, or (2) who shall, for a fee, salary or reward, paid directly or indirectly either to himself or to some other person, perform an operation of any kind, or treat diseases or lesions of the human teeth or jaws, or correct malimposed positions thereof, or (3) in any way indicate that he will perform by himself or his agents or servants any operations upon the human teeth or jaws, or (4) make an examination of, with the intent to perform or cause to be performed any operation on the human teeth or jaws, or (5) who manages or conducts as manager, proprietor, conductor, lessor, or otherwise a place where dental operations are performed; but nothing in this act contained shall prohibit bona fide students of dentistry or dental hygienists from operating in the clinical departments of the laboratory of a reputable dental college, or an unlicensed person from performing merely mechanical work upon inert matter in a dental laboratory or a licensed physician from practicing oral surgery.

SEC. 6. Section 12 of said act is hereby amended to read as follows:

Sec. 12. Any person, company or association shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not less than ten days nor more than one year or by a fine of not less than one hundred dollars nor more than one thousand, five hundred dollars, or by both such fine and imprisonment, who shall (1) assume the degree of "doctor of dental surgery," "doctor of dental science" or "doctor of dental medicine" or shall append the letters "D.D.S.," "D.D.Sc." or "D.M.D." to his name, not having had conferred upon him by diploma from a recognized dental college or school legally empowered to confer the same, the right to assume said title; or shall assume any title, or append any letters to his name, with the intent to represent falsely that he has received a dental degree or license; or (2) shall engage in the practice of dentistry without causing to be displayed in a conspicuous place in his office the name of each and every person employed in the practice of dentistry, together with the name of each unlicensed person employed; or (3) shall within ten days after demand made by the secretary of the board fail to furnish to said board the name and address of all persons prac-

Stats 1921,
p 236,
amended
Practice of
dentistry
defined

Stats 1927,
p 1291,
amended
Unlawful
practices.

ticing or assisting in the practice of dentistry in the office of said person, company or association, at any time within sixty days prior to said notice, together with a sworn statement showing under and by what license or authority said person, company or association and any employees are or have been practicing dentistry, but such affidavit shall not be used in any prosecution under this section.

Counterfeit
diplomas,
certificates,
etc.

Any person who (1) shall sell or barter or offer to sell or barter any dental degree or any license or transcript, made or purporting to be made pursuant to the laws regulating the license and registration of dentists; or (2) shall purchase or procure by barter any such diploma, license or transcript with intent that the same shall be used in evidence of the holder's qualification to practice dentistry, or in fraud of the laws regulating such practice; or (3) shall with fraudulent intent make or attempt to make, counterfeit or alter in a material regard any such diploma, certificate or transcript; or (4) shall use, attempt or cause to be used any such diploma, certificate or transcript which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license to practice dentistry, or in order to procure registration as a dentist, or (5) shall in an affidavit, required of an applicant for examination, license or registration under this act, wilfully make a false statement in a material regard; or (6) is practicing dentistry, in the state without license, or whose license has been revoked or suspended, or (7) shall under any false, assumed or fictitious name, either as an individual, firm, corporation or otherwise or any name other than the name under which he is licensed, practice, advertise or in any other manner indicate that he is practicing or will practice dentistry, shall for the first offense be guilty of a misdemeanor, and shall be punishable by a fine of not less than two hundred fifty dollars or more than one thousand five hundred dollars, or by imprisonment in the county jail for not to exceed six months, or both, and for the second or a subsequent offense shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not less than one thousand dollars nor more than three thousand dollars, or by imprisonment in the state prison for a term of not less than one year nor more than three years, or by both such fine and imprisonment. Nothing in this section shall be held to prohibit the conferring of degrees and the bestowing of diplomas by reputable dental colleges of this state which have been approved by the board of dental examiners of California.

Stats 1915,
p 708,
amended
Revocation
of license

SEC. 7. Section 13 of said act is hereby amended to read as follows:

Sec. 13. Revocation of license. Any dentist may have his license revoked or suspended by the board of dental examiners for any of the following causes:

(1) His conviction of a felony or misdemeanor involving moral turpitude in which case the record of conviction or a certified copy thereof, certified by the clerk of the court, or

by the judge in whose court the conviction is had, shall be conclusive evidence.

(2) The rendition of a final judgment against any such dentist in a court of competent jurisdiction upon a cause of action alleging grossly unskillful or negligent dental practice.

(3) For unprofessional conduct or for gross ignorance or inefficiency in his profession. Unprofessional conduct is hereby defined to be: The employment of persons known as cappers or steerers, to obtain business; the obtaining of any fee by fraud or misrepresentation; wilfully betraying professional secrets; employing directly or indirectly any student or any suspended or unlicensed dentist to perform operations of any kind, or to treat lesions of the human teeth or jaws, or correct malimposed formations thereof; aiding or abetting any unlicensed person to practice dentistry unlawfully; habitual intemperance; gross immorality; the use of any false, assumed or fictitious name, either as an individual, firm, corporation, or otherwise, or any practice, advertise or in any other manner indicate that he is practicing or will practice dentistry; directly or indirectly paying, accepting or receiving any commission or rebate in any form or manner on fees for professional services, radiograms, prescriptions or other services or articles supplied to patients.

SEC. 8. Section 15 of said act is hereby amended to read as follows:

Stats 1915,
p 707,
amended

Sec. 15. The board of dental examiners, or any member or officer thereof, may prefer a complaint for violation of this act, or any part thereof, before any court of competent jurisdiction, and may by its officers, counsel and agents, assist in presenting the law or facts at the trial. It shall be the duty of the district attorney of each county in this state to prosecute all violations of the aforesaid provisions of this act in their respective counties in which such violations occur.

Complaint
for violation
of act.

Any inspector of the board of dental examiners who has been duly appointed and sworn shall, when acting under the direction of the board or an officer thereof in the performance of his duties as such inspector have all powers and authority of a peace officer of the State of California.

CHAPTER 879.

An act amending section 1 of an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to

erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended.

[Approved by the Governor June 19, 1929 in effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1915,
p. 1306.
amended

SECTION 1. Section 1 of an act entitled "An act to regulate contracts on behalf of the state in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind, and to repeal an act entitled 'An act to regulate contracts on behalf of the state in relation to erections and buildings,' approved March 28, 1876," approved March 22, 1909, as amended, is hereby amended to read as follows:

State work
under charge
of engineer-
ing depart-
ment

Section 1. Whenever provision is made by law for the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind excepting improvements on the property of the state on the water front of the city and county of San Francisco under the jurisdiction of the board of state harbor commissioners, the total cost of which will exceed the sum of one thousand dollars, the same shall be under the sole charge and direct control of the department of engineering. Said department, before entering into any contract for the erection, construction, alteration, repair or improvement of any state structure, building, road or other state improvement of any kind, shall prepare full, complete and accurate plans and specifications and estimates of cost, giving such directions for the same as will enable any competent mechanic or other builder to carry them out. The plans, specifications and estimates of cost must be approved by the advisory board of the department of engineering and the original draft or a certified copy thereof filed permanently in the office of the department of engineering before further action is taken.

CHAPTER 880.

An act providing for the organization, operation and maintenance of transportation districts, whether said districts lie entirely within unincorporated territory of a county or the territory of a municipality, or lie within such unincorporated territory and one or more municipalities, or lie within two or more municipalities; for the acquisition, construction and operation of any transportation facility within the district, the use of existing state acquisition and improvement statutes for such acquisition, construction and operation, for the dissolution of such districts, for the appointment and powers of an advisory board, for the disposition of any property or transportation facility, for the handling of the moneys of the district, for the use for its

purposes by the district of lands dedicated to public uses, and defining the powers and duties of legislative bodies of municipalities and counties in connection with the use of this act.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Whenever the public interest and convenience may require, the legislative body of any county and the legislative body of any municipality are hereby severally authorized and empowered to create by resolution ordering such creation a transportation district in the manner provided in this act.

Creation of transportation districts authorized

SEC. 2. Whenever a transportation district to be created under the provisions of this act shall lie wholly within the territory of an incorporated city, jurisdiction to create such transportation district is hereby fixed in the legislative body of such municipality and no other legislative body shall have jurisdiction to create a transportation district, any portion of which lies within a municipality, without the consent of the legislative body of such municipality thereto.

Jurisdiction to create when district is within incorporated city

Whenever any transportation district as provided for herein shall lie wholly within the boundaries of a county and no portion thereof shall be within the boundaries of any incorporated city or town, jurisdiction to form such transportation district shall exist solely in the legislative body of such county.

When within county

Whenever any transportation district as provided for in this act shall include territory in one or more municipalities and in the unincorporated territory of a county, or wholly within the territory of two or more municipalities, jurisdiction to create such transportation district shall be vested in the legislative body of the county, or with its consent first obtained, in the legislative body of any municipality in which a portion of such transportation district shall be.

When within two or more municipalities or municipality and county.

In every case the consent of the legislative body, or bodies, of such municipality, or municipalities, in the case of unincorporated territory of the county within the boundaries of which any portion of a proposed transportation district shall lie, shall first be obtained thereto and to the assessment of the property therein which in the opinion of the legislative body of such municipality, or municipalities, or county, will be benefited thereby.

Consent of legislative bodies necessary

SEC. 3. Whenever a petition verified by one or more of the holders of title and signed by the holders of title to land in the proposed transportation district, which is equal in area to not less than ten per cent (10%) of the area of the proposed transportation district, excluding in all such calculation land dedicated for street or other public purposes, and is equal in assessed value to not less than ten per cent (10%) of the assessed valuation of all land in the proposed transportation district, which petition shall set forth a general

Petition to create

description of the exterior boundaries of the proposed transportation district, a general description or statement of the proposed improvement work or transportation facility proposed to be acquired or constructed, and pray that the territory within the proposed district be organized under the provisions of this act shall have been filed in the office of a legislative body having jurisdiction under the terms of this act, and the genuineness of the signatures thereto shall have been certified to by the clerk of said legislative body, or by some other competent person instructed and authorized by said legislative body to examine into the genuineness of such signatures, said legislative body shall forthwith fix a time and place at which it will hear the said petition. Such time shall be not less than twenty (20) days after the making of said order, nor more than sixty (60) days thereafter.

Time of hearing

Notice of hearing

Notice of the time and place of the hearing so fixed by the said legislative body shall be mailed in writing to each signer of such petition and to any person, who may file with the said legislative body any endorsement thereof, or protest against the granting of such petition or the formation of the proposed district, and to any other person, who may in writing request such notice, providing that such request is made not less than ten (10) days before the proposed hearing and is made by an owner of land within the proposed transportation district. Such notice shall be mailed as herein directed, however, only in the event that the persons signing such petitions, endorsing or protesting against the granting thereof, or requesting such notice, shall in addition to their signatures set forth in writing an address to which such notice may be mailed.

Publication of notice

Notice of the time and place of said hearing so fixed by the legislative body, together with a general statement of the boundaries of the proposed district and the purposes for which the district is asked to be formed, and referring all interested parties to the petition on file in the office of said legislative body, shall be published not less than once a week for two (2) consecutive weeks in a newspaper of general circulation within the territorial jurisdiction of the legislative body with which such petition has been filed.

Hearing.

SEC. 4. At the time and place fixed in said notice the legislative body shall proceed to hear said petition and any evidence offered in support thereof or in objection thereto, and to determine whether or not the petition on file complies with the requirements of this act, whether or not the notice herein required has been given and whether or not the proposed transportation district should be created. Said hearing may be adjourned from time to time for the determination of said facts. No defect in the contents of the petition, or in the title thereof, or in the title of or form of the notice herein required, and no lack of signatures or defect in signatures on the petition, shall vitiate any proceedings had in connection therewith, providing the petition, either

Formal defects shall not vitiate.

as originally filed or with any supplemental petition in support thereof, shall have a sufficient number of qualified signatures thereto as such sufficient number is herein specified.

The determination of the legislative body shall be expressed by an order declaring the facts. If the said legislative body shall determine that any of the requirements hereinbefore set forth have not been complied with, the proceeding shall be dismissed without prejudice to the right of a proper number of qualified persons to present a new petition covering the same matter, or to present the same petition, or a supplemental petition, or petitions, with additional signatures if such additional signatures are necessary to comply with the requirements of this act.

New or supplementary petitions

If the legislative body shall determine that all of the requirements as to the petition, notice and hearing hereinbefore provided for have been complied with, they shall forthwith proceed to hear said petition and all evidence offered in support of the said petition or any objection to the granting thereof.

The legislative body shall ascertain and determine the practicability, feasibility and utility of the proposed project as set forth in the said petition and may cause any and all studies, examinations, surveys, plans and estimates of cost, which they deem necessary or advisable in connection therewith, to be made and submitted to them for their consideration in connection therewith.

Investigations

SEC. 5. On the completion of the hearing on said petition the legislative body shall make an order, setting forth its conclusions as to the genuineness and sufficiency of the petition, as to the sufficiency of the notice and the publication thereof, and as to the regularity and sufficiency of the hearing thereon and declaring its conclusion as to the practicability, feasibility and utility of the proposed project, and a declaration as to whether or not the public interest and convenience require the formation of the proposed transportation district. If said order shall declare that the public interest and convenience do not require the formation of the proposed transportation district, all proceedings in connection therewith shall be terminated by the said order. If, however, it is by said legislative body declared in said order that the public interest and convenience do require the creation of such transportation district, the said legislative body shall also in its said order establish the boundaries of the proposed district or describe the lands included therein, in so doing the said legislative body may establish the boundaries of the proposed district or describe the lands included therein as established or described in any petition or petitions theretofore filed praying for the establishment of the proposed district, or may alter or modify the boundaries of the proposed district or substitute new boundaries for those described in any petition, when in its discretion and judgment public interest and convenience so require. In the event that said legislative body shall in its discretion and judgment find that the public convenience and interest require the modification

Order of the legislative body

Inclusion of new territory

of the boundaries of the proposed district or the substitution of new boundaries therefor in any such manner as to cause the inclusion in the proposed district of any lands not included in the general statement of the boundaries of the proposed district set forth in the notice of the hearing prescribed in section 3 of this act, said legislative body shall, before making any order modifying said boundaries or substituting new boundaries so as to include any additional land in said proposed district, continue said hearing for a period of not less than twenty (20) days nor more than sixty (60) days thereafter and during the time of such continuance shall give a new notice of the time and place of such continued hearing in the same manner as provided for the original notice in section 3 of this act.

Finality of decision

The findings and order of the said legislative body as to the genuineness and sufficiency of the petition, as to the sufficiency of the notice herein required and of the publication thereof, as to the validity of all proceedings leading up to the formation of the district which are recited in said order and as to the requirements of the public interest and convenience shall be final and conclusive.

Form of order.

Whenever any transportation district shall be formed or created in accordance with the provisions hereof, the order of the legislative body creating the same shall include a name or designation for such transportation district, which name or designation shall be in form similar to the following:

“----- Transportation District No. -----” there being inserted in the first blank space the name of the county or municipality, the legislative body of which orders the creation of said district, and in the second blank the number assigned by such legislative body to said district.

Upon the adoption of any order for the creation of a transportation district in the manner provided in this act, such transportation district shall be deemed to be thereupon fully organized and a copy of such order shall be immediately thereafter entered in the minutes of the legislative body creating such transportation district.

District legislative body.

SEC. 6. Whenever any transportation district has been created in accordance with the provisions of this act, the legislative body creating such district shall thereafter be for all purposes the legislative body of such district, except that it may not levy any assessment in any portion of such transportation district within the territorial limits of the jurisdiction of another legislative body without the consent of such legislative body.

Powers.

SEC. 7. The legislative body creating any transportation district under the provisions of this act shall, after the creation thereof, have power and authority, in addition to any powers or authority elsewhere given it, as follows, to wit:

(1) To prepare or cause to be prepared plans and specifications for the acquisition and construction, or either of them, of the transportation facilities proposed to be acquired, con-

structured or maintained by such legislative body within such transportation district.

(2) To appoint and designate any competent person, or persons, for the purpose of preparing and furnishing the plans and specifications provided for in this act, and to fix his compensation or some basis for computing the same.

(3) To appoint and employ, either prior or subsequent to the adoption of the order granting the transportation district, by an order to be entered upon its minutes, any competent attorney to prepare all or any portion of the proceedings, including resolutions, notices, orders, contracts, pleadings, judgments, court documents and any or all matters incident to the consummation of the transportation district or contemplated transportation district, or of any work of acquisition, construction or maintenance undertaken or proposed by said legislative body to be undertaken by it within said created or proposed transportation district, whose compensation, or at least the rate thereof, or some basis for computing the same, shall be fixed and stated in the order of his appointment.

(4) To appoint and designate other competent persons in the places respectively of the persons so originally appointed, with compensation, so far as practicable, proportionately the same for the original appointee, and to appoint any additional persons that may be needed to accomplish the thing, or things, to be done under this act and to fix their compensation.

No part of such or any compensation for said officers or employees so appointed or designated, or for services rendered by any of them, shall be a charge against the county or municipality or any officers thereof ordering or authorizing the same, but shall be a charge against the funds of the district only; *provided*, that the county in proceedings conducted by its legislative body and the municipality in proceedings conducted by its legislative body shall be liable for the expenses of the preparation and the furnishing of plans and specifications and of the posting and publication of resolutions and notices required to be posted or published in the event that any proceedings instituted in connection with such transportation district cease or are abandoned before funds sufficient to pay the same become available to such transportation district. Any such expense for which the county and municipality respectively are liable and which shall have been paid thereby may be charged as incidental expenses in any new proceeding had or taken for an acquisition, or for construction or maintenance, or all or any of them, within said transportation district, which acquisition, construction or maintenance shall include substantially the same thing, or things, to be done as those included in the abandoned proceedings. If any county or municipal officer is appointed or designated to any of the positions or duties hereinabove mentioned, such appointment or designation shall be without compensation to him and no member of the legislative body of any county or municipality shall be

Compensation of officers and employees Expenses, charge upon what

eligible to appointment to any office, position or employment under this act, except as a county or municipal officer without pay.

Additional powers

SEC. 8. The legislative body creating any transportation district under the provisions of this act shall also have power and authority in addition to that elsewhere given as follows, to wit:

Acquisition of transportation facilities

(1) Whenever the public interest or convenience may, in the judgment of such legislative body require it, to order the acquisition of any transportation facility, or the construction thereof, or the acquisition and construction thereof, as such transportation facility is defined in this act. Separate proceedings may be had and taken for such acquisition or construction, or both such acquisition and construction may be included in and consummated within a single proceeding. One or more transportation facilities may be acquired or constructed, or acquired and constructed, in one proceeding. In any acquisition of property by the legislative body creating any transportation district under this act, such property may be acquired by gift, purchase or eminent domain; *provided*, that any such acquisition by eminent domain shall be subject to all the provisions of title seven of the Code of Civil Procedure of the State of California. Nothing contained in this act shall, however, give the legislative body creating any transportation district created under the provisions of this act, power or authority to acquire by eminent domain any transportation facility existing at the time such district is created or to construct or operate any transportation facility in competition with any transportation facility then existing. In the acquisition, construction, maintenance and operation, or any of them, of any transportation facility by any transportation district created under the provisions of this act, such transportation district and the officers and employees thereof, and all powers and duties of theirs, shall be subject to the regulation, supervision and control of the railroad commission of the State of California, as fixed and defined by the constitution and laws of this state.

No power of eminent domain or to run competing facility.

Control of railroad commission

Proceeding for construction or acquisition of transportation facility

SEC. 9. In any proceeding for the acquisition or construction, or acquisition and construction, of any transportation facility, the legislative body creating the transportation district in which it is proposed to acquire or construct, or acquire and construct, such transportation facility shall have the power and authority to initiate, conduct, maintain and complete such proceeding in accordance with the following procedure:

(1) If it be a proceeding for the acquisition of a transportation facility, such proceeding may be conducted in accordance with the provisions of the street opening act of 1903, approved March 24, 1903, as now or hereafter amended, or as provided in any other act of the State of California for the laying out, opening, extending, widening or straightening, in

whole or in part, of public streets or highways either by a county or a municipality.

(2) If it be a proceeding for the construction of a transportation facility, such proceeding may be conducted in accordance with the provisions of the improvement act of 1911, approved April 7, 1911, as now or hereafter amended, and all other acts of the State of California now or hereafter in effect for the improvement of, construction of, or work in or upon public streets or highways by any county or municipality.

(3) If it be a proceeding for the acquisition and improvement of a transportation facility, such proceeding may be conducted under the acquisition and improvement act of 1925, approved May 23, 1925, as now or hereafter amended, or any other act of the State of California authorizing the acquisition and improvement of public streets or highways.

In any such proceeding, conducted under any of the acts above referred to, whether specifically or generally referred to, the said acts and each of them shall for all the purposes of such proceeding be deemed and construed to authorize and permit the legislative body conducting such proceedings to proceed thereunder for the purposes of acquiring or constructing, or acquiring and constructing transportation facilities as well as for the purposes set forth in such act or acts. In any such proceeding conducted under any of the acts referred to in this act, whether specifically or generally referred to, the operative property, including rights of way of any railroad or street railroad company located within the district, shall be conclusively presumed not to be benefited by the acquisition or construction or acquisition and construction, establishment, maintenance or operation of any transportation facility by such district.

Acts to be construed to permit such proceeding

Operative property within district presumed not benefited thereby

In any such proceeding, conducted under the provisions of any act above referred to, either specifically or generally, the boundaries of the assessment district created for the acquisition or construction, or acquisition and construction, of such transportation facility shall be identical with the boundaries of the transportation district created under the provisions of this act, providing that nothing herein contained shall be deemed or construed as altering or limiting the powers and duties of the legislative body to form such assessment district in conformity with the provisions of the act under which such assessment district is formed; *and provided, further*, that if the legislative body creating the assessment district under the terms of the act under which the assessment district is formed shall create an assessment district different from the territory included within the transportation district formed under the provisions of this act, any territory contained within the transportation district, but not contained within the assessment district created for the acquisition, or improvement, or acquisition and improvement of the transportation facility to be acquired or constructed, or acquired and constructed, shall

Boundaries of assessment district to be identical with transportation district

be thereby automatically excluded from the said transportation district, but no territory shall be included within an assessment district for the acquisition or construction, or acquisition and construction, of a transportation facility which is not within the territorial limits of a transportation district theretofore organized for the purpose of acquiring or constructing, or acquiring and constructing, such transportation facility.

District dissolved if proceedings not taken

SEC. 10. In the event that any transportation district is formed under the provisions of this act and no proceedings for the acquisition, or improvement or acquisition and improvement of any transportation facility shall be initiated under any of the acts, hereinbefore generally or specifically referred to, within a period of two (2) years after the creation of such transportation district, such transportation district shall be deemed to have been automatically dissolved as of the date two (2) years after its organization. If any transportation district shall be formed under the provisions of this act and any subsequent proceeding for the acquisition, or construction, or acquisition and construction, of any transportation facility therein shall be abandoned, such transportation district shall be automatically dissolved and shall have no further existence as of a date one (1) year after such abandonment: *provided*, that upon such date there is not within the territorial limits of such transportation district any transportation facility owned, maintained or under construction under the jurisdiction of the legislative body creating such transportation district, any transportation facility or any proceeding pending for the acquisition or construction, or acquisition and construction, of any transportation facility, nor any outstanding obligation of said transportation district.

District dissolved if any facility abandoned

Legislative body may create advisory board

SEC. 11. The legislative body creating or conducting the management of any transportation district is hereby authorized and empowered whenever in its judgment it may deem it necessary or convenient so to do, by resolution duly adopted and spread upon its minutes, to create an advisory board of not less than three (3), nor more than fifteen (15) members and thereafter to appoint the members of such advisory board. Each person so appointed to membership shall be an owner of land within the district, or the president, secretary or managing officer of a corporation owning land within such district, or the lessee of land within such district, holding possession of said land under a lease extending at the time of his appointment for a period of at least five (5) years thereafter.

Qualifications of members

Terms.

The number of the members of such advisory board shall always be some number divisible by three (3). One-third ($\frac{1}{3}$) of the members first appointed shall be appointed for a period of three (3) years, one-third ($\frac{1}{3}$) of the members first appointed shall be appointed for a period of two (2) years and the remaining one-third ($\frac{1}{3}$) of the members first appointed shall be appointed for a period of one (1) year. At the beginning of the second year and each year thereafter after

the creation of said advisory board the legislative body shall appoint members of said advisory board equal in number to one-third ($\frac{1}{3}$) of its membership for a period of three (3) years.

The members of such advisory board shall each hold office until his successor is appointed and qualifies. No member of said advisory board shall be appointed or be qualified to accept or retain appointment as a member of said advisory board unless he shall be qualified as to the ownership of land or the leasing thereof as herein provided.

The legislative body having jurisdiction over any transportation district shall be required to appoint such an advisory board whenever a petition for the appointment thereof, signed by the owner or owners of land within said transportation district, exclusive of land contained within streets or highways or devoted to other public uses, equal in area to more than fifty per cent (50%) thereof, shall be filed in writing with the said legislative body petitioning it so to do.

Petition for
appointment
of advisory
board

The legislative body creating or having jurisdiction over any transportation district may abolish any advisory board created under the provisions hereof at any time upon thirty (30) days notice by a four-fifths ($\frac{4}{5}$) vote of its members.

Board may
be abolished.

The advisory board, the creation of which is hereby authorized, shall from time to time hold such meetings as its members may see fit to hold, and in any event shall meet not less than four (4) times during each year of its existence and shall examine into the affairs of such transportation district and may make such reports and recommendations to the legislative body having jurisdiction thereof as a majority of the members of such advisory board may deem fit to make, including reports and recommendations as to the plans and specifications of any work of acquisition or construction, or acquisition and construction, or of maintenance, operation, leasing or disposition of any transportation facility, or as to the cost or expense thereof, or as to the method of acquiring, constructing, maintaining, operating, leasing or disposing of any transportation facility, or as to the employment of persons in connection therewith, or as to the purchase or sale of supplies or materials in connection with the acquisition and construction, maintenance, operation or disposing of any transportation facility.

Meetings

SEC. 12. Whenever any transportation district has been created in accordance with the provisions of this act and thereafter any transportation facility has been acquired or constructed, or acquired and constructed, within the limits thereof, the legislative body having jurisdiction thereof, shall, in addition to any other powers hereinbefore or elsewhere granted, have authority and jurisdiction to operate and maintain the transportation facility so acquired or constructed, or acquired and constructed, or to lease the same upon such terms and conditions as it may find and declare to be to the public interest and convenience to the highest and best bidder. It

Operation
of facility
acquired.

Contracts.

may also enter into any operating agreement, covenant or other contract, or let any franchise in relation to said transportation facility, or within the limits of said transportation district, which any other owner, private or public, of such transportation facility might then legally enter into. It may also sell, or otherwise dispose of, any such transportation facility or portion thereof or property acquired, owned or constructed in connection therewith when no longer needed in connection therewith at any time to the highest bidder therefor. Any such sale shall be made only after not less than fifteen (15) days' notice thereof, which notice shall be published not less than once a week for two (2) consecutive weeks in a newspaper of general circulation within the territorial jurisdiction of the legislative body having jurisdiction over such transportation district. Such notice shall specify the time and place of the proposed sale and shall call for the filing, prior to such time, of sealed bids for the purchase of the transportation facility, or portion thereof of property to be sold or otherwise disposed of in making any such sale or other disposition the legislative body may impose such terms and conditions as it may find and declare that public interest and convenience require. Such legislative body, at the time and place set for such sale or other disposition, after opening any sealed bids which may have been received, shall call for verbal bids for the sale and purchase or other disposition in the manner theretofore proposed in the notice herein provided for and may accept any such written or verbal bid; *provided*, that any verbal bid must be at least ten per cent higher than any valid written bid; *and provided*, that any bid accepted by said legislative body must be found by it to be the best bid available and to be acceptable consistently with the public interest and convenience. The legislative body shall have the right to reject any and all bids.

Sale of
facility

Notice
of sale.

Conditions
to be ful-
filled before
sale or lease
may be
effective.

No lease or sale made in conformity with the provisions of this section shall be effective unless a statement, in general terms, of the terms and conditions of such proposed lease or sale is adopted by the legislative body having charge of such transportation district and placed on file in writing in its office prior to, or at the time of, the adoption of any ordinance of intention initiating proceedings for the acquisition of property or for any construction work in connection with the acquisition or construction, or for the acquisition and construction, of any transportation facility within any such district, to pay for which any assessment is to be levied, and notice of the terms and conditions thereof is given in or with the said ordinance of intention, such publication being in the same manner as provided by law for the publication of such ordinance of intention or unless such lease or sale is approved by a majority vote of the property owners within such district voting at an election held for the purpose. At any such election each owner of property in the district, whether residing in the district or not, shall have the right to cast one vote for each acre

Exception:
approval by
property
owners.

or fraction thereof owned by him. In any such election the records of the county assessor shall be conclusive evidence as to the ownership of property. Such election shall be called by resolution of the legislative body adopted at least thirty days before such election. Notice of the time and place of the holding of such election must be given by posting notices thereof in at least three public places in each election precinct in the district for at least twenty days prior thereto and also by publication of such notice at least once a week for at least three consecutive weeks before such election in a newspaper of general circulation within the territorial jurisdiction of the legislative body having jurisdiction over such transportation district. Such notice shall specify the time of holding such election, and must set forth a copy of the resolution fixing the terms and conditions of the proposed lease or sale. At such election the ballot shall contain the words "Proposed sale (or lease) approved—Yes" and "Proposed sale (or lease) approved—No" or words the equivalent thereof.

Election

Any funds received by the county or municipality having jurisdiction over any transportation district, or any transportation facility therein acquired, constructed or maintained, shall be used first to pay any existing current obligations of said district and any remaining funds shall be applied pro rata to the payment of all outstanding bonds, assessments or other liens levied to pay the cost of the acquisition, or construction, or maintenance of such transportation facility; *provided*, that before so applying any such funds the legislative body having jurisdiction of any transportation district may first set up and retain funds sufficient to meet the expenses of such district during the year next ensuing.

Disposition
of funds
received.

Whenever any transportation district has been created in accordance with the provisions of this act and thereafter any transportation facility has been acquired or constructed, or acquired and constructed, within the limits thereof, the legislative body having jurisdiction thereof, shall, in addition to any other powers hereinbefore or elsewhere granted, have authority and jurisdiction in order to enable it to operate and maintain any such facility, in the event that it shall be unable to lease the same or enter into an operating agreement, covenant or other contract in respect thereto, or to let a franchise in relation thereto which, in the judgment of said legislative body, is consistent with public interest and convenience to cause an estimate to be made of the cost of operating said transportation facility for a period of one year and to levy upon all the land in said transportation district an assessment to pay the cost of such operation during the year next ensuing after such levy or during the year next ensuing after any date fixed by said legislative body, which date shall not be more than three (3) months after the making of such levy. Any such levy shall be in the manner provided for the levying of assessments under the provisions of "Municipal lighting maintenance district act of 1927," approved May 16, 1927, as now or hereafter amended.

Levy of as-
sessment to
pay cost of
operation
of facility
acquired

In the making of any such levy the act last referred to shall be deemed and construed to authorize and permit the legislative body making an assessment to pay the cost of operating or maintaining transportation facilities as well as for the purposes set forth in such act.

Use of
public
highways.

SEC. 13. Whenever any transportation district has been formed in accordance with the provisions of this act, the legislative body having jurisdiction thereof shall in connection with any proceeding within the territorial limits thereof for the acquisition, or construction, or acquisition and construction, or in connection with the maintenance or operation of any transportation facility have the right without payment of any compensation therefor to utilize any public highway, street, avenue, alley, lane, place or other land dedicated or devoted to public use; *provided*, that the use of such property for the purposes of the transportation district shall not unreasonably or unnecessarily prevent or interfere with the public uses to which such property has theretofore been dedicated or devoted.

Words and
phrases
defined.

SEC. 14. The term "transportation facility" as used in this act shall be deemed to mean and shall include all facilities for the transportation of persons or property or things appurtenant or incidental thereto, including rights of way, easements, franchises, bridges, foot bridges, sidewalks or other ways for pedestrians, viaducts, trestles, subways, tunnels, grade separations and all structures or works necessary or incidental thereto, including retaining walls, embankments, cuts, fills, slopes and the right, or rights, to acquire, construct and maintain the same, or any of them, railroad tracks, cars, engines and all other means or vehicles of transportation for use on tracks, or in any subway, or on any right of way acquired or used by a transportation district exclusive of other use by the public, together with all equipment, materials and supplies necessary or convenient for the maintenance and operation thereof; and all stations, platforms, warehouses and shops for the construction, maintenance, repair or equipment thereof. The term "transportation facility" shall be deemed to include any one or all of the foregoing enumerated things, either severally or in any combination thereof. The acquisition, construction, maintenance or operation of any single transportation facility shall not be deemed or construed as in any way limiting the power of a transportation district or the legislative body having jurisdiction thereof to acquire, construct, maintain or operate any additional transportation facility, either in connection therewith or separately.

The term "owner of land" as used in this act shall be deemed to include the holder of the legal title to any land, whether a person or corporation, and whether he or it be the equitable owner thereof or not, and shall include any trustee, guardian, administrator, executor or other person holding title to land.

The term "acquire" and any of its variants as used in this act shall be deemed to mean and shall include the acquisition of any transportation facility, or of any right of way, easement, franchise or interest therein or therefor, or any property in connection therewith.

The term "construct" and any of its variants as used in this act shall be deemed to mean and shall include the doing of any work in connection with the manufacture, erection, improvement, repairing, replacing, building, rebuilding, altering, demolishing, removing or discontinuing or disposing of all or any portion of any transportation facility, or facilities.

The term "legislative body" as used in this act when applied to a municipality shall mean the body or board, which, under the law constitutes the legislative department of the government of the municipality, and when applied to a county shall mean the board of supervisors of the county.

SEC. 15. This act shall in no wise affect any other act, or acts, now existing or which may hereafter be passed covering the same subject matter, except as herein specified. Effect of act

This act and all its provisions shall be liberally construed to the end that the purposes hereof may be effective. No error, defect, irregularity, informality, neglect or omission on the part of any officer of any county or municipality in any procedure taken hereunder which does not affect the jurisdiction of the legislative body to order the doing of the thing, or things, proposed to be done, shall avoid or invalidate such proceeding, or any assessment levied in connection therewith, or any bonds issued thereunder. The exclusive remedy of any person affected or aggrieved thereby shall be by appeal to the legislative body as hereinbefore provided. The sole acts necessary and essential to confer jurisdiction upon the legislative body to order the doing of the thing, or things, proposed to be done shall consist of the adoption of the order creating the transportation district and of the adoption of a resolution of intention to do anything, or things, proposed to be done in accordance with the procedure provided in this act, or in any act authorized by this act to be used. Construction of act

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality

SEC. 16. This act shall be known and may be cited, referred to or amended, as the "Transportation district act" and such designation shall sufficiently identify it in any proceeding hereunder or in any court action or proceeding or legislative enactment in which this act is referred to. Short title

CHAPTER 882.

An act to amend section 537 of the Penal Code, relating to defrauding proprietors of hotels, inns, restaurants, boarding houses.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1919,
p 240,
amended

SECTION 1. Section 537 of the Penal Code is hereby amended to read as follows:

Defrauding
proprietors
of hotels,
inns, etc.

537. Any person who obtains any food or accommodation at an hotel, inn, restaurant, boarding house, lodging house, furnished apartment house, or furnished bungalow court, without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at an hotel, inn, restaurant, boarding house, lodging house, furnished apartment house, or furnished bungalow court by the use of any false pretense, or who, after obtaining credit, food, accommodation at an hotel, inn, restaurant, boarding house, lodging house, furnished apartment house, or furnished bungalow court absconds or surreptitiously removes any part of his baggage therefrom without paying for his food or accommodations is guilty of a misdemeanor.

CHAPTER 883.

An act to amend section 4312 of the Political Code, relating to the maintenance by certain county officers of offices at county seats and in certain other cities and the duties of such officers and of the boards of supervisors in connection therewith.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1907,
p 556,
amended

SECTION 1. Section 4312 of the Political Code of the State of California is hereby amended to read as follows:

Certain officers must have office at county seat.

4312. Sheriffs, clerks, recorders, treasurers and auditors, must have their offices at the county seat, in the courthouse, hall of records, jail or other buildings, provided by the county through the board of supervisors, and keep them open for the transaction of business continuously from nine o'clock a.m. until five o'clock p.m. every day in the year except Sundays and holidays: *provided*, that in each city containing a population of not less than fifty thousand as ascertained by the last preceding census taken under the authority of the congress of the United States, or the Legislature of the State of California, wherein the city hall of said city is not less than fifteen miles distant

from the site of the county courthouse, sheriffs and clerks must also have offices in each such city at a place provided by the county through the board of supervisors and keep them open for the transaction of business continuously from nine o'clock a.m. until five o'clock p.m. every day in the year except Sundays and holidays. And the words "transaction of business" as used herein shall be construed to mean that during the said hours named there shall be present in each of said offices at least one person qualified and prepared to transact the business that may properly come into said office.

The auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with an affidavit setting forth that he has complied with the provisions of this section, and the making of a false affidavit by any of said officers shall subject the party making the same to prosecution for the crime of perjury and to be punished for the same. Affidavit of compliance

The affidavit required herein of the auditor shall be filed with the county clerk, and be and remain a record of the office of said clerk; and the affidavits of the other officers required herein, shall be filed with the county auditor and be and remain a record of his office; *provided*, that if any of the officers named herein are absent from their office on official business they shall be excused from attendance at their said respective offices during the time they are absent on such business, and provided further, that

In all cases where any officer named herein has no regularly appointed deputy provided by this title and paid by the county at the same time and in the same manner that his principal is paid, he shall be permitted to close his office during the hour from twelve o'clock noon to and until one o'clock p.m. Closing of office during noon hour

The judges of the superior court must have chambers at the county seat and must establish such rules and hours for official business as may be necessary for the dispatch thereof. Judges of superior court

CHAPTER 884.

An act to amend section 24 of the "State bar act," approved March 31, 1927, relating to admission and licensing of members of "The state bar of California."

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 24 of the "State bar act," approved March 31, 1927, is hereby amended to read as follows: Stats 1927.
p 41.
amended

Sec. 24. With the approval of the supreme court, and subject to the provisions of this act, the board shall have power to constitute and appoint a committee of not more than seven members with power to examine applicants and recom- Admission
to the bar

Qualifica-
tions

mend to the supreme court for admission to practice law those who fulfill the requirements. Any person over the age of twenty-one years may apply to the board for admission to practice law upon presentation of satisfactory testimonials of his good moral character, together with satisfactory proof that for at least three years he has diligently and in good faith studied law. With the approval of the supreme court the board shall have power to fix and collect fees to be paid by applicants for admission to practice, which fees shall be paid into the treasury of the state bar.

 CHAPTER 885.

An act relating to the exemption of certain children from the requirements of attendance upon a public full-time day school.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

NOTE—See volume containing School Code and acts supplemental thereto.

 CHAPTER 886.

An act to amend section 10 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, relating to municipal courts and the judges and attaches thereof, in cities or cities and counties of the second and one-half class.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

Stats 1927,
p. 1747,
amended

SECTION 1. Section 10 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, as amended, is hereby amended to read as follows:

Cities of
the 2^d class
judges, etc.,
of municipal
court

Sec. 10. The municipal court in a city or city and county of the second and one-half class shall be constituted, and the judges, officers and attaches thereof shall receive compensation as follows:

(a) There shall be five judges, each of whom shall receive ^{Same} seven thousand five hundred dollars per annum, payable in equal monthly installments;

(b) There shall be one clerk who shall also be secretary to the court, to be appointed by the judges thereof, who shall receive three hundred fifty dollars per month;

(c) The clerk shall appoint the following:

One chief deputy, who shall receive two hundred seventy-five dollars per month; five deputy court clerks, who shall each receive two hundred twenty-five dollars per month; one cashier-bookkeeper, who shall receive two hundred fifty dollars per month; one chief clerk of the civil department, who shall receive two hundred fifty dollars per month; one chief clerk of the criminal department, who shall receive two hundred fifty dollars per month; eight deputy clerks, who shall each receive two hundred dollars per month; one deputy judgment clerk, who shall receive two hundred dollars per month; one stenographic secretary, male, who shall receive one hundred seventy-five dollars per month; two stenographers, who shall each receive one hundred thirty-five dollars per month; one typist, who shall receive one hundred twenty-five dollars per month; two file index clerks, who shall each receive one hundred twenty-five dollars per month;

(d) There shall be one marshal to be appointed by the judges of the court who shall receive four hundred dollars per month. The marshal shall appoint the following:

One assistant marshal, who shall receive three hundred dollars per month; one deputy, who shall also act as secretary, who shall receive one hundred fifty dollars per month; one chief deputy of the civil department who shall receive two hundred fifty dollars per month; one deputy, who shall act as assistant chief of the civil department, who shall receive two hundred twenty-five dollars per month; four deputies of the civil department, who shall receive two hundred dollars per month; three deputies of the civil department, who shall receive one hundred seventy-five dollars per month; one deputy, who shall act as bookkeeper, who shall receive two hundred dollars per month; one deputy, who shall act as counter clerk and return clerk, who shall receive one hundred seventy-five dollars per month; one deputy who shall act as stenographer, who shall receive one hundred thirty-five dollars per month; one chief deputy of the criminal department, who shall receive two hundred fifty dollars per month; one deputy, who shall act as assistant chief of the criminal department, who shall receive two hundred twenty-five dollars per month; two deputies of the criminal department, who shall receive two hundred dollars per month; two deputies of the criminal department, who shall receive one hundred seventy-five dollars per month; five deputies to act as bailiffs of the courts, who shall each receive one hundred seventy-five dollars per month; one deputy, who shall act as record clerk, who shall receive one hun-

dred fifty dollars per month; fifty deputies, who shall act as custodians, who shall receive five dollars per day. The deputy marshals serving as custodians shall be paid only for their actual services as keepers of property taken under the legal process, and shall be paid out of the funds deposited by the parties to the action in which services are rendered. All marshals, assistants and deputies, excepting those designated herein as custodians, shall be allowed in addition to their salaries, their actual and necessary incidental expenses incurred in the actual performance of their duties, including traveling expenses to be allowed at the rate per mile fixed by the county board of supervisors for the operation of automobiles actually used in performance of their business on public duty or to pay for such other mode of transportation as they may adopt.

CHAPTER 887.

An act relating to retirement salaries of teachers and other employees employed in the public schools of this state and educational institutions supported in whole or in part by the state.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

NOTE.—See volume containing School Code and acts supplemental thereto.

CHAPTER 888.

An act to add a new section to the Political Code, to be numbered 625b, relating to bonds and undertakings of corporate sureties.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 625b and to read as follows:

Surety
bonds
maximum
amount
on any
one risk

625b. No surety company authorized to transact business in this state shall become surety on any one bond or undertaking, or accept reinsurance on such bond or undertaking, the penalty of which shall exceed ten per centum of the capital and surplus of such company as shown by its last statement on file in the office of the insurance commissioner of this state; *provided, however*, that the penalty of such bond or undertaking shall be deemed to be the amount remaining after deducting therefrom the amount of any reinsurance of such bond or undertaking by any surety company or companies qualified to execute such bonds or undertakings in this state.

Repealed

All laws and parts of laws in conflict herewith are hereby repealed.

CHAPTER 889.

An act to add a new section to Penal Code to be numbered 374b, and relating to the depositing of garbage, swill and refuse on public highways, and any offensive matter or thing in theaters or places of public assemblages.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. A new section numbered 374b is hereby added New section to the Penal Code, to read as follows:

374b. Any person, firm or corporation who places, deposits or dumps, or causes to be placed, deposited or dumped, any Public highways depositing of refuse on same prohibited. garbage, swill, refuse, cans, bottles, paper, ashes, the carcass of any dead animal, offal, trash or rubbish, or any noisome, nauseous or offensive matter, in or upon any public highway or who places, deposits or causes to be placed or deposited, in any manner, any offensive matter or thing, or any gas, fluid or substance injurious to life or property, or any nauseous or offensive gas, fluid or substance in or adjacent to any theater or place of public assemblage in this state, is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than ten dollars, and not more than five hundred dollars, or by imprisonment of not more than one year, or by both such fine and imprisonment.

CHAPTER 890.

An act to amend section 4307 of the Political Code, relating to county charges.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. Section 4307 of the Political Code is hereby Stats 1927, p. 1667, amended amended to read as follows:

4307. The following are county charges:

1. Charges incurred against the county by virtue of any of the provisions of this act.

2. The traveling and other personal expenses of the district attorney and the sheriff incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by either of them in the detection of crime and in the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested; *provided, however*, that the district attorney and sheriff shall not be allowed expenses nor shall any expenses incurred

County
charges.

in the detection of acts declared to be misdemeanors by the California vehicle act, approved May 30, 1923, as amended, be county charges

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail, and for other services in relation to criminal proceedings for which no specific compensation is prescribed by law.

4. The sums required by law to be paid to the grand and trial jurors and witnesses in criminal cases.

5. The accounts of the coroner of the county for such services as are not provided to be paid otherwise.

6. All charges and accounts for services rendered by any justice of the peace in the examination or trial of persons charged with crime, not otherwise provided for and allowed by law.

7. The necessary expenses incurred in the support of the county hospitals, almshouses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county. The board of supervisors may, in its discretion, authorize the payment of expenses incurred, by county authorities, for temporary, emergency, or extended care or treatment of indigent patients of such county, by local hospitals.

8. The contingent expenses necessarily incurred for the use and benefit of the county.

9. The premiums on official bonds of county officers as required by the provisions of section 4022 of the Political Code.

10. The fees of constables in criminal cases allowed by law.

11. The actual and necessary expenses of county auditors, clerks, district attorneys, assessors, sheriffs, coroners, recorders, tax collectors, probation officers, surveyors and treasurers, incurred while traveling to and from and while attending the annual convention of their respective associations; *provided*, that in no event shall such expense exceed the sum of fifty dollars for each of said officers in any one year.

12. The necessary expenses other than attorney's fees incurred by county auditors and treasurer in the defense and prosecution of any action brought by, or against said officers, for the purpose of testing the validity or constitutionality of any act of the Legislature providing for the payment of county funds or funds held in trust by the county.

13. Every other sum directed by law to be raised for any county purpose under the direction of the board of supervisors, or declared to be a county charge.

CHAPTER 891.

An act requiring all employers who accept tips or gratuities given to employees by the general public to post notice of such policy or practice in a conspicuous place in the establishment in which the business or enterprise is carried on, and keep accurate records of all such tips or gratuities; giving the department of industrial relations power to enforce the provisions thereof; providing penalties for violation of its provisions; and repealing all acts or parts of acts in conflict therewith.

[Approved by the Governor June 19, 1929. In effect August 14, 1929.]

The people of the State of California do enact as follows:

SECTION 1. When used in this act the following terms are defined as herein specified. Words and phrases defined

The term "employer" means and includes every person, partnership, company, association, joint stock association, or corporation engaged in any business or enterprise in this state who has one or more persons in service under any appointment, or any contract of hire, or any apprenticeship, express or implied, oral or written, irrespective of whether such employer is the owner of the establishment in which the business or enterprise is conducted or is operating on what is known as the concessionaire basis, or on any other basis.

The term "employee" means and includes every person in the service of any employer as defined in the preceding paragraph under any appointment, or any contract of hire, or any apprenticeship, express or implied, oral or written, including aliens and also including minors, while rendering actual service in any establishment or business for such employer, whether gratuitously or for wages or for pay and whether such wages or pay is measured by the standard of time, piece, task, commission or other method of calculating the same and whether such service is rendered on a commission basis, concessionaire basis, or any other basis whatsoever.

The term "employing" means hiring or in any way contracting for the personal services of any employee as defined above.

The term "agent of employer" means and includes every person other than the employer having the authority to hire or discharge any employce or supervise, direct or control the acts of persons employed as hereinabove specified.

The term "tip" or "gratuity" means and includes any money, or part thereof, which has been paid or given to or left for any employee by any patron or patrons of any establishment or business over and above the actual amount due such establishment or enterprise for services rendered or goods, food, drink, merchandise or articles sold such patron or patrons, also any amount deducted from wages due the worker on account of such tips or gratuities paid or left by patrons.

The terms "establishment," "business" or "enterprise" mean and include any business or enterprise, whether conducted in a building or on the street or elsewhere.

The term "department of industrial relations" means and includes the department of industrial relations of the State of California, its deputies and agents.

Terms used in the masculine gender include the feminine and neuter and the singular number includes the plural and the plural the singular.

Tips or gratuities notice to public of disposition of same

SEC. 2. Every employer, or agent of any employer, who collects, takes or receives any tips or gratuities, or a part thereof, paid or given to or left for his employees by patrons, or who deducts any amount from wages due his employees on account of such tips or gratuities, or who requires his employees to credit the amount, or any part thereof, of such tips or gratuities received by them against and as a part of the wages due such employees from said employer, shall post and keep posted in a conspicuous place at the location or locations where the said business or enterprise is carried on, where it can easily be seen by the patrons thereof, a notice or notices, in lettering or printing of not less than forty-eight-point black-face type, to the following effect, as the case may be:

(1) If not shared by the employees, that any tips or gratuities paid, given to or left for employees by patrons go to and belong to the establishment or employer and are not shared by the employees thereof, or

(2) If shared by the employees, the extent to which such tips or gratuities are shared between employer and employees.

Such notice shall also state the extent to which the employees are required by such employer to accept such tips or gratuities in lieu of wages or the extent to which the employee is required to accept and credit such tips and gratuities against wages due such employees. Every employer shall also keep accurate records of all such tips or such gratuities received by such employer, whether received directly from the worker or indirectly by means of deductions from the wages of the worker, or otherwise, which records shall be open to inspection at all reasonable hours by the department of industrial relations.

Offense and penalty

SEC. 3. Any employer, or agent of an employer, who violates or omits to comply with any of the provisions hereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not exceeding five hundred dollars or by imprisonment for not exceeding sixty days, or by both such fine and imprisonment.

Enforcement

SEC. 4. The department of industrial relations shall enforce the provisions hereof and all fines imposed and collected thereunder shall be paid into the state treasury and credited to the general fund.

Constitutionality

SEC. 5. If any section, sentence, clause, or part of this act, is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each

section, sentence, clause, or part thereof, irrespective of the fact that one or more sections, sentences, clauses, or parts be declared unconstitutional. The Legislature also expressly declares that the purpose of this act is to prevent fraud upon the public in connection with the practice of tipping and declares this a law passed for a public reason which can not be contravened by a private agreement and as a part of the social public policy of this state, binding upon all departments of the state government.

SEC. 6. All acts or parts of acts in conflict herewith are ^{Repealed} hereby expressly repealed.

CONCURRENT AND JOINT RESOLUTIONS
AND
CONSTITUTIONAL AMENDMENTS

CONCURRENT AND JOINT RESOLUTIONS
AND
CONSTITUTIONAL AMENDMENTS

CHAPTER 1.

Senate Concurrent Resolution No. 1—Approving four certain amendments to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twenty-eighth day of August, one thousand nine hundred twenty-eight.

[Filed with Secretary of State January 15, 1929.]

WHEREAS, The city of Long Beach, in the county of Los Angeles, State of California, contains a population of over fifty thousand inhabitants, and has been, ever since the year 1921, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section 8, article eleven, of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the fourteenth day of April, 1921, and approved by the Legislature of the State of California, April 26, 1921 (statutes of 1921, page 254) and amendments thereto duly adopted by the qualified voters of said city and by resolution of said Legislature and filed with the secretary of state of the State of California the twenty-seventh day of April, 1923 (statutes of 1923, page 1624), and amendments thereto duly adopted by the qualified voters of said city and by resolution of said Legislature and filed with the secretary of state of the State of California the eighteenth day of April, 1925 (statutes of 1925, page 1330); and

Long Beach
city charter
amendments

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of said city of Long Beach, as set out in the certificate of the mayor and city clerk of said city of Long Beach, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE TWENTY-EIGHTH DAY OF AUGUST, ONE THOUSAND NINE HUNDRED TWENTY-EIGHT, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

State of California, }
County of Los Angeles, } ss.
City of Long Beach }

We, Oscar Hauge, mayor of the city of Long Beach, and J. Oliver Brison, city clerk of the city of Long Beach, do hereby certify as follows:

Certificate

That said city of Long Beach, in the county of Los Angeles, State of California, is now, and was at all of the times herein mentioned a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States; and

That said city of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of section 8, article eleven, of the constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the fourteenth day of April, one thousand nine hundred twenty-one, and approved by the Legislature of the State of California April twenty-sixth, one thousand nine hundred twenty-one, and amendments thereto, duly adopted by the qualified voters of said city and by resolution of said Legislature and filed with the secretary of state of the State of California the twenty-seventh day of April, one thousand nine hundred twenty-three (statutes of one thousand nine hundred twenty-three, page one thousand six hundred twenty-four), and amendments thereto duly adopted by the qualified voters of said city and by resolution of said Legislature and filed with the secretary of state of the State of California the eighteenth day of April, one thousand nine hundred twenty-five (statutes of one thousand nine hundred twenty-five, page one thousand three hundred thirty); and,

That, pursuant to the provisions of section eight of article eleven of the constitution of the State of California, the legislative body of said city, namely: the city council of said city did, on its own motion and pursuant to the provisions of section eight of article eleven of the constitution of the State of California, duly propose to the electors of said city of Long Beach four amendments to the charter of said city and ordered that said amendments be submitted to said electors of said city at a special municipal election to be held in said city on the twenty-eighth day of August, one thousand nine hundred twenty-eight; and,

That said four proposed amendments were, and each of them was, at the time and in the manner provided by law, duly published in The Long Beach Sun, a daily newspaper of general circulation published in said city of Long Beach, and the official newspaper of said city, and the newspaper designated by said city council for said purpose;

That said proposed amendments were printed in convenient pamphlet form, and at and during the time and in the manner provided by law, a notice was published in The Long Beach Sun that such copies could be had upon application therefor at the office of the city clerk of said city; and

That said city council did, by ordinance designated as Ordinance No. C-753, which was duly adopted on the nineteenth day of July, one thousand nine hundred twenty-eight, order the

holding of a special municipal election in said city of Long Beach on the twenty-eighth day of August, one thousand nine hundred twenty-eight, which date was more than forty days and less than sixty days after the completion of the publication of said four proposals of amendments to the charter of the city of Long Beach, as aforesaid, and which ordinance was published at least ten successive days prior to said election in The Long Beach Sun, the official newspaper of the city of Long Beach, and a newspaper of general circulation and published in said city, and was posted in three conspicuous places in the city of Long Beach;

That said special municipal election was held in said city of Long Beach on said twenty-eighth day of August, one thousand nine hundred twenty-eight, which day was more than forty days and less than sixty days after said proposals of amendments to the charter of said city of Long Beach had been published once in The Long Beach Sun, as aforesaid; which said election was held during the six months next preceding a regular session of the Legislature;

That at such special municipal election, held as aforesaid, on said twenty-eighth day of August, one thousand nine hundred twenty-eight, a majority of the qualified voters of said city of Long Beach voting thereon voted in favor of each and every of said proposals of amendments of the charter of the city of Long Beach, and duly ratified the same;

That said proposals of amendments to the charter of the city of Long Beach so ratified, as aforesaid, were and are amendments numbered one, two, three, and four; and,

That the city council of said city of Long Beach, after duly and regularly canvassing the returns of said special municipal election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters of said city of Long Beach voting thereon had voted in favor of and ratified said proposals of amendments to the charter of the city of Long Beach known as amendments numbered one, two, three, and four; and

That said proposals of amendments to the charter of the city of Long Beach ratified by the electors of said city, as aforesaid, are in words and figures as follows, to wit:

AMENDMENT NO. 1 TO THE CHARTER OF THE CITY OF LONG BEACH.

SEC. 37c. The City of Long Beach shall have and is hereby vested with power to deed to Montana Land Company, a corporation organized and existing under and by virtue of the laws of the State of California, with its principal place of business in the City of Los Angeles, State of California, the following described real property, the same being water bearing lands:

Vested with power to deed certain specified real property.

All that real property situated within the County of Los Angeles, State of California, and particularly described as follows:

Description
of property

Beginning at a point in the easterly line of Cherry Avenue, as Cherry Avenue is shown on a map recorded in Deed Book 1361, Page 153, Records of Los Angeles County, California, which point is north seventy-five and eight one-hundredths (75.08) chains from the northwestern corner of Farm Lot 8 of the American Colony Tract as per map thereof recorded in Book 19, Pages 89 and 90, Miscellaneous Records of Los Angeles County, California; thence north along the east line of said Cherry Avenue twenty (20) chains; thence east fifty-four and eighty-three one-hundredths (54.83) chains; thence south ten (10) chains; thence east six and two-thirds ($6\frac{2}{3}$) chains; thence south ten (10) chains; thence west sixty-one and five-tenths (61.5) chains to the point of beginning, excepting therefrom the eighty-foot (80') right-of-way of the Union Pacific Railway Company.

The above described parcel of land being that same certain parcel as was deeded by Jotham Bixby, et. al., to Edward Bouton, July 21, 1890, and recorded in Deed Book 659, Page 293, Los Angeles County Records.

in exchange for the following described real property, subject to a lease, covering approximately ten (10) acres thereof, for a term of ten (10) years, commencing on the 10th day of July, 1928, and terminating on the 9th day of July, 1938, at the hour of midnight, which said lease is recorded in Book 7210, Page 126, Official Records of the Office of the County Recorder of the County of Los Angeles, State of California, and for no other consideration, and shall have power to accept from said Montana Land Company a deed to said real property. The real property next above referred to herein authorized to be accepted from said Montana Land Company by the City of Long Beach is described as follows:

All that real property situated within the County of Los Angeles, State of California, and particularly described as follows:

Beginning at the northeast corner of the American Colony Tract as per map thereof recorded in Book 19, Pages 89 and 90, Miscellaneous Records of Los Angeles County, California; thence easterly along the easterly prolongation of the northerly line of said American Colony Tract to the section line between Sections 16 and 17, T. 4 S., R. 12 W., S. B. B. & M.; thence southerly along the section line between said Sections 16 and 17 and Sections 20 and 21, to the northerly line of the Sugar Factory Road, commonly known and called Spring Street, as per Deed recorded in Book 1107, Page 199 of Deeds, Records of Los Angeles County, California; thence westerly, northwesterly and westerly along the northerly line of said Spring Street, so called, to the easterly line of said American Colony Tract; thence northerly along the easterly line of said American Colony Tract to the point of beginning, excepting therefrom the northerly forty (40) feet deeded by the Montana Land Company to the City of Long Beach as the southerly one-half of Wardlow Road.

AMENDMENT NO. 2 TO THE CHARTER OF THE CITY OF LONG BEACH.

Sec. 222. The City Manager may, on the approval of a majority of the members of the City Council, express by ordinance, lease for a term not otherwise prohibited by law at the time of such leasing, and, in any event, not to exceed a period of thirty-five (35) years, any and all of the water bearing lands owned by the City of Long Beach, for any lawful purpose or use, regardless of the use or purpose for which such lands may have been acquired; provided that no lease shall be made which shall interfere with the use of such lands by the City for the development and production of water.

Lease of water bearing lands authorized

AMENDMENT NO. 3 TO THE CHARTER OF THE CITY OF LONG BEACH.

Sec. 292. No franchise, permit or privilege for the building, constructing, maintaining, operating or controlling of any street railway, automobile bus line or other transportation line used or operated for the transportation of passengers for hire in, upon, over or across any street, alley, highway or waterway within the City of Long Beach shall hereafter be granted or become effective unless it shall contain a valid, binding, continuing and irrevocable offer from and condition imposed upon the grantee or permittee to issue to and receive from every connecting passenger transportation line for hire within the City of Long Beach, now existing or hereafter put into operation, transfers good for passage within the city limits of the City of Long Beach in the same general direction over the lines of such grantee or permittee and such connecting transportation lines upon the order of and under such terms and conditions as the City Council of the City of Long Beach may, hereafter, from time to time, by resolution, establish or impose; provided that the basis of settlement shall be that each carrier shall redeem its transfers by paying to the other an amount, per transfer, equal to fifty per centum (50%) of the established cash fare of the line issuing the transfer: within the zone in which the transfer point is located; provided, also, that such exchange of transfers will not be required as to connecting carriers operating under a franchise or permit heretofore granted where such connecting carrier is not obligated and also is not willing to accept the terms and conditions hereinbefore set forth and those imposed by said City Council; and, provided further, that whether or not so ordered by said City Council such offer may be accepted by any such connecting carrier, whether the franchise or permit of such connecting carrier be heretofore or hereafter granted, by notifying such grantee or permittee, in writing, that it, such connecting carrier, will exchange transfers on the aforesaid basis of settlement. In the event of an acceptance of such offer the carriers shall commence the actual exchange of transfers within ten (10) days after receipt of such acceptance by said grantee or permittee.

No franchise for transportation line to be granted without provision for transfers

AMENDMENT NO. 4 TO THE CHARTER OF
THE CITY OF LONG BEACH.

Section 1.

District
No 5:
boundaries

DISTRICT NO. 5: Beginning at an angle point in the boundary line of the City of Long Beach, said angle point being the intersection of the prolongation easterly of the northerly line of the American Colony Tract, in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 19, Pages 89 and 90, Miscellaneous Records in the office of the County Recorder of said County, with the easterly boundary line of Los Angeles County; and running thence southwesterly along the boundary line of the City of Long Beach and following its various courses to a line thirty (30) feet west of and parallel to the northerly and southerly line through the center of Section 28, Township 4 South, Range 12 West S. B. M.; thence southerly along said line thirty (30) feet west of and parallel to the northerly and southerly line through the center of Section 28 to a line thirty (30) feet southwesterly of, measured at right angles and parallel to the northeasterly line of the Alamitos Tract, in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 36, Pages 37 to 44, Miscellaneous Records in the office of the County Recorder of said County; thence southeasterly along said line thirty (30) feet southwesterly of, measured at right angles and parallel to the northeasterly line of said Alamitos Tract to the westerly line of Ximeno Avenue; thence southerly along said westerly line of Ximeno Avenue to the southerly line of Lot 39, said Alamitos Tract; thence westerly along said southerly line of Lot 39 to the easterly line of Termino Avenue; thence northerly along said easterly line of Termino Avenue to the northerly line of State Street; thence westerly along said northerly line of State Street to the southwesterly line of Alamitos Boulevard, as said Alamitos Boulevard is located westerly of Lot 24-C of said Alamitos Tract, said westerly line of Alamitos Boulevard being also a boundary line of the City of Long Beach; thence northwesterly along said southwesterly line of Alamitos Boulevard and following the various courses of the boundary line of the City of Long Beach to the northeasterly line of the Pacific Electric Railway Company's private right of way; thence south to the southwesterly line of said private right of way; thence southeasterly along said southwesterly line of said private right of way and the prolongation thereof to the east line of California Avenue; thence south along said east line of California Avenue and the prolongation thereof to a line one hundred sixty (160) feet north of and parallel to the north line of Anaheim Street; thence east along said line one hundred sixty (160) feet north of and parallel to the north line of Anaheim Street to the west line of Orange Avenue; thence south along said west line of Orange Avenue to a line six hundred twenty (620) feet south of and parallel to the south line of Anaheim Street; thence east along said line six

hundred twenty (620) feet south of and parallel to the south line of Anaheim Street to the center line of Orange Avenue; thence south along said center line of Orange Avenue to the center line of Tenth Street; thence west along said center line of Tenth Street to the center line of American Avenue; thence northerly along said center line of American Avenue to its intersection with the center line of Long Beach Boulevard; thence northerly along said center line of Long Beach Boulevard to the northerly line of San Antonio Drive; thence easterly along said northerly line of San Antonio Drive to the easterly line of Long Beach Boulevard, said easterly line of Long Beach Boulevard being also a boundary line of the City of Long Beach; thence southerly along said boundary line of the City of Long Beach and following its various courses to the west line of New York Avenue; thence north along said west line of New York Avenue a distance of one hundred (100) feet to a boundary line of the City of Long Beach; thence easterly along said boundary line of the City of Long Beach and following its various courses to the point of beginning.

Section 1.

DISTRICT NO. 7: Beginning at the intersection of the center line of American Avenue with the center line of Tenth Street and running thence westerly along said center line of Tenth Street to the center line of Magnolia Avenue; thence southerly along said center line of Magnolia Avenue and the prolongation thereof to the southerly boundary line of the City of Long Beach; thence westerly along said southerly boundary line of the City of Long Beach to the westerly boundary line of said City; thence northerly along said boundary line of the City of Long Beach and following its various courses to the prolongation westerly of the center line of Forty-eighth Street; thence easterly along said prolongation westerly, said center line of Forty-eighth Street and the prolongation thereof to the easterly line of Long Beach Boulevard; thence southerly along said easterly line of Long Beach Boulevard to the northerly line of San Antonio Drive; thence westerly along said northerly line of San Antonio Drive to the center line of Long Beach Boulevard; thence southerly along said center line of Long Beach Boulevard to its intersection with the center line of American Avenue; thence south along said center line of American Avenue to the point of beginning.

District
No. 7
boundaries

Section 1.

DISTRICT NO. 9: Beginning at the intersection of the prolongation easterly of the center line of Forty-eighth Street with the easterly line of Long Beach Boulevard; thence westerly along said prolongation easterly, said center line of Forty-eighth Street and the prolongation thereof to the westerly boundary line of the City of Long Beach; thence northerly along said boundary line of the City of Long Beach and following its various courses to the westerly line of New York Avenue; thence southerly along said westerly line of New

District
No. 9
boundaries

York Avenue to the prolongation westerly of a line one hundred (100) feet southerly of, measured at right angles and parallel to the southerly line of Tract No. 5023, in the City of Long Beach, County of Los Angeles, State of California, as per map recorded in Book 58, Page 1 of Maps, in the office of the County Recorder of said County; said prolongation westerly of a line one hundred (100) feet southerly of, measured at right angles and parallel to the southerly line of Tract No. 5023, being also a boundary line of the City of Long Beach; thence westerly along said boundary line of the City of Long Beach and following its various courses to the easterly line of Long Beach Boulevard; and thence northerly along said easterly line of Long Beach Boulevard to the point of beginning.

Councilman
to be
appointed

A councilman for District No. 9 shall be appointed by the City Council whose term shall expire with the terms of the councilmen then in office and thereafter the office of councilman for District No. 9 shall be governed by the other provisions of this charter pertaining to the offices of councilmen.

That the foregoing is a full, true and correct copy of said proposals of amendments to the Charter of the city of Long Beach ratified by the electors of said city, as aforesaid, on file in the office of the City Clerk of said city of Long Beach.

IN WITNESS WHEREOF, Oscar Hauge, Mayor, as aforesaid, and J. Oliver Brison, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the city of Long Beach to be thereunto duly affixed, on this 18th day of December, one thousand nine hundred twenty-eight.

OSCAR HAUGE

Mayor of the City of Long Beach.

J. OLIVER BRISON

City Clerk of the City of Long Beach.

Approval by
Legislature

WHEREAS, Said proposals of amendments to the charter of the city of Long Beach ratified by the electors of said city, as aforesaid, have been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment, in accordance with section 8 of article eleven of the constitution of the State of California; now, therefore,

Be it resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said proposals of amendments to the charter of the city of Long Beach ratified by the electors of said city, as aforesaid, as presented to, adopted and ratified by the qualified electors of said city of Long Beach, as hereinabove fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration as amendments to and as a part of the charter of the city of Long Beach.

CHAPTER 2.

Senate Concurrent Resolution No. 4—Approving amendment to the charter of the county of Los Angeles, State of California.

[Filed with Secretary of State January 15, 1929.]

WHEREAS, The county of Los Angeles, State of California, has at all times herein mentioned, been and now is a body politic and corporate, and is now and has been, since the second day of June, 1913, organized and acting under and by virtue of a charter, adopted under and by virtue of section 7½ of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the fifth day of October, 1912, and approved by the Legislature of the State of California on the twenty-ninth day of January, 1913; and,

Los Angeles county charter amendment

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of an amendment to said charter set out in the certificate of the chairman of the board of supervisors and the county and ex officio clerk of the board of supervisors of the county of Los Angeles, to wit:

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }ss.

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND THE CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF A CERTAIN AMENDMENT TO THE CHARTER OF SAID COUNTY OF LOS ANGELES, SUBMITTED TO THE QUALIFIED ELECTORS OF SAID COUNTY OF LOS ANGELES ON THE 28th DAY OF AUGUST, 1928.

PREAMBLE.

BE IT KNOWN THAT:

WHEREAS, the county of Los Angeles, State of California, has at all times mentioned herein been and now is a body politic of the state of California, and is now and has been, since the 2nd day of June, 1913, organized and acting under and by virtue of a charter adopted under and by virtue of Section seven and one-half of Article eleven of the constitution of the state of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the 5th day of October, 1912, and approved by the legislature of the state of California on the 29th day of January, 1913; and,

Preamble

WHEREAS, on the 25th day of June, 1928 the Board of Supervisors of said county of Los Angeles, pursuant to the

Preamble

provisions of section seven and one-half of article eleven of the constitution of said state, duly proposed to the qualified electors of said county a certain amendment to the charter of said county by the submission of a proposal for such amendment to said electors at the special election held on the 28th day of August, 1928, and at the same time said board duly ordered said proposal to be submitted to the qualified electors of said county for ratification or rejection at said special election, and further duly ordered that said proposal should be forthwith published ten times in the Los Angeles Daily Journal, a newspaper of general circulation printed and published and circulated in said county, and in said proposal said proposed amendment was set forth in full and at length and was and is in the words and figures hereinafter set forth; and,

WHEREAS, thereafter the said proposal was duly published in full and at length in said newspaper for ten times; and,

WHEREAS, immediately subsequent to said publication the said Board of Supervisors duly prescribed the form and title to be printed on the general election ballot to be used in said special election for the submission of said proposal, which said form and title are hereinafter set forth and in which said form and under which said title said proposal and title appeared on said ballot; and,

WHEREAS, subsequent to said publication and at least twenty-five days prior to the 28th day of August, 1928, the county clerk of said county duly filed in his office a notice of election in which, among other things, and in addition to all other matters required by law, it was stated that said proposal would be submitted to the qualified electors of said county at said special election of August 28, 1928, and said clerk caused a copy of said notice to be posted in a prominent place in his office and on said notice said proposal appeared in the form and by the title prescribed by the Board of Supervisors, and in the form and by the title which said proposal appeared upon said ballot; and,

WHEREAS, at said special election said proposal was duly submitted to the vote of the qualified electors of said county and appeared on the general ballot at said election in the following form, to-wit:

“PROPOSED COUNTY CHARTER AMENDMENT NO. 1

“Shall the charter of Los Angeles County be amended by adding thereto a new section to be section 36½ and to read as follows:

“Sec. 36½: In all original examinations held pursuant to this charter, the Civil Service Commission, shall, in addition to all other credits give a credit of ten percent of the total credits specified for such examinations to all soldiers, sailors, or marines who have, or who shall have, served in the United States Army, Navy or Marine Corps, or in any division thereof, in time of war or armed insurrection and are honorably discharged or are honorably discharged from active service, although then on the reserve list and also to the wife of any such honorably discharged soldier, sailor, or marine who while engaged in such service in time of war or armed insurrection was wounded, disabled, or crippled and thereby permanently prevented from engaging in any remunerative occupation, and also to the widow of any such soldier, sailor, or marine who died or was killed while in such service.”

YES.

NO.

WHEREAS, the returns of said special election held in the county of Los Angeles on the 28th day of August, 1928, at which election said proposal was duly submitted to the vote of the qualified electors of said county was made to and canvassed by the Board of Supervisors of the County of Los Angeles, and it appeared therefrom and was so declared by the Board of Supervisors that the majority of votes cast was in favor of said proposed amendment and said Board of Supervisors thereupon ordered and declared that said proposed amendment was ratified; and,

WHEREAS, said amendment so ratified by the electors of the said county of Los Angeles at said special election held on August 28, 1928, is now submitted to the legislature of the state of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of Section seven and one-half of Article eleven of the constitution of the State of California;

NOW, THEREFORE, the undersigned, R. F. McCLELLAN, Chairman of the Board of Supervisors of the County of Los Angeles, State of California, and L. E. LAMPTON, County Clerk and ex-officio Clerk of the Board of Supervisors of Los Angeles County, State of California, authenticating their signatures with the official seal of said Board of Supervisors of Los Angeles County, do hereby certify that said amendment to said charter of said county, so ratified by the majority of the electors voting thereon at said special election, held on the 28th day of August, 1928, is in words and figures as follows, to-wit:

Certificate.

Amendment
civil service
examina-
tions, credit
to war
veterans or
wives.

“Sec. 36½: In all original examinations held pursuant to this Charter, the Civil Service Commission, shall, in addition to all other credits give a credit of ten percent of the total credits specified for such examinations to all soldiers, sailors, or marines who have, or who shall have, served in the United States Army, Navy or Marine Corps, or in any division thereof, in time of war or armed insurrection and are honorably discharged or are honorably discharged from active service, although then on the reserve list and also to the wife of any such honorably discharged soldier, sailor, or marine who while engaged in such service in time of war or armed insurrection was wounded, disabled, or crippled and thereby permanently prevented from engaging in any remunerative occupation, and also to the widow of any such soldier, sailor, or marine who died or was killed while in such service.”

We further hereby certify that the facts set forth in the preamble of this certificate preceding said amendment to said charter are, and each of them, is true and for and on behalf of said County of Los Angeles, we, being duly authorized, do hereby require the legislature of the State of California to approve such amendment to said charter as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of said Board of Supervisors of the County of Los Angeles, State of California, this 4th day of January, 1929.

[SEAL]

R. F. McCLELLAN,

CHAIRMAN OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES, STATE
OF CALIFORNIA.

ATTEST:

L. E. LAMPTON,

COUNTY CLERK and Ex-officio
Clerk of the Board of Super-
visors of the County of Los
Angeles, State of California.

Approval by
Legislature

WHEREAS, Said proposed amendment to the charter of the county of Los Angeles has been submitted to the Legislature of the State of California for approval or ratification as a whole, without power of alteration or amendment in accordance with the provisions of section 7½ of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendment to the charter of Los Angeles county as proposed, adopted and ratified by the

electors of the said county of Los Angeles, and as hereinbefore set forth, be, and the same is hereby approved as a whole without amendment or alteration and as an amendment to and as a part of the charter of the county of Los Angeles.

CHAPTER 3.

Senate Concurrent Resolution No. 3—Approving eleven certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of said city of Los Angeles at a special municipal election held therein on the sixth day of November, 1928.

[Filed with Secretary of State January 16, 1929.]

WHEREAS, The city of Los Angeles, in the county of Los Angeles, State of California, contains a population of over five hundred seventy-six thousand inhabitants and has been, ever since the year 1925, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section 8, article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the sixth day of May, 1924, and approved by the Legislature of the State of California, by concurrent resolution filed with the secretary of state on the twenty-sixth day of January, 1925 (statutes of 1925, page 1024); and

Los Angeles
city charter
amend-
ments

WHEREAS, The legislative body of said city, namely: the council of said city, did, pursuant to section 8, article eleven of the constitution of the State of California, by resolutions adopted September 24, 1928, and September 25, 1928, duly propose to the qualified electors of said city of Los Angeles twenty amendments to the charter of said city, designated as proposed charter amendments Nos. 1-A, 2-A, 3-A, 4-A, 5-A, 6-A, 7-A, 8-A, 9-A, 10-A, 11-A, 12-A, 13-A, 14-A, 15-A, 16-A, 17-A, 18-A, 19-A and 20-A, and ordered that said amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the sixth day of November, 1928, which date was fixed in said resolutions as the date for holding said special municipal election; and

WHEREAS, Said proposed charter amendments Nos. 1-A, 2-A, 3-A, 4-A, 5-A, 6-A, 7-A, 8-A, 9-A, 10-A, 11-A, 12-A, 13-A, 14-A, 15-A, 16-A, 17-A and 18-A, were, and each of them was, on September 25, 1928, duly published in The Los Angeles Daily Journal, a daily newspaper of general circulation in said city of Los Angeles and the newspaper designated by said council for that purpose; and said proposed charter amendments Nos. 19-A and 20-A were, and each of them was, on September 26, 1928, duly published in The Los Angeles Daily Journal, a daily newspaper of general circulation in said city of Los Angeles and the newspaper designated by said

Preamble

council for that purpose; and said twenty proposed charter amendments were printed in convenient pamphlet form, and from September 25, 1928, to November 6, 1928, both inclusive, a notice was published in said The Los Angeles Daily Journal, a daily newspaper of general circulation in said city, that such copies could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, The said council of said city did by ordinance designated as Ordinance No. 62144, which was duly adopted on October 19, 1928, order the holding of a special municipal election in said city of Los Angeles on the sixth day of November, 1928, which said date was not less than forty days and not more than sixty days after the completion of the publication of said twenty proposed amendments aforesaid, which said ordinance was approved by the mayor of said city on October 25, 1928, and was published five times prior to the time for the holding of said election, to wit: On October 27, 29, 30, 31 and November 1, 1928, in The Los Angeles Daily Journal, a daily newspaper printed and published in said city; and said council of said city did by said Ordinance No. 62144 order said special municipal election consolidated with the general state election to be held in said city on the sixth day of November, 1928; and

WHEREAS, Said special municipal election was held in said city of Los Angeles on the sixth day of November, 1928, which day was not less than forty days and not more than sixty days after said twenty proposed amendments to said charter had been published once in The Los Angeles Daily Journal; which said election was held during the six months next preceding a regular session of the Legislature of the State of California; and

WHEREAS, Thereafter, the board of supervisors of said county of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election, and did, on November 27, 1928, duly certify to the council of said city of Los Angeles the result of the canvass of said returns of said special municipal election; and the council of said city did, by resolution adopted on December 6, 1928, duly declare the result of said special municipal election as determined from the canvass of the returns thereof; and

WHEREAS, At said special municipal election held on said sixth day of November, 1928, eleven of said proposed amendments were ratified by a majority of the electors of said city voting thereon, to wit: charter amendments Nos. 1-A, 2-A, 3-A, 4-A, 5-A, 6-A, 7-A, 13-A, 14-A, 17-A and 18-A, and that all other amendments received less than a majority of the votes of the qualified electors voting thereon and were not ratified; and

WHEREAS, The said eleven charter amendments so ratified by the electors of the city of Los Angeles are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amend-

ment, in accordance with section 8 of article eleven of the constitution of the State of California, and are in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 1-A.

That Section 60 of the Charter be amended to read as follows:

Sec. 60. The Treasurer shall, as far as practicable, deposit the money under his supervision and control in such institutions and upon such terms as the laws of the State of California may permit, and the evidence of such deposits shall be counted and considered the same as cash in the City Treasury; provided, however, that where the monies of the Department of Water and Power or the Harbor Department, or monies from interest funds or sinking or redemption funds, established in respect of bonds issued for the benefit of such departments, or monies derived from the sale of any such bonds, or other evidences of indebtedness are deposited in institutions by the Treasurer, the interest received thereon shall become part of the fund to which the money so deposited shall belong.

Treasurer
deposit
of funds

CHARTER AMENDMENT NO. 2-A.

That paragraph Third of Section 221 of the Charter be amended to read as follows:

Third: For the necessary expenses of constructing, extending and improving such works, including the purchase of lands, water rights and other property; also the necessary expenses of conducting and extending the business of the department pertaining to such works; also for reimbursement to another bureau on account of services rendered, or material, supplies, or equipment furnished; also for expenditures for purposes for which bonds, or evidences of indebtedness provided for in Section 224, shall have been authorized, subject to reimbursement as soon as practicable, from monies derived from the sale or issuance of such bonds or evidences of indebtedness.

CHARTER AMENDMENT NO. 3-A.

That paragraph Fourth of Section 221 of the Charter be amended to read as follows:

Fourth: To return and pay into the General Fund of the City, from time to time, upon resolution of the board, from any surplus money in either such revenue fund, any sums paid by the city from funds raised by taxation for the payment of the principal or interest of any municipal bonds issued by the city for or on account of the municipal works to which such revenue fund pertains, or of liability arising in connection with the construction, operation or maintenance of the municipal works to which said fund pertains.

CHARTER AMENDMENT NO. 4-A.

That a new paragraph to be numbered Fifth (a) be added to Section 221 of the Charter to read as follows:

Fifth (a): For establishing and maintaining a reserve fund to insure the payment at maturity of the principal and interest on all bonds now outstanding or hereafter issued for the purpose of the Municipal Works, and such other reserve funds pertaining to such works as the Board may provide for by resolution subject to the approval of the Council by ordinance. The money set aside and placed in such fund or funds so created shall remain in said fund or funds until expended for the purposes thereof and shall not be transferred to the "Reserve Fund" of the city.

CHARTER AMENDMENT NO. 5-A.

That Section 224 of the Charter be amended to read as follows:

Power to borrow money for improvement of water works.

Sec. 224. The board shall also have power upon determining that an emergency exists which justifies it in so doing to borrow money under such procedure as may be prescribed by ordinance, and upon terms and conditions approved by the Council and by the Mayor, for the purpose of acquiring, constructing, reconstructing, repairing, extending, improving, or operating works for supplying the city and its inhabitants with water or electric energy and to issue notes, certificates or other evidences of indebtedness therefor, subject to the following provisions:

(1.) The principal and interest of any indebtedness so created shall be payable only out of the revenue fund pertaining to the municipal works for or on account of which such indebtedness was created; excepting, however, that provision may be made for the payment of any such water or power indebtedness, or any part thereof, by the authorization and sale of general municipal or district bonds in the manner elsewhere prescribed in this charter.

(2.) The whole amount of any such indebtedness shall be payable in not to exceed five years from the time of contracting the same, provided, that any such indebtedness, or part thereof, made payable after one year from the time of contracting the same shall be subject to the right of the board to pay the same with accrued interest thereon on any interest due date after said one year period.

(3.) The total outstanding indebtedness incurred under the provisions of this section for the purpose of either of such municipal works must not exceed thirty-three and one-third per cent. of the gross operating revenue from such works during the preceding fiscal year.

(4.) The rates for service from the municipal works for or on account of which any such indebtedness is created shall be so fixed as to provide for payment at maturity of the principal and interest of such indebtedness in addition to all other obli-

gations and liabilities payable from the revenue fund pertaining to such works.

CHARTER AMENDMENT No. 6-A.

That Section 362 of the Charter be amended to read as follows:

Sec. 362. All claims and demands against the City of Los Angeles, except coupons for interest and installments of the principal of outstanding bonds payable by the city, and payments due for principal or interest upon indebtedness created under the provisions of Section 224 of this Charter, shall be paid only on demands as herein provided, on forms and blanks to be prescribed by the Controller.

Payment of claims against the city.

CHARTER AMENDMENT No. 7-A.

That Section 87 of the Charter be amended to read as follows:

Sec. 87. Wherever in this charter provision is made for the discharge of specific duties by a specific appointee, the appointing power of such appointee may designate an employee or employees in the same department with full power to act in place of such appointee in case of his temporary absence or other inability to act; and in other cases upon the written request of such appointee.

Designation of person to act in place of appointee

CHARTER AMENDMENT No. 13-A.

That a new section to be known as Section 338 be added to the Charter to read as follows:

Sec. 338. Wherever, in this Charter any initiative, referendum, recall or nominating petition or paper is required to be signed by qualified electors, only an elector who is a registered qualified elector shall be entitled to sign the same; and wherever in this Charter the City Clerk is required to examine any such petition or paper for the purpose of ascertaining whether or not the same is signed by the requisite number of qualified electors of the city he shall determine that fact from the records of registration.

Persons qualified to sign initiative or referendum.

CHARTER AMENDMENT No. 14-A.

That Section 130 of the Charter be amended to read as follows:

Sec. 130. The Fire Department shall have the power and duty to control and extinguish injurious or dangerous fires and to remove that which is liable to cause such fires, and to enforce all ordinances and laws relating to the preventing or spreading of fires, and all ordinances and laws pertaining to fire control and fire hazards within the City of Los Angeles, including the water-front of the City, and the waters under the jurisdiction of the City, and vessels or structures thereon.

Fire department powers.

CHARTER AMENDMENT No. 17-A.

That Article XIII of the Charter be amended to read as follows:

Article XIII.

Humane Department.

Humane
department.

Sec. 155. The Humane Department shall have the power and duty:

(1) To enforce all ordinances of the City of Los Angeles and the penal laws of the State relating to the care, treatment or impounding of dumb animals or for the prevention of cruelty to the same.

(2) To provide and maintain a public pound wherein animals may be impounded.

(3) To enforce the ordinances of the City requiring the payment of money for licenses for dogs within the city.

Sec. 156. The words "Department of Humane Treatment of Animals" or "Humane Treatment of Animals", as elsewhere used in this Charter, shall be deemed to refer to and mean the Humane Department.

CHARTER AMENDMENT No. 18-A.

That section 33 of the Charter be amended to read as follows:

Council shall
provide for
depart-
ments.

Sec. 33. The Council shall provide, except as to those departments given control of their own definite revenues or funds, suitable quarters, equipment and supplies for the various departments and offices of the city government. It shall create the necessary positions in addition to those created by this charter in said departments and offices, authorize the necessary deputies, assistants and employees, and provide the necessary funds for carrying on the work of said departments and offices. It shall fix the salaries of all officers and employees except as otherwise provided in this charter; provided, however, that no ordinance fixing the salary of any position shall be adopted except by a vote of two-thirds of the whole Council, unless such ordinance shall first have been recommended for adoption by a committee composed of the Mayor, Director of the Bureau of Budget and Efficiency and the Chairman of the Finance Committee of the Council. Upon request from any department given control of its own definite revenues or funds, the Council may assist such department in the performance of its functions with appropriations of money or otherwise.

State of California,)
County of Los Angeles. } ss.

Certificate.

We, the undersigned, George E. Cryer, mayor of the city of Los Angeles, State of California, and Robt. Dominguez, city clerk of said city, and ex officio clerk of the council of said city, do hereby certify:

That the foregoing proposed and ratified amendments to the charter of said city of Los Angeles, submitted to the electors of said city at a special municipal election held in said city on the sixth day of November, 1928, have been compared by us and each of us, with the proposed amendments set forth in the resolutions adopted by the council, as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said city of Los Angeles this third day of January, 1929.

GEORGE E. CRYER,
Mayor of the City of Los Angeles.

[SEAL]

ROBT. DOMINGUEZ,
City Clerk of the City of Los Angeles.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the city of Los Angeles as proposed to, adopted and ratified by the electors of said city as hereinbefore fully set forth, be and the same are and each of them is hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of the city of Los Angeles.

Approval by
Legislature

CHAPTER 4.

Senate Concurrent Resolution No. 11—Relative to the adjournment of the Legislature for the constitutional recess and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

[Filed with Secretary of State January 18, 1929.]

WHEREAS, Section 2 of article four of the constitution of the State of California requires that, after the Legislature has been in session for a period not exceeding thirty days, a recess must be taken by both houses for a period of not less than thirty days; therefore, be it

Constitutional
recess

Resolved by the Senate, the Assembly concurring, That the forty-eighth session of the Legislature of the State of California shall adjourn for said recess at three o'clock in the afternoon on Friday, January 18, 1929, and shall reassemble at the hour of eleven o'clock in the forenoon on Monday, February 18, 1929.

CHAPTER 5.

Senate Joint Resolution No. 2--Relative to the California state fair and western states exposition.

[Filed with Secretary of State January 18, 1929]

State fair
and western
states expo-
sition

WHEREAS, During the period from August 31 to September 9, 1929, this state will celebrate the seventy-fifth anniversary of the founding of the California state fair, which has every year exhibited to California and to the world the varied agricultural, mining and industrial products of California and the west; and

WHEREAS, It is the desire of the people of the State of California to issue a special invitation to the states of the west to participate in this celebration; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That the Legislature of the State of California invites Arizona, Montana, New Mexico, Wyoming, Utah, Texas, Washington, Oregon, Nevada, Colorado and Idaho to unite with the people of this state in the celebration of this seventy-fifth anniversary of the state fair; and be it further

Resolved, That copies of this resolution be forwarded by the secretary of the Senate to the governors of each of the said western states.

CHAPTER 6.

Assembly Concurrent Resolution No. 6--Relative to appointing a committee to investigate the methods of controlling and regulating investment securities.

[Filed with Secretary of State January 18, 1929]

Appointment
of commit-
tee to in-
vestigate
methods of
controlling
investment
securities

WHEREAS, The existing economic conditions which relate to and affect investment securities may render certain changes in the method of controlling such investment securities desirable; and

WHEREAS, A certain act entitled the "Supplemental corporate securities act" relating to the method of controlling such investment securities has been proposed to this Legislature; now therefore, be it

Resolved by the Assembly, the Senate concurring, That a committee of six members, consisting of three members of the Assembly and three members of the Senate, be appointed by the speaker of the Assembly and the president of the Senate, respectively, in conjunction with the assistance of the corporation commissioner, to investigate said proposed "Supplemental corporate securities act" and the present method of controlling investment securities in this state, and in other states, particular regard being had to the laws of Illinois on this subject; and to report its findings and submit its recommendations

to this Legislature at the forty-eighth session thereof not later than the first week in March, 1929; and be it further

Resolved, That said committee shall hold public hearings in connection with the investigation directed to be made in this resolution.

That the committee invite persons conversant with matters pertaining to investment securities to participate in said hearings, and take depositions from such persons.

That the committee may require the cooperation of the corporation commissioner in all matters pertinent to the subject of this resolution, and may require and compel the attendance of the corporation commissioner or his deputies at such hearings and the production of such records or documents as may be desired.

CHAPTER 7.

Assembly Concurrent Resolution No. 7—Relative to joint rules of Senate and Assembly.

[Filed with Secretary of State January 18, 1929.]

Resolved by the Assembly, the Senate concurring, That the following be adopted as the joint rules of the two houses of the Legislature for its forty-eighth session: Joint rules
of Senate
and
Assembly

JOINT RULES OF SENATE AND ASSEMBLY.

COMMITTEES AND COMMITTEE MEETINGS.

STANDING COMMITTEES.

1. Subject to the right of either house to appoint additional committees, the following standing committees shall be appointed in the Senate and Assembly, the number of members and the manner of selection to be determined by the rules of each house: Standing
committees.

- (1) Agriculture.
- (2) Banking.
- (3) Building and loan associations.
- (4) Civil service.
- (5) Commerce and navigation.
- (6) Conservation.
- (7) Corporations.
- (8) Constitutional amendments.
- (9) County government.
- (10) Drainage, swamp and overflowed lands.
- (11) Education.
- (12) Elections.
- (13) Federal relations.
- (14) Finance in the Senate and ways and means in the Assembly.
- (15) Fish and game.

- (16) Hospitals and asylums.
- (17) Insurance.
- (18) Irrigation.
- (19) Judiciary.
- (20) Labor and capital.
- (21) Manufactures.
- (22) Military affairs.
- (23) Mines and mining.
- (24) Municipal corporations.
- (25) Oil industries.
- (26) Prisons and reformatories.
- (27) Public health and quarantine.
- (28) Public morals.
- (29) Public utilities.
- (30) Revenue and taxation.
- (31) Roads and highways.
- (32) Rules.

JOINT COMMITTEES.

Joint committees.

2. Joint standing committees of Senate and Assembly shall be appointed as follows:

- (1) Committee on revision and printing, to consist of three (3) members from the Senate and five (5) from the Assembly.
- (2) Committee on joint rules, to consist of the members of the rules committee of each house.

JOINT MEETING OF COMMITTEES.

Joint meeting of committees.

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

BILLS AND RESOLUTIONS.

SCOPE OF WORD "BILL."

Scope of word "bill."

4. Whenever the word "bill" is used in these rules it shall include constitutional amendments, joint and concurrent resolutions.

JOINT AND CONCURRENT RESOLUTIONS.

Joint and concurrent resolutions.

5. Joint resolutions are those which relate to matters connected with the federal government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

RESOLUTIONS TREATED AS BILLS.

Resolutions treated as bills

6. Joint resolutions, concurrent resolutions and constitutional amendments shall be treated in all respects as bills; except that they shall be read but one time in each house, and

that they shall not be deemed bills within the meaning of section 2 of article four of the constitution, and shall not be referred to the committee on introduction of bills, and shall not require a vote to authorize their introduction. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

PREPARATION AND INTRODUCTION OF BILLS.

TITLE OF BILL.

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

Title of bill

DIVISION OF BILL INTO SECTIONS.

8. Bills amending more than one section of existing laws shall contain a separate section for each section amended.

DIVISION of bill into sections

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

CHANGES IN EXISTING LAW TO BE MARKED BY AUTHOR.

9. In case of a bill amending a code section or a general law any new matter shall be underlined and any matter to be omitted shall have a single horizontal line through the center. When printed the new matter shall be printed in italics and the matter to be omitted shall be printed in canceled or "strike out" type.

Changes in existing law to be marked by author

COMMITTEE ON REVISION AND PRINTING TO EXAMINE BILLS WHEN INTRODUCED.

10. Unless otherwise ordered by the house in which the bill was introduced, all bills before being printed shall be immediately sent to the committee on revision and printing, which shall examine the bill, with the aid of the legislative counsel bureau. The committee, by and with the written assent of the author filed with it, shall have authority to correct any clerical error such as in orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, errors in grammar, phraseology, or in the form of the bill; *provided*, that no bill which bears the stamp of the legislative counsel bureau showing that before introduction it has been examined as to form, shall be sent to the committee on revision and printing.

Committee on revision and printing to examine bills when introduced.

Note.—The submission of bill copy to legislative counsel bureau for approval of form before introduction will expedite its course.

BILLS INTRODUCED TO INDICATE CHANGES IN EXISTING LAWS.

Bills introduced to indicate changes in existing laws.

11. The committee on revisior and printing shall see to it that rules 7 and 9 of these joint rules are observed by the author, and that the bill shall not be sent to the printer until the provisions of these rules have been carried out.

REPORTS OF COMMITTEE ON REVISION AND PRINTING.

Reports of committee on revision and printing.

12. The committee on revision and printing shall return to the secretary of the Senate or chief clerk of the Assembly all bills in the order in which they were sent to it, but shall not retain any bill for longer than three legislative days, unless otherwise ordered.

ENDORSEMENT OF DATE OF INTRODUCTION.

Endorsement of date of introduction

13. Bills introduced in either house shall be endorsed with the date of introduction.

PRINTING AND DISTRIBUTION OF BILLS.

MANNER OF PRINTING BILLS, ETC.

Manner of printing bills, etc.

14. The state printer shall observe the following directions in printing all bills, constitutional amendments, joint and concurrent resolutions:

(a) The body of such bills and resolutions shall be printed in solid unspaced form so that the same type shall be used both before and after enrollment.

(b) All titles of bills, resolutions, etc., shall be set in italics, statute form, and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only; *provided, however*, that concurrent resolutions approving city or county or city and county charters or amendments thereto may be set in smaller type and without line numbers.

(d) Enrolled bills may be inclosed in stock cover.

PRINTING OF AMENDMENTS.

Printing of amendments.

15. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in type bearing a horizontal line through the center, and commonly known as "strike out" type. When a bill is amended in either house, the first or previous markings shall be omitted. When a bill amendatory of a code section or general law is engrossed, all figures or symbols shall be removed.

DISTRIBUTION OF BILLS DURING CONSTITUTIONAL RECESS.

16. All requests for mailing or distribution by the members of the Assembly, who shall compile the same with the elimination of duplication as a general mailing list. The distribution of bills, constitutional amendments, joint and concurrent resolutions shall be systemized as follows: Members' desks and legislative officers' files, one hundred fifty full sets; to authors, fifty copies of their own bills; accredited newspaper representatives, twenty-five; to public and law libraries, newspapers, county officials, and other civic, commercial, fraternal or industrial organizations as the secretary of the Senate and chief clerk of the Assembly may compile from the recommendations of the members of both houses, one thousand two hundred copies; to state officers, state library and secretary of state, two hundred copies; to legislative committees, bill room files and public requests—confined to single copies of bills designated—one thousand copies. The state printer shall cause to be printed in the standard form adopted by the Senate and the Assembly as many copies of all bills, constitutional amendments and joint or concurrent resolutions as may be necessary to conform to the provisions of this rule.

Distribution of bills during constitutional recess

A similar number and distribution shall be made of the semifinal history and final calendar.

DISTRIBUTION OF BILLS AFTER CONSTITUTIONAL RECESS.

17. Following the recess, new bills introduced shall be forwarded to the public libraries and law libraries only, and one copy each of amended bills as may be requested. Weekly histories and journals shall be distributed generally, following the recess, upon such schedule as the secretary of the Senate and chief clerk of the Assembly may designate.

Distribution of bills after constitutional recess

OTHER LEGISLATIVE PRINTING.

PRINTING OF THE DAILY JOURNAL.

18. The state printer shall print one thousand copies of the journal of each day's proceedings of each house; at the end of the session he shall also print a sufficient number of copies, properly paged after being corrected and indexed by the secretary of the Senate and chief clerk of the Assembly, to bind in book form as the journal of the respective houses of the Legislature as required by law.

Printing of daily journal

WHAT SHALL BE PRINTED IN THE JOURNAL

19. The following shall always be printed in the journal of each house:

What shall be printed

(a) Messages from the governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house, and the title and text of joint and concurrent resolutions and constitutional

amendments when adopted by the house; *provided*, that in the case of a concurrent resolution approving the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments need not be printed in the journal.

(b) Every vote take in the house, and a statement of the contents of each petition, memorial, or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a committee of the whole.

PRINTING OF THE DAILY FILE.

Printing of
daily file.

20. A daily file of bills ready for consideration shall be printed each day for each house, and copies of the file of each house shall be distributed each day to all of the members of both houses.

PRINTING OF HISTORY.

Printing of
history.

21. Each house shall cause to be printed on Monday of each week, during the session, a complete history of all bills, joint or concurrent resolutions and constitutional amendments originating in, or acted upon by the respective houses.

Such history shall show the action taken upon each measure up to and including the legislative day preceding its issuance.

For each legislative day intervening there shall be printed a supplementary history showing the action taken upon any measure since the issuance of the complete history. A regular form shall be prescribed and no other form shall be used.

Immediately following the adjournment for the constitutional recess the history shall be compiled and printed to date of recess.

AUTHORITY FOR PRINTING ORDERS.

Authority
for print-
ing orders

22. The superintendent of state printing shall not print for use of either house any matter other than provided by law or by these rules, except upon a written order signed by the secretary of the Senate or the chief clerk of the Assembly. The secretary of the Senate and the chief clerk of the Assembly may also, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

RECORD OF BILLS.

SECRETARY AND CHIEF CLERK TO KEEP REGISTER.

Record
of bills.

23. The secretary of the Senate and the chief clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

SECRETARY AND CHIEF CLERK SHALL ENDORSE BILLS.

24. The secretary of the Senate and the chief clerk of the Assembly shall endorse on every original bill a statement of any action taken by the Senate and Assembly.

ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER.

BILLS READ AND REFERRED TO COMMITTEE.

25. When a Senate bill has been received by the Assembly or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the secretary or the chief clerk and referred to a standing committee by the presiding officer, unless otherwise ordered by the house.

Action in one house on bill transmitted from the other.

AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

26. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage; or (if it be an Assembly bill) has been received from the Assembly by the Senate after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate messages" or "Assembly messages"), read the first time, unless otherwise ordered by the house, and shall then be assigned to the proper committee, unless otherwise ordered, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with observance of this rule.

SPECIAL FILE.

27. On the second day after the close of the recess provided for in section 2, article four of the constitution, the Senate and Assembly shall each adopt and provide a special file upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock p.m. of each day in the Assembly and at two o'clock and thirty minutes p.m. of each day in the Senate and be considered at least one hour and a half after being so taken up unless its consideration shall be completed in a lesser period of time. This rule shall not be suspended in either house except by a three-fourths vote of such house.

REPORTS FROM ONE HOUSE TO THE OTHER AS TO ACTION ON BILL.

BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER, REQUIRES NOTICE.

28. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

Reports from one house to the other as to action on bill.

EACH HOUSE TO TRANSMIT PAPERS.

29. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

NOTICES TO BE IN WRITING UNDER PROPER SIGNATURES.

30. Notice of the action of either house to the other shall be in writing, and under the signature of the secretary of the Senate or the chief clerk of the house from which such notice is to be conveyed.

SECRETARY, CHIEF CLERK, ETC., TO DISPATCH MESSAGES.

31. Messages shall be sent to the other house by an officer or attache to be designated by the secretary, if it be a Senate message, or by the chief clerk, if it be an Assembly message.

MESSAGES MUST BE ANNOUNCED BY THE SERGEANT-AT-ARMS.

32. When a message shall be sent from either house it shall be announced at the door by the sergeant-at-arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

PASSAGE AND ENROLLING OF BILLS.

PASSAGE OF BILLS TAKING EFFECT IMMEDIATELY.

Passage and
enrolling
of bills

33. Each house shall act in the usual course upon all bills that may be made to take effect immediately, under the provisions of section 1, article four of the constitution.

PASSAGE OF URGENCY PROVISIONS IN BILLS.

34. Upon the third reading of an act which is an urgency measure within the meaning of section 1, article four of the state constitution, the presiding officer shall direct that the section of said act setting forth the facts constituting the necessity for such urgency (which shall be known as the urgency section) be then read and put to vote. The question shall be thus stated: "Shall this section, setting forth the urgency features of this bill, be passed?" If upon such final vote two-thirds of all the members elected to the house in which the vote is being taken shall not vote in the affirmative, no further action shall be taken on the bill; but, in case an identical bill without such an emergency clause be again introduced into such house, such bill shall be placed on file without reference to any committee.

PASSAGE OF BILLS PRECEDING FINAL ADJOURNMENT.

35. No Senate bill shall be passed by the Senate and no Assembly bill shall be passed by the Assembly within seven days of the time set for adjournment sine die of the two houses of the Legislature, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the presiding officer thereof.

ENROLLMENT OF BILL AFTER PASSAGE.

36. After a bill shall have passed both houses, it shall be duly enrolled after being carefully compared, by the engrossing and enrolling clerk and committee of the house in which it originated, with the engrossed bill, as passed in the two houses. It shall then receive the signatures provided for in joint rule 37, and be presented to the governor of the state.

ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

37. After a bill shall have been thus passed in each house, it shall be presented by the engrossing and enrolling committee of the house in which it originated to the governor of the state for his approval (it being first endorsed by the presiding officers of the two houses, and by the secretary of the Senate and the chief clerk of the Assembly). The said committee shall report the day of presentation to the governor, which time shall be carefully entered on the journal of the house in which the bill originated.

AMENDMENTS AND CONFERENCES.

AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

38. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the secretary or assistant secretary of the Senate, or the chief clerk or assistant clerk of the Assembly, as the case may be; *provided, however*, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

Amendments
to amended
bills must
be attached

TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

39. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the secretary or chief clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

To concur
or refuse
to concur in
amendments

WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

40. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the secretary or the chief clerk shall notify the house making the amendments of such refusal, and ask that they recede from their amendments. If they refuse to recede, the presiding officer shall appoint a committee of three (3) on free conference and the secretary or the chief clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those

When Senate
or Assembly
refuse to
concur.

voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the free conference committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the house, and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The committee on free conference shall report to both the Senate and Assembly.

COMMITTEE ON FREE CONFERENCE.

Committee
on free
conference.

41. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective chairmen of the committees.

REPORT OF COMMITTEE ON FREE CONFERENCE.

Report of
committee
on free
conference.

42. The report of the committee on free conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a committee on free conference shall be appointed a member of another committee on free conference on the same bill.

WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

When
conference
committee
report is
in
order.

43. The presentation of the report of a committee on free conference shall always be in order, except when the journal is being read or a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

MISCELLANEOUS PROVISIONS.

Miscel-
laneous
provisions

44. The committee on joint rules shall be empowered to compile a list of suggestions as to the form of bills and resolutions prepared for introduction into the Legislature.

PRESS RULES.

Press rules.

45. A person desiring recognition by the Senate or Assembly as a newspaper correspondent shall make application in writing to the president of the Senate or speaker of the Assembly.

(a) The applicant shall state in writing the name of the newspaper or newspapers he represents and that he is not engaged, and will not become engaged as a lobbyist for any person, copartnership, corporation or interest and that he is not and will not become the agent or representative of any person, copartnership, organization or corporation in advocating or attempting to defeat any measure pending in either branch of the Legislature, that he is not employed in any executive, administrative or legislative department of the state government and will not become so employed while accepting the privileges of a press representative.

(b) It shall be the duty of the president of the Senate and the speaker of the Assembly to assign one or more rooms for the exclusive use of correspondents during the legislative session, which room shall be known as the press room. The press room shall be under the control of the superintendent of the Capitol building and grounds; *provided*, that all rules and regulations shall be approved by the president of the Senate and speaker of the Assembly.

ADJOURNMENT.

46. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution; and the resolution for adjournment sine die shall be passed by both houses at least fourteen days before the date of such adjournment.

Adjournment.

JOINT ADDRESS TO GOVERNOR.

47. When the Senate and Assembly shall judge it proper to make a joint address to the governor, it shall be presented to him in his audience chamber by the president of the Senate in the presence of the speaker of the Assembly and a select committee of six members from each house appointed by the respective presiding officers.

Joint address to governor.

DISPENSING WITH JOINT RULES.

48. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and joint rules twenty-seven and thirty-five can be dispensed with only in the manner provided for in said joint rules. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the president or speaker may direct the secretary or the chief clerk to mark the section or sections in conflict with the rules as nonconcurring in or negatived.

Dispensing with joint rules

CHAPTER 8.

Assembly Concurrent Resolution No. 10—Relative to revision of the laws of California.

[Filed with Secretary of State January 18, 1929.]

Committee
to report
on the
revision of
the laws.

WHEREAS, It is desirable that a committee of the Legislature meet during the constitutional recess of the forty-eighth legislative session for the purpose of considering the subject of needed revision of the statutes and of making recommendations thereon to the Legislature at this session; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That a committee of five members, consisting of three members of the Assembly to be appointed by the speaker of the Assembly, and two members of the Senate to be appointed by the president of the Senate, be appointed to consider and report upon the subject of revision of the laws of the state, submitting its recommendations thereon to this Legislature upon the reconvening thereof after the constitutional recess.

CHAPTER 9.

Senate Concurrent Resolution No. 13—Approving nine certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a general election held therein on the sixth day of November, 1928.

[Filed with Secretary of State February 18, 1929.]

San Fran-
cisco city
and county
charter
amend-
ments.

WHEREAS, The city and county of San Francisco, State of California, contains a population of over five hundred thousand inhabitants, and has been ever since the eighth day of January, in the year 1900, and is now organized and acting under a freeholders' charter adopted under and by virtue of section 8 of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, 1898, and approved by the Legislature of the State of California on the twenty-sixth day of January, 1899 (statutes of 1899, page 241); and

WHEREAS, The legislative authority of said city and county, namely the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco, thirty-two certain amendments to the charter of said city and county of San Francisco by the submission of thirty-two proposals, numbered from twenty-two to forty-nine, inclusive, and from fifty-one to fifty-four inclusive, entitled as follows, to wit:

Charter Amendment No. 22

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new article thereto to be designated as Article XII-A, relating to the operation, maintenance, control and construction of municipally-owned public utilities. ^{Same.}

Charter Amendment No. 23

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new article thereto to be designated as Article XII-B, relating to the acquisition, construction and extension of municipally owned public utilities and the issuance of bonds for that purpose to be redeemed and interest thereon paid solely from revenues of the particular utility.

Charter Amendment No. 24

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding two new sections to Chapter II of Article II thereof, to be known as Sections 6a and 6b, respectively, relating to street railway franchises in the City and County of San Francisco.

Charter Amendment No. 25

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 2 and 4 of Chapter X of Article VIII of said Charter, providing pensions for members of the Police Department who have served twenty-five years continuously, and for the receipt of said pensions upon the death of said member by his surviving widow or minor children or other dependents.

Charter Amendment No. 26

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 3 of Chapter II and Sections 3, 5 and 10 of Chapter VII of Article IX of said Charter, providing pensions for members of the Fire Department, and for the receipt of said pensions upon the death of said member by his surviving widow, minor children, or other dependents.

Charter Amendment No. 27

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of

Same.

California, to amend the Charter of said City and County, by amending Section 2 of Chapter I of Article II of said Charter, providing for the election of the Supervisors of said City and County, fixing their qualifications and terms of office, and providing for their compensation.

Charter Amendment No. 28

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Sections 10 and 11 of Article XIII of said Charter, and substituting therefor new sections to be designated Nos. 10 and 11, providing for the method for the appointment of persons to the classified service of the City and County, for the period of probation and their tenure of office, and for the appointment of emergency appointees to avoid the stoppage of public business, and setting forth the department of the government which shall be subject to the provisions of Civil Service, and for the confirmation of certain employees in their positions, and providing for an annual appropriation to enable the Civil Service Commission to hold examinations for the classified service.

Charter Amendment No. 29

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 6 of Chapter V of Article VIII thereof, providing for the detail by the Chief of Police of the members of said Department for detective duty, and limiting the number thereof, and fixing the rank and salary of the said persons so detailed, and providing for their removal from said detail and for the manner of defining their duties.

Charter Amendment No. 30

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by amending Subsection 2 of Section 1 of Chapter III of Article VIII thereof, relating to powers of board, by adding new sections to Chapter V of Article VIII thereof, to be numbered Section 1A, Section 1B, Section 1C, Section 1D, Section 1E, to amend Sections 2 and 3 of Chapter V of Article VIII thereof, relating to subordinate offices; to amend Section 2 of Chapter VII of Article VIII, relating to promotions, suspensions, dismissals and disratements, by amending Sections 3 and 6 of Chapter X of Article VIII thereof, and by adding a new section to Chapter X of Article VIII thereof, to be numbered Section 2½, relating to pensions of widows and orphans of members of the Police Department.

Charter Amendment No. 31

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by adding a new article thereto to be designated as Article XVIII, creating a City Planning Commission, providing for the membership thereof, and the method of the appointment of the members thereof and for their compensation, and defining their powers and duties, and specifying the manner in which said powers and duties shall be exercised, and repealing conflicting provisions of the Charter. ^{Same.}

Charter Amendment No. 32

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of the City and County by adding a new article thereto, to be designated as Article XIV-D, relating to the War Memorial of San Francisco, and providing for the appointment of a Board of Trustees to have the management, superintendence, control and operation of said War Memorial, and prescribing the duties and powers of said Board.

Charter Amendment No. 33

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, to amend the Charter of said City and County by amending Section 11 of Article XIV thereof, relating to the levying of taxes and the appropriation of money for the maintenance, preservation and improvement of parks, squares, avenues and grounds under the jurisdiction of the Park Commission.

Charter Amendment No. 34

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by amending Section 2, Chapter VII of Article VII thereof, relating to the levying of taxes for the maintenance of libraries and reading rooms and branches thereof, and to defray the cost of books and periodicals, lands and buildings therefor.

Charter Amendment No. 35

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend Section 8 of Article I, by providing for the acceptance from the United States of deed conveying to the City and County of San Francisco the Palace of Fine Arts and the land upon which it is located, and approving, confirming and validating Ordinance No. 7531 (New Series), granting to the United States as a consideration for said conveyance the right to con-

Same.

struct, maintain and operate, and to maintain and operate where already constructed a spur track railroad over and along certain public streets in the City and County of San Francisco.

Charter Amendment No. 36

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by adding a new section to Chapter II of Article II, to be known as Section 10a, authorizing the Board of Supervisors to transfer to the government of the United States, without any monetary consideration, a site in the Civic Center on which the government shall erect and maintain a Federal Building.

Charter Amendment No. 37

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the title to Article XVII of the Charter of said City and County and Section 1, Section 2, Section 3, Section 4 and Section 8, all of Article XVII of the Charter, of the said City and County, relating to the establishment of a retirement system for aged and disabled officers and employees of the said City and County.

Charter Amendment No. 38

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 6, Chapter I of Article III thereof, providing for method of drawing of money from the treasury of San Francisco, and for the creation of a Revolving Fund for the Purchaser of Supplies, and for the use of said fund by the Purchaser of Supplies in order to obtain advantageous prices by the prompt payment for supplies purchased by the City.

Charter Amendment No. 39

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of the City and County of San Francisco, by amending Section 7 of Article XV thereof, relating to bonds to be required from deputies and employees for the faithful discharge of their duties, and for the payment of the cost of said bonds by the City.

Charter Amendment No. 40

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by amending Subsection 10 of Section 1, Chapter III of Article VII thereof, relating to the payment of demands against the

Common School Fund, and providing how said demands shall ^{Same.} be signed, audited and paid.

Charter Amendment No. 41

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 1 of Chapter IV of Article IX thereof, relating to Fire Companies and by whom composed, and providing for the advancement in rank of certain officers thereof, and providing that those now eligible for appointments to the rank of lieutenant, shall be eligible for appointment as captain, and continuing the life of the eligible list of lieutenants.

Charter Amendment No. 42

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by amending Section 4 of Chapter V of Article VIII of said Charter, providing for the appointment of Sergeants in the Police Department, and defining their duties, and repealing Section 5 of said Chapter and Article providing for the appointment of Corporals in said department.

Charter Amendment No. 43

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by amending Section 6 of Chapter I, Article IX, providing for the qualifications of persons appointed to positions in the Fire Department and setting forth which employees of said Department shall be entitled to the benefits of the Retirement System of said Fire Department.

Charter Amendment No. 44

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by amending Sub-section 4 of Section 1, Chapter III, Article VIII, of the said Charter, providing for the appointment by the Board of Police Commissioners of patrol special police officers, and the manner in which they shall be removed, and that said officers shall be entitled to a pension if injured while performing regular police duty.

Charter Amendment No. 45

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by

Same

adding thereto a new section to be designated as Section 1a, Chapter VI, Article VIII, of said Charter, providing for the appointment of engineers for the police patrol boat, and fixing their compensation, and providing that those now occupying said positions or hereafter appointed to the same shall be entitled to the benefits of the Police Pension Fund.

Charter Amendment No. 46

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of the City and County, by adding a new chapter thereto to be designated as Chapter X of Article V thereof, providing for the manner of appointment of an Adult Probation Officer and for his deputies and assistants, of a Probation Officer of the Juvenile Court, and for his deputies and assistants, and for the qualifications of said officers, deputies and assistants, and for the manner of fixing their compensation, and making all of said officers, deputies and assistants, subject to the Retirement System for aged and disabled employees.

Charter Amendment No. 47

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding thereto a new section to be designated as section 1b of Chapter VI of Article VIII of said Charter, providing for the appointment of hostlers in the Police Department, fixing their compensation, and providing that they shall be entitled to the benefits of the Police Pension Fund.

Charter Amendment No. 48

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, to amend the Charter of said City and County, by amending Section 1 3/4 of Chapter VI of Article VIII of said Charter, providing for the appointment by the Board of Police Commissioners of Women Protective Officers and Police Matrons for the care of female prisoners and defining their duties and fixing their compensation.

Charter Amendment No. 49

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by adding a new section to Article XVI thereof, designated as Section 46, providing for the fixing of salaries of Police Judges of the City and County, by the Board of Supervisors, and limiting the amount of said salaries.

Charter Amendment No. 51

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section thereto, to be designated as Section 15 of Article XIV, authorizing the Board of Park Commissioners to construct, maintain, and operate public automobile parking stations in the sub-surface area of public parks, and providing how the cost of said construction shall be defrayed.

Charter Amendment No. 52

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 35 of Section 1 of Chapter II of Article II of said Charter, relating to the contingent fund to be appropriated annually to the Mayor by the Board of Supervisors.

Charter Amendment No. 53

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County of San Francisco by adding a new section thereto, to be designated as Section 1a of Chapter VIII of Article V, providing for an additional department of the Police Court of said City and County, and for the appointment of an additional judge of said court, and providing for the appointment of said judge and for the qualifications of said judge.

Charter Amendment No. 54

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Article XVI, to be numbered Section 47 thereof, relative to the salary of the City Attorney.

WHEREAS, Said thirty-two proposals aforementioned containing said proposed amendments to said charter were in accordance with the provisions of section 8 of article eleven of the constitution of the State of California, published for one day after their order of submission in the "San Francisco Bulletin," a daily newspaper of general circulation in the city and county of San Francisco and the official newspaper of said city and county; that said proposals were printed in convenient pamphlet form and until the date fixed for the election hereinafter described an advertisement was published in a paper of general circulation in the city and county of San Francisco, the "San Francisco Bulletin," that such copies could be had on application therefor to the office of the board of supervisors; and

Preamble.

WHEREAS, The said legislative authority of said city and county, ordered placed upon the ballot at a general election to be held in the city and county of San Francisco on the sixth day of November, 1928, the said thirty-two several proposals to amend the charter of the city and county of San Francisco; and

WHEREAS, Said general election was held in said city and county of San Francisco on the sixth day of November, 1928, which day was more than forty days and less than sixty days after said proposed charter amendments had been published for one day in the "San Francisco Bulletin," newspaper, said general election having been held within six months next preceding a regular session of the Legislature; and

WHEREAS, On the thirteenth day of November, 1928, and thereafter at meetings duly convened in accordance with law, the board of election commissioners of said city and county duly and regularly canvassed the returns of said general election, and duly declared the results thereof, said board being by law authorized to conduct, manage and control the holding of said elections and all matters pertaining to such elections in said city and county; and

WHEREAS, Thereafter, to wit on the twenty-seventh day of November, 1928, the said board of election commissioners duly filed in the clerk's office of the board of supervisors "official statement of votes cast at the general election held in the city and county of San Francisco, State of California, on Tuesday, the sixth day of November, A. D. 1928, for charter amendments"; and

WHEREAS, At said general election so held on the sixth day of November, 1928, ten of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit: Charter amendments numbered twenty-six, twenty-nine, thirty-one, thirty-two, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight and forty, and that all the other amendments received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said ten charter amendments so ratified by the electors of the city and county of San Francisco, are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of section 8 of article eleven of the constitution of the State of California, and are in words and figures, as follows, to wit:

FIREMEN'S PENSIONS.

Charter Amendment No. 26.

Firemen's
pensions.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 3 of Chapter II and Sections 3, 5 and 10 of Chapter VII of Article IX of said Charter, providing pensions

for members of the Fire Department, and for the receipt of said pensions upon the death of said member by his surviving widow, minor children, or other dependents. Firemen's
pensions

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at the general election to be held on the sixth day of November, 1928, a proposal to amend the Charter as follows:

That Section 3 of Chapter II and Sections 3, 5 and 10 of Chapter VII of Article IX be amended to read as follows:

CHAPTER II.

Section 3. When any officer, member or employee of the Department shall become temporarily disabled by reason of injuries received *or from sickness contracted* while in the actual performance of his duty therein so as to incapacitate him from performing his duty, the Commissioners shall allow his salary during the continuance of such temporary disability or sickness.

CHAPTER VII.

Section 3. The Commissioners shall, upon the application, duly verified, of any officer or member of the Fire Department, who shall have served as a member of the Fire Department for twenty-five years continuously next preceding the date of said application, or, of any officer or member of the Fire Department who shall have reached the age of fifty-five years and shall have served as a member of the Fire Department for twenty years continuously next preceding the date of said application, retire and relieve from service such officer or member; provided, also, that the Commissioners may, by unanimous vote, retire and relieve from service any aged, disabled or infirm officer or member of the Fire Department who has arrived at the age of sixty years and who has served as a member of the Department for twenty years continuously next preceding such age, and who, upon examination by two regularly certificated practicing physicians appointed by the Commissioners for that purpose, may be ascertained to be by reason of such age, infirmity or other disability unfit for the performance of his duties. Such retired officer or member shall receive from the Firemen's Relief Fund a monthly pension equal to one-half the amount of the salary attached to the rank held by him at the date of his retirement, and the same shall cease at his death; provided, that should said retired officer or member die leaving a widow, *who shall have been married to the decedent at least one year prior to the date of his retirement*, such widow shall, as long as she may remain unmarried, be paid a monthly pension equal to one-half of the salary attached to the rank held by the said officer or member of the Department at the time of his retirement; provided, further, that should said widow die leaving a child or children under the age of sixteen years, said pension shall continue to be paid such child or such children until the

Firemen's
pensions

youngest child arrives at the age of sixteen years; and provided, further, that should said retired officer or member die leaving no widow but leaving an orphan child or children under the age of sixteen years, such child or children collectively shall receive a pension equal to one-half of the salary attached to the rank held by said officer or member at the time of his retirement, until the youngest child attains the age of sixteen years.

Section 5. Whenever any officer or member of the Fire Department shall die as a result of any injury received during the performance of his duty, *or from sickness caused by the discharge of such duty, or while eligible to a pension on account of years of service in the Department, or who has served twenty consecutive years in the Department and attained the age of fifty-five years*, the Commissioners shall, out of the Firemen's Relief Fund, provide as follows for the family of such officers or member:

First. Should the decedent be married, his widow shall, as long as she may remain unmarried, be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his death; provided, however, that should said widow die, leaving a child or children under the age of sixteen years, said pension shall continue to such child or such children until the youngest child arrives at the age of sixteen years.

Second. Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such child, or such children collectively shall receive a pension equal to one-half of the salary attached to the position held by their father at the time of his death, until the youngest child attains the age of sixteen years.

Third. Should the decedent leave no widow and no orphan child or children but leave a parent or parents dependent solely upon him for support, such parents so depending shall collectively receive a pension equal to one-half of the salary attached to the position held by the decedent at the time of his death, during such time as the Commissioners may unanimously determine its necessity.

Fourth. Any member or members of the family of the deceased claiming to be entitled to a pension under the provisions of this section shall file a verified petition therefor with said Commission, which petition shall thereafter be heard by said Board, upon such reasonable notice to the petitioner or petitioners of the time and place of such hearing, as said Board may by rule or order prescribe. The verifications of a petition in behalf of a minor child or children shall be made by the guardian of such minor child or children. Said petitioner or petitioners shall be entitled upon such hearing personally and by counsel. Upon such hearing any interested person shall have the right to introduce testimony relative to the matters set forth in said petition. The judgment of said Commissioners respecting said application shall be final, unless

in determining said application said Commissioners commit a clear abuse of discretion.

Section 10. All firemen, who were retired under the provisions of the law prior to January 1, 1900, shall be entitled to receive from the funds in this chapter provided for, the sum of eighty-five (\$85) dollars per month from and after July, 1925, and upon the death of any such retired fireman hereafter, leaving a widow surviving him, such widow shall receive from said fund a like sum of eighty-five (\$85) dollars per month so long as she remains unmarried. *The widow of any fireman who was killed or injured while in the performance of duty and who died of such injury prior to January, 1900, shall be entitled to receive from the funds in this chapter provided for the sum of one hundred dollars (\$100) per month from and after July 1, 1929, provided she has not remarried, and as long as she remains unmarried.*

Ordered submitted—Board of Supervisors, San Francisco, September 18, 1928.

Ayes—Supervisors Andriano, Colman, Gallagher, Havenner, Hayden, Kent, Marks, McSheehy, Powers, Roncovieri, Schmidt, Shannon, Toner—13.

Absent—Supervisors Deasy, McGovern, Stanton, Suhr, Todd—5.

J. S. DUNNIGAN, Clerk.

DETECTIVE SERGEANTS.

Charter Amendment No. 29.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 6 of Chapter V of Article VIII thereof, providing for the detail by the Chief of Police of the members of said Department for detective duty, and limiting the number thereof, and fixing the rank and salary of the said persons so detailed, and providing for their removal from said detail and for the manner of defining their duties. Detective sergeants

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at the general election to be held on the sixth day of November, 1928, a proposal to amend the Charter as follows:

That Section 6 of Chapter V of Article VIII be amended to read as follows:

Section 10 as amended (corresponding with former section):

The Chief of Police may detail for detective duty such members of the Police Department as he may select, not to exceed one for each eighteen members of the Police Department.

The members so detailed shall rank as detective sergeants; each of said detective sergeants shall receive an annual salary of two thousand seven hundred sixty dollars.

They shall be given a hearing before the Board of Police Commissioners before removal from the detail by the Chief of Police.

Their duties shall be defined by the rules and regulations of the Commissioners, by the orders of the Chief of Police and by the order of the captain of detectives.

Ordered submitted—Board of Supervisors, San Francisco, September 18, 1928.

Ayes—Supervisors Andriano, Colman, Gallagher, Havenner, Hayden, Kent, Marks, McSheehy, Powers, Roncovieri, Schmidt, Shannon, Suhr, Todd, Toner—15.

Absent—Supervisors Deasy, McGovern, Stanton—3.

J. S. DUNNIGAN, Clerk.

CITY PLANNING COMMISSION.

Charter Amendment No. 31.

City
planning
commission

Creating a City Planning Commission, and providing for the appointment of its members, their compensation, powers and duties.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by adding a new article thereto to be designated as Article XVIII, creating a City Planning Commission, providing for the membership thereof, and the method of the appointment of the members thereof and for their compensation, and defining their powers and duties, and specifying the manner in which said powers and duties shall be exercised, and repealing conflicting provisions of the Charter.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at the general election to be held on the sixth day of November, 1928, a proposal to amend the Charter as follows:

By adding a new article thereto to be designated as Article XVIII, which shall read as follows:

PROPOSED CHARTER AMENDMENT CREATING A CITY PLANNING COMMISSION.

ARTICLE XVIII.

Organization.

Organiza-
tion

Section 1. A City Planning Commission is hereby created which shall consist of five members, who shall be appointed by the Mayor. Each member of the Commission shall have been an elector of the City and County for at least five years prior to the date of his appointment and no member of the Commission shall hold any other City and County office or position during his term of office as Commissioner. Original appointments shall be made within sixty days of the ratification of this amendment. The terms of members of the Commission shall be five years from and after the date of their respective appointments, provided that the persons first appointed as members of said Commission shall by lot classify their respective terms of office so that these shall expire at twelve o'clock

noon on the first Monday after the first day of January in the years 1930, 1931, 1932, 1933 and 1934, respectively, and upon the expiration of the term of each of said Commissioners the Mayor shall appoint his successor to serve for the full term of five years. Vacancies occurring on the Commission from any cause shall be filled by appointment by the Mayor provided that those appointed to fill a vacancy on said Commission shall serve only for the unexpired term of the person whom they succeed. The compensation of members of said Commission shall be fifteen dollars for each meeting of the Commission actually attended by said members, provided that the aggregate amount paid all of the members shall not exceed five thousand dollars per year.

Immediately after it is first constituted and thereafter on the first Monday after the first day of January of each year, the City Planning Commission shall meet for the purpose of organization. At such meeting the Commission shall elect one of its members as president, who shall hold such office for the ensuing year and until the election of his successor. The Commission shall thereafter hold at least one regular public meeting in every two weeks at a designated time and place. The Commission shall adopt its own rules of procedure and shall keep a record of its proceedings at each meeting, which proceedings shall include a complete record of all applications for changes in zoning classification, and any action taken by the Commission on every matter, which shall be by roll-call vote. A complete copy of such record of proceedings shall be transmitted to the Board of Supervisors within one week of the date of such meeting. A majority of the Commission shall constitute a quorum for the transaction of business. The Supervisors shall provide the Commission with suitable quarters and a meeting place in the City Hall.

Staff and Finance.

Section 2. The Commission may appoint a City Planning Engineer who shall hold office at the pleasure of the Commission and, subject to the Civil Service provisions of this Charter, may also appoint a secretary and such other employees as are necessary for its work and for whose employment funds are appropriated by the Supervisors. The City Planning Engineer shall be a person of expert and technical training, with at least five years' experience in engineering.

Staff and
finance.

Subject to appropriations for such purposes, the Commission may also contract with architects, city planners, engineers or consultants for such services as it may require.

The Supervisors shall make appropriations in the budget for 1929-30 and each succeeding fiscal year, in such amounts as may be deemed necessary by the Supervisors to carry on the work of the Commission.

General Powers and Duties.

General
powers
and duties.

Section 3. The Commission hereby created shall succeed in office the City Planning Commission now existing, and all matters pending before the existing Commission shall have the same status before the Commission herein created, and all zoning classifications in effect at the time this amendment becomes effective shall remain in force and effect unless and until changed as provided in Section 4 of this Article.

It shall be the duty of the Commission to make and maintain, including necessary changes therein, a plan of the physical development of the City and County. Said plan, including maps, plats, charts and descriptive matter, shall provide for the development of all areas within the City and County and for three miles outside of such boundaries, including among other things, the general location, character and extent of streets, viaducts, subways, bridges, boulevards, parkways, playgrounds, squares, parks, aviation fields and other public ways, grounds and open spaces, the general location of public buildings and other public property, and the removal, relocation, widening, narrowing, vacating, abandonment or extension of any of the foregoing ways, grounds, open spaces or buildings.

In the preparation of such plans, the Commission shall consult and cooperate with all other departments of the City and County which by this Charter are vested with responsibility for or control over any of the matters hereinbefore enumerated, and shall make such additional studies as it may deem necessary. The Commission shall also act in an advisory capacity to the Supervisors and other departments of the City and County in all matters affecting the general location and extent of public improvements, ways and structures. All departments and officials of the City and County shall, upon request, furnish to the Commission, within a reasonable time, such information as it may require for its work, and the Commission shall, whenever possible, furnish all departments and officials such information as said departments and officials may require.

The Supervisors, by ordinance, may prescribe additional powers and duties of the Commission within the purposes of this Article.

Zoning.

Zoning.

Section 4. The Commission from time to time shall consider and hold hearings on proposed changes in the classification of the use to which property in the City and County may be put, on its own motion, or on application filed by the owner of any property desiring a change in zoning classification, which application shall be accompanied by a diagram showing the boundaries of the area sought to be reclassified, together with the names and addresses of all owners of property therein and within a distance of 300 feet of all exterior boundaries of said area, and within the entire area of the square block within which said property sought to be reclassified is situated. Before acting upon any proposed change,

the Commission shall, not less than twenty days before the date of said hearing, publish at least once in the official newspaper of the City and County, notice of public hearings thereon, and shall, in writing, not less than ten days before the hearing, notify the applicant and all persons whose names appear as owners of property within the area delineated upon the map accompanying said application, such notices to indicate the proposed change to be considered, and the place and time of public hearing thereon, which shall be not less than twenty days after completion of public notice and completion of posting herein referred to. The Commission shall cause to be conspicuously posted throughout the area delineated upon said map, notices of intention to consider the motion or petition to change the zoning classification of such property and the use to which such property may be put. Said notice shall be headed in conspicuous letters, "Notice of Proposal to Change Zoning Classification," and shall state in full the proposed change and the place, date and hour fixed for hearing thereon. The Supervisors, by ordinance, may provide that the applicant for any proposed change may be charged with the costs of posting, written notices, advertising and other costs incidental to consideration of and public hearings on such proposed change. Such persons as desire shall be heard by the Commission at the meeting or meetings designated therefor.

Zoning.

On the completion of the hearing on any proposed change, the Commission shall, by resolution, disapprove or approve the proposed change, which, if approved, shall not become effective for thirty days. Property owners affected may appeal from any ruling of the Commission by filing protests in writing against such ruling with the Board of Supervisors within thirty days of the date of the Commission's resolution thereon, which objections shall state the reasons therefore, the location of the property owned by the protestant and his post-office address. Said Board shall cause such signatures to be checked, and if such protest is subscribed to by the owners of 20 per cent or more of the property delineated upon said map, the Supervisors shall fix a time and place for hearing said objections, not less than thirty days thereafter, and the Supervisors shall hear the objections urged at the time specified. Upon the filing of said protests the ruling of the Commission shall be suspended pending action by the Board of Supervisors upon said appeal.

The Clerk of the Board of Supervisors shall notify the proponents and the persons making such objections by depositing a notice thereof in the post-office, postage prepaid, addressed to each such objector.

Upon conclusion of the hearing or hearings by the Supervisors, which shall include hearing and consideration of all data which the Commission may desire to present, the Supervisors by resolution approved by a vote of not less than two-thirds of all members thereof may disapprove and, by a

Zoning

majority of all of the members of the Board, may approve the action of the Commission; provided, however, that any change in zoning classification made by the Commission on its own motion or change diminishing the use to which property may be put, shall not become effective until ratified by a vote of two-thirds of the entire membership of the Board of Supervisors. In case of approval or disapproval by the Commission, or by the Supervisors on appeal as herein provided, of a proposed change in classification, such proposed change may not be resubmitted to nor reconsidered by the Commission for at least one year.

No ordinance shall be considered by the Supervisors, the purpose and intent of which is the classification, regulation or control of the height, area, bulk, location or use of any building or buildings, or premise or premises, and classifying any property into any district or zone for such purpose, or establishing a set-back line or lines along any street or portion thereof in the City and County, without being first submitted to the City Planning Commission for a report and recommendation. If the Commission disapprove any such ordinance, the Supervisors may adopt the same only by an affirmative vote of at least two-thirds of its entire membership.

The failure of the Commission to act within ninety days from and after the date of official submission of any proposed zoning classification by the Board of Supervisors, or from and after the date of first publication of notice of hearing, if upon application of any property owner, shall be deemed and be approval of such classification by the Commission.

Section 5. Every resolution of the City Planning Commission and every ordinance of the Board of Supervisors which shall be adopted or passed relative to the subject matter of this Article shall be presented to the Mayor for his approval. The Mayor shall return such resolution or ordinance to the City Planning Commission or Board of Supervisors, respectively, within ten days after receiving it. If he approves it he shall sign it and it shall thereupon become effective unless an appeal to the Board of Supervisors is pending. If such an appeal is pending, the approval by the Mayor shall not result in rendering such resolution or ordinance effective. If he disapproves it he shall specify his objections thereto in writing. If he does not return it with such disapproval within the time above specified it shall take effect as if he had approved it, unless an appeal to the Board of Supervisors is pending. The objections of the Mayor shall be entered at large in the Journal or proceedings of the Commission, and the Commission or Board of Supervisors, as the case may be, shall, after five and within thirty days after such resolution or ordinance shall have been so returned, reconsider and vote upon the same. If the same shall, upon reconsideration by the Commission, be again passed by the affirmative vote of not less than four members of the Commission, the president of the Commission shall certify that fact on the resolution or ordinance, and

when so certified, the resolution or ordinance shall become effective, unless an appeal to the Board of Supervisors is pending. If the same is reconsidered by the Board of Supervisors and shall again be passed by the affirmative vote of not less than fourteen members of the Board, the presiding officer shall certify that fact upon the resolution or ordinance, and when so certified the same shall become effective. If the same shall fail to receive the vote by the Commission or the Board, respectively, herein prescribed, it shall be deemed finally lost. The vote on reconsideration in the Commission or the Board shall be taken by Ayes and Noes and the names of the members voting for and against the same shall be entered in the Journal.

Establishment and Change of Building Set-Back Lines.

Section 5a. All building set-back lines heretofore established by ordinances of the Board of Supervisors shall remain as so established until and unless changed in accordance with the provision of this amendment.

Building
set-back
lines.

Building set-back lines may be established or changed by resolution of the City Planning Commission on its own motion or on the application of an interested property owner, subject to the disapproval of two-thirds of the membership of the Board of Supervisors, as hereinafter provided. Whenever the City Planning Commission proposes on its own motion to establish or change a set-back line, or when an application to establish or change such line has been filed with the Commission by an interested property owner, the Commission shall cause to be conspicuously posted three notices of intention to consider the motion or application within the distance of one block on the side of the street on which it is proposed to establish or change such set-back line. Said notice shall be headed in conspicuous letters "Notice of proposal to establish a building set-back line" or "Notice of proposal to change building set-back line" as the case may be. Said notice shall state the proposal to establish or change said set-back line and the place, date and hour fixed for the hearing thereon. A similar notice shall be published in the official newspaper for five days before the hearing. The owners of property within the block affected, whose property fronts on the side of the street where it is proposed to establish or change the set-back line, shall be heard by the Commission at the time specified in the notice, or at such subsequent time to which the hearing may be continued. Upon the hearing, the Commission shall by resolution disapprove or approve the establishment of such set-back line or change thereof, and if approved, the resolution shall not become effective for 30 days. Property owners affected by the ruling may appeal therefrom to the Board of Supervisors by filing a protest against such ruling with said Board within 30 days from the date of the Commission's ruling. Such protest shall state the reasons therefor, the location of the property owned by the protestants and their respective post office

addresses. The Commission shall cause said signatures to be checked, and if said protest is signed by the owners of 20 per cent or more of the area of property within the block affected fronting on the street on which it is proposed to establish or change the set-back line, ruling of the Commission shall be suspended until action by the Board of Supervisors on such appeal. The Board of Supervisors shall fix the time and place of hearing such appeal within 30 days from the date of filing thereof. The Clerk of the Board of Supervisors shall notify the persons making such appeal by depositing notice of hearing in the post office, postage prepaid addressed to each objector. A like notice shall be addressed to each other property owner owning property within the block affected fronting on the street where it is proposed to establish or change the set-back line. If the address of any property owner is not known to the Commission, the notice shall be posted in a conspicuous place on his property. Upon the conclusion of the hearing or hearings by the Supervisors, they shall approve or disapprove the ruling of the Commission. Any resolution by the Commission establishing or changing a set-back line shall become effective unless disapproved by a vote of two-thirds of the entire membership of the Board of Supervisors. In a case of approval or disapproval by the Commission or the Board of Supervisors of a proposal to establish or change a set-back line, no further application to establish or change a set-back line on the same side of the same street and in the same block shall be entertained by the Commission for one year after a set-back line has been finally established or changed, or within one year after a proposal to establish or change such a set-back line has been disapproved by the Commission, or in the event of appeal, within one year after the decision of the Board of Supervisors on appeal.

Plats and Subdivisions.

Plats and
subdivisions.

Section 6. All plats or re-plats of subdivisions of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the City and County limits, shall be submitted by the Board of Public Works to the City Planning Commission, which shall report its recommendations thereon in writing to the Board of Supervisors.

Reports.

Reports.

Section 7. The Commission shall make a complete and detailed annual report to the Mayor and the Board of Supervisors on or before the first day of April each year, and copies of each such annual report shall be printed and made available for public use.

Repeal of Conflicting Provisions and Constitutionality.

Section 8. Subsection 42 of Section 1 of Chapter II, Article II, of this Charter is hereby repealed, and all other provisions of this Charter in conflict with the provisions of this Article are superseded by the provisions of this Article to the extent of such conflict. If any section, subsection, sentence, clause, or phrase of this Article is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Article and the people of the City and County of San Francisco hereby declare that they would have ratified and adopted, and the Legislature hereby declares that it would have approved, this Article and each section, subsection, sentence, clause and phrase hereof as an amendment to the Charter of the City and County of San Francisco, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Repeal of conflicting provisions and constitutionality

Ordered submitted—Board of Supervisors, San Francisco, September 19, 1928.

Ayes—Supervisors Andriano, Colman, Gallagher, Havenner, Hayden, Kent, Marks, McSheehy, Powers, Roncovieri, Schmidt, Todd, Toner—13.

Absent—Supervisors Deasy, McGovern, Shannon, Stanton, Suhr—5.

J. S. DUNNIGAN, Clerk.

WAR MEMORIAL.

Charter Amendment No. 32.

Creating of Board of Trustees of the War Memorial, providing for the manner of their appointment, defining their powers and duties.

War memorial

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of the City and County by adding a new article thereto, to be designated as Article XIV-D, relating to the War Memorial of San Francisco, and providing for the appointment of a Board of Trustees to have the management, superintendence, control and operation of said War Memorial, and prescribing the duties and powers of said Board.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at the general election to be held on the sixth day of November, 1928, a proposal to amend the Charter as follows:

By adding a new article thereto, to be designated as Article XIV-D, reading as follows:

Section 1. There shall be a Board of Trustees of the San Francisco War Memorial to be erected and maintained in the Civic Center in the City and County of San Francisco, which said Board shall be known as the "Board of Trustees of the War Memorial."

War
memorial

Section 2. The Trustees of the War Memorial shall, under such ordinances as the Board of Supervisors may from time to time adopt, have charge of the construction, administration, management, superintendence and operation of the War Memorial to be constructed in the Civic Center, and of the grounds set aside therefor, and of all of its affairs.

Section 3. The Trustees of said War Memorial shall consist of eleven members, who shall be appointed by the Mayor, subject to confirmation by the Board of Supervisors. The terms of said eleven members shall be for six years each; provided, that those first appointed shall so classify themselves by lot that the term of four of said Trustees shall expire on the 2nd day of January, 1931; four on the 2nd day of January, 1933, and three on the 2nd day of January, 1935. Thereafter appointments to said Board shall be for the full term of six years. Vacancies on said Board shall be filled by the Mayor, subject to confirmation by the Board of Supervisors, for the unexpired term becoming vacant. In making appointments to said Board, the Mayor shall give due consideration to veterans of all wars engaged in by the United States, and to such other classes of persons who may have a special interest in the purpose for which said War Memorial is to be constructed and maintained. All persons appointed to said Board shall be residents of the City and County. The members of said Board shall serve without compensation.

Section 4. The said Board of Trustees shall have power:

(a) To receive, on behalf of the City and County, gifts, devises and bequests for any purpose connected with said War Memorial or incident thereto.

(b) To administer, execute and perform the terms and conditions and trusts of any gift, devise or bequest which may be accepted by the Board of Supervisors of San Francisco for the benefit of said War Memorial, or incident thereto, and to act as trustee under any such trust when so authorized to do by said Board of Supervisors.

(c) To appoint a secretary to said Board and a managing director of said War Memorial, and such other employees as may be necessary for the conduct of its affairs and property, and to define their powers and prescribe their duties. The salaries of all of said officers and employees of said Board shall be fixed and standardized as provided in Section 14 of Chapter II of Article II of the Charter.

(d) To make rules and regulations not inconsistent with the provisions of the Charter and the ordinances of the Board of Supervisors for the government of all its officers and employees, and for the administration, government and protection of said War Memorial and its affairs, and the property belonging thereto or under the control of said Board, and to enforce the same.

Section 5. All employees of said Board, with the exception of the secretary and managing director, shall be subject to the provisions and entitled to the benefits of Article XIII of the

Charter, and shall be appointed in conformity with the provisions of said article.

Section 6. The said Board shall appoint one of its members president thereof, who shall hold his office during the pleasure of the Board. Said Board shall meet at least once in each month, and at such other times as the president or any three members thereof shall request. A majority of said Board shall constitute a quorum.

Section 7. All moneys received by said Board from every source whatsoever shall immediately upon receipt of the same be deposited in the treasury of the City and County in a special fund to be designated by the Board of Supervisors, and the Board of Supervisors shall annually appropriate to said Board an amount sufficient to defray the cost of maintaining, operating and caring for said War Memorial, which said amount so appropriated shall not be within the limitation set forth in Sections 11 and 13 of Chapter I of Article III of the Charter, and said Board shall have control of the expenditure of said appropriation, subject to the limitations herein contained.

Section 8. The title of all property now owned or hereafter acquired for the said War Memorial, when not inconsistent with the terms of its acquisition, shall vest in the City and County, and in the name of the City and County may be sued for or defended by an action of law or otherwise.

Section 9. The powers herein expressly conferred on said Board of Trustees by this article shall not be construed as a limitation upon the powers which may be exercised by said Board, and said Board may exercise such other and further powers as may from time to time be conferred upon it by ordinance of the Board of Supervisors.

Ordered submitted—Board of Supervisors, San Francisco, September 19, 1928.

Ayes—Supervisors Colman, Gallagher, Havenner, Hayden, Kent, Marks, McSheehy, Powers, Schmidt, Suhr, Todd, Toner—12.

Absent—Supervisors Andriano, Deasy, McGovern, Roncovieri, Shannon, Stanton—6.

J. S. DUNNIGAN, Clerk.

LIBRARY TAX.

Charter Amendment No. 34.

Providing for the levying of taxes for the maintenance of libraries and to defray the cost of books, lands and buildings therefor. ^{Library tax.}

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by amending Section 2, Chapter VII of Article VII thereof, relating to the levying of taxes for the maintenance of libraries and reading rooms and branches thereof, and to defray the cost of books and periodicals, lands and buildings therefor.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County, at the general election to be held on the 6th day of November, 1928, a proposal to amend the Charter as follows:

That Section 2 of Chapter VII of Article VII be amended to read as follows:

Section 2. The Supervisors shall, for the purpose of maintaining such Library and Reading Rooms and such branches thereof as the Board of Library Trustees may from time to time establish and for purchasing books, journals and periodicals, or for purchasing or leasing real and personal property and for constructing such buildings as may be necessary, annually levy a tax on all property in the City and County not exempt from taxation which shall not be less than three and three-quarters cents upon each one hundred dollars' assessed valuation of said property. The proceeds of said tax shall be credited to the Library Fund.

Ordered submitted—Board of Supervisors, San Francisco, September 18, 1928.

Ayes—Supervisors Andriano, Gallagher, Havenner, Hayden, Kent, Marks, McSheehy, Powers, Shannon, Todd, Toner—11.

No—Supervisor Roncovieri—1.

Absent—Supervisors Colman, Deasy, McGovern, Schmidt, Stanton, Suhr—6.

J. S. DUNNIGAN, Clerk.

PALACE OF FINE ARTS.

Charter Amendment No. 35.

Palace of
fine arts.

Accepting the Palace of Fine Arts from the United States government and ratifying an ordinance granting spur track privileges to said government.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend Section 8 of Article I, by providing for the acceptance from the United States of deed conveying to the City and County of San Francisco the Palace of Fine Arts and the land upon which it is located, and approving, confirming and validating Ordinance No. 7531 (New Series), granting to the United States as a consideration for said conveyance the right to construct, maintain and operate, and to maintain and operate where already constructed a spur track railroad over and along certain public streets in the City and County of San Francisco.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County, at the General Election to be held on the 6th day of November, 1928, the following proposal to amend Section 8 of Article I of said Charter, to read as follows:

Section 8, Subdivision 1. The City and County of San Francisco hereby formally accepts from the United States that certain deed dated June 3, 1927, executed by Hanford McNider, acting Secretary of War, and recorded on the 24th day of June, 1927, in Book 1502 of Official Records, at page 11, whereby the United States conveyed to the City and County of San Francisco the Palace of Fine Arts and that part of the Military Reservation of the Presidio of San Francisco upon which it is located, under authority of an Act of Congress approved March 3, 1925, entitled:

“An act authorizing the Secretary of War to convey certain portions of the Military Reservation of the Presidio of San Francisco to the City and County of San Francisco for educational, art, exposition and park purposes.”

Subdivision 2. That certain Ordinance No. 7531 (New Series), entitled:

“Ordinance granting to the United States the right to construct, maintain and operate, and to maintain and operate where already constructed in perpetuity, a spur track railroad, extending from Fort Mason Military Reservation in the City and County of San Francisco, over and along certain public streets in said City and County,” finally passed by the Board of Supervisors on May 2, 1927, and approved by the Mayor on the 14th day of May, 1927, is hereby approved, confirmed and validated.

Ordered submitted—Board of Supervisors, San Francisco, September 17, 1928.

Ayes—Supervisors Andriano, Colman, Gallagher, Hayden, Kent, Marks, McGovern, McSheehy, Powers, Schmidt, Stanton, Suhr, Todd, Toner—14.

Absent—Supervisors Deasy, Havenner, Roncovieri, Shannon—4.

J. S. DUNNIGAN, Clerk.

FEDERAL BUILDING IN CIVIC CENTER.

Charter Amendment No. 36.

Authorizing the Board of Supervisors to transfer to the United States a site in the Civic Center for a Federal Building.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by adding a new section to Chapter II of Article II, to be known as Section 10a, authorizing the Board of Supervisors to transfer to the government of the United States, without any monetary consideration, a site in the Civic Center on which the government shall erect and maintain a Federal Building.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County, at the general election to be held on the 6th day of November, 1928, a proposal to amend the Charter as follows:

Federal
building
in civic
center

By adding a new section to Chapter II of Article II, to be designated as Section 10a, reading as follows:

Section 10a. The Board of Supervisors is hereby authorized to cause to be conveyed to the Government of the United States, by a good and sufficient deed, and without any monetary consideration, a site at the northeast corner of Hyde and Fulton streets, in the Civic Center, to be used by the Government of the United States for the erection thereon of a Federal Building, which building shall be used and occupied by the said United States Government. That the said conveyance shall be made upon such terms and conditions as the said Board of Supervisors shall deem proper, and said Board of Supervisors shall have full power and authority to determine the size of said site to be conveyed and the conditions under which the same shall be conveyed. That any action to be taken by said Board authorizing the conveyance of said site shall be had and taken by ordinance duly adopted as in this article provided.

Order submitted—Board of Supervisors, San Francisco, September 17, 1928.

Ayes—Supervisors Andriano, Colman, Gallagher, Hayden, Kent, Marks, McGovern, McSheehy, Powers, Schmidt, Stanton, Suhr, Todd, Toner—14.

Absent—Supervisors Deasy, Havenner, Roncovieri, Shannon—4.

J. S. DUNNIGAN, Clerk.

RETIREMENT SYSTEM.

Charter Amendment No. 37.

Retirement
system

Simplifying the administration and removing arbitrary limitations on rates of contribution at certain ages.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the title to Article XVII of the Charter of said City and County and Section 1, Section 2, Section 3, Section 4 and Section 8, all of Article XVII of the Charter, of the said City and County, relating to the establishment of a retirement system for aged and disabled officers and employees of the said City and County.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at the general election to be held on the sixth day of November, 1928, a proposal to amend said Charter as follows:

That the title of Article XVII be amended to read as follows:

RETIREMENT OF AGED AND DISABLED OFFICERS
AND EMPLOYEES OF THE CITY AND COUNTY
OF SAN FRANCISCO.

That Section 1, Section 2, Section 3, Section 4 and Section 8 of Article XVII be amended to read as follows:

Retirement
of officers
and employ-
ees of city
and county
of San
Francisco

Section 1. The Board of Supervisors of the City and County of San Francisco is hereby empowered under the conditions set forth in this article, on the vote of fourteen members and the approval of the Mayor, to establish a retirement system, which shall provide for death benefits, for officers and employees of the City and County of San Francisco, provided that elective officers and officers appointed by the Mayor and persons entitled to the benefits of any pension system now or hereafter established by the City and County of San Francisco for firemen or policemen, shall not be eligible to the benefits of any retirement system established under this Article. No member of any retirement system established under the provisions of this Article shall be retired, except in case of disability incapacitating him for the performance of his duties, unless he shall have attained the age of sixty-two years and completed ten years of continuous service, as defined by the Board of Administration hereinafter provided for, except that retirement shall be compulsory at the age of seventy years. It may be provided, however, under such retirement system, that members may retire after thirty years of continuous service, as defined by the Board of Administration; the benefits at retirement in such cases to be determined, because of retirement at an age below sixty-two, in accordance with the tables recommended by the actuary and approved by said Board of Administration.

Section 2. The said Board of Administration shall secure from a competent actuary a report of the cost of establishing a general retirement system for all officers and employees of the City and County. Said actuary shall be one who has had actual experience in the establishment of retirement systems for public officers and employees, and his position shall be considered one requiring expert or technical training within the meaning of Section 2, Article XVI of this Charter.

Section 3. The retirement system shall be conducted on the contributory plan. The City and County shall contribute jointly with the members of the retirement system. Members of the system shall contribute not to exceed ten per centum of their salaries or wages, provided that members may, at their option, elect to contribute at rates in addition to those fixed as normal by the Board of Administration. The City and County shall contribute an amount equal to normal contributions of members as provided for in the preceding sentence, but the City and County shall not contribute any amount because of additional contributions by members. The system shall be applied to such offices, departments, bureaus, or classes of officers or employees of the City and County as the Supervisors shall determine. The mortality, service, or

Retirement
of officers
and em-
ployees.

other tables calculated by the actuary and the valuation determined by him, and approved by the Board of Administration, shall be conclusive and final and any retirement system established under this Article shall be based thereon. Liabilities accruing under the retirement system because of service rendered to the City and County of San Francisco by individuals prior to the establishment of the system for their respective classes shall be met by contributions to the retirement system by the City and County, in addition to any amount contributed to match members' contributions, provided that such liabilities may be met by annual appropriations instead of by one appropriation for the total amount of liabilities. The retirement system shall be managed by a Board of Administration as established in Section 4 hereof. The right of a person to a retirement allowance or to the return of accumulated contributions, the retirement allowance itself, the accumulated contributions themselves, any death or optional benefit, any other right accrued or accruing to any person under any retirement system established under the provisions of this Article and the moneys in any Fund created under such retirement system shall not be subject to execution, garnishment, attachment, or any other process whatsoever, and shall not be assignable except as specifically provided in the Ordinance authorized in Section 1 of this Article.

Section 4. A Board of Administration of said retirement system is hereby created, consisting of the Chairman of the Finance Committee of the Board of Supervisors, the Auditor, three members elected from the active members of the retirement system, a resident official of a life insurance company, and an officer of a bank, to be appointed by the Mayor within sixty days of the taking effect of this amendment. Such appointees shall serve without compensation. Provided, however, that pending establishment of a retirement system, the Mayor shall appoint the three members to represent the active members of the retirement system from a list of nominees presented by the officers and employees who would be affected by such a system. Members other than ex-officio members shall so classify themselves by lot, that one term shall expire each year.

Section 8. The Board of Supervisors is empowered to extend the provisions of the retirement system established under the conditions set forth in this Article to cover teachers in the San Francisco School Department; provided, however, that the contributions to be made by such teachers and the benefits to be received by such teachers under such retirement system shall be based upon the proportion of the salaries of such teachers which have been and shall be paid out of funds contributed by the City and County, excluding therefrom the portion of such salaries which have been or shall be paid out of funds contributed by the State of California; and in determining such proportion it shall be taken to be the same proportion which the whole amount of money contributed by the City and County to the Common School Fund in any fiscal

year bears to the whole amount of money contributed to such fund in such year by the State and by the City and County; and provided, further, that nothing herein contained shall be construed to deprive any teacher of the rights to receive benefits under any pension or retirement system now or hereafter established by the State of California.

Ordered submitted—Board of Supervisors, San Francisco, September 18, 1928.

Ayes—Supervisors Andriano, Colman, Gallagher, Havenner, Hayden, Marks, McSheehy, Powers, Roncovieri, Schmidt, Suhr, Todd, Toner—13.

Absent—Supervisors Deasy, Kent, McGovern, Shannon, Stanton—5.

J. S. DUNNIGAN, Clerk.

PURCHASER OF SUPPLIES REVOLVING FUND.

Charter Amendment No. 38.

Creating a Revolving Fund for the Purchaser of Supplies for the immediate payment of bills and the saving of discounts. Purchaser of
Supplies
revolving
fund

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 6, Chapter I of Article III thereof, providing for method of drawing of money from the treasury of San Francisco, and for the creation of a Revolving Fund for the Purchaser of Supplies, and for the use of said fund by the Purchaser of Supplies in order to obtain advantageous prices by the prompt payment for supplies purchased by the City.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County, at the general election to be held on the 6th day of November, 1928, a proposal to amend the Charter as follows:

That Section 6, Chapter I of Article III be amended to read as follows:

Section 6. (Except as otherwise provided in this Charter, no money shall be drawn from the treasury unless in consequence of appropriations made by the Supervisors and upon warrants duly drawn by the Auditor): Provided, however, that in the adoption of each annual budget as provided by this chapter, appropriations for materials, supplies and equipment shall be segregated for each department, office, board or commission which, under the provisions of Chapter IV of Article II of this Charter, requisitions such articles through the agency of the Purchaser of Supplies; that all or any part of each such fund or appropriation may, on the recommendation of the Purchaser of Supplies and the approval of the Finance Committee, be transferred to or made available as transfers to or amounts available in a Purchaser's Revolving Fund; that checks or warrants against such fund may be signed by the Purchaser and before payment shall be approved by the Chairman of the Supervisors' Finance Committee and by the

Auditor, for the payment of bills on which discounts for prompt payment may be secured or for the advantageous cash purchasing under (favorable or) emergency market conditions of materials or supplies for future department requisition and use; and that all provisions of this charter in conflict with these provisions are superseded by such provisions to the extent of such conflict.

The invoice value of materials, supplies and equipment so purchased or paid for, plus actual additional handling charges, may be charged against the department or departments using same. Discounts earned may be accumulated in the Purchaser's Revolving Fund and the Supervisors may make annual appropriations to such fund until a sufficient sum is accumulated to meet the routine purchasing and discount-payment requirements of the City and County.

The Auditor, with the approval of the Board of Supervisors, shall prescribe the form and procedure to be used by the Purchaser and the reports to be made by him in maintaining and reporting on his payments, transfers and credits to and from such fund.

Ordered submitted—Board of Supervisors, San Francisco, September 18, 1928.

Ayes—Supervisors Andriano, Colman, Gallagher, Havenner, Hayden, Kent, Marks, McSheehy, Powers, Roncovieri, Schmidt, Shannon, Todd, Toner—14.

Absent—Supervisors Deasy, McGovern, Stanton, Suhr—4.

J. S. DUNNIGAN, Clerk.

PAYMENT OF SCHOOL DEMANDS.

Charter Amendment No. 40.

Payment
of school
demands.

Providing for the method of drawing and paying demands against the Common School Fund.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County, by amending Subsection 10 of Section 1, Chapter III of Article VII thereof, relating to the payment of demands against the Common School Fund, and providing how said demands shall be signed, audited and paid.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at the general election to be held on the sixth day of November, 1928, a proposal to amend the Charter as follows:

That Sub-Section 10 of Section 1 Chapter III of Article VII be amended to read as follows:

Demands to Be Filed and Signed. Salary Roll.

10. All demands payable out of the Common School Fund shall be filed with the Secretary of the Board of Education, and after they have been approved by the Board,

they shall be signed by the President of the Board and the Superintendent and sent to the Auditor. Every demand shall have endorsed upon it a certificate, signed by the Secretary, of its approval by the Board of Education, showing the date thereof and the law authorizing it by title, date and section. Every person in the employ of the School Department entitled to a salary therefrom shall receive a warrant for the amount due and approved by the Board, signed by the Auditor of the City and County of San Francisco. The entire monthly salary roll of the Department shall be made up by the Secretary of the Board, and after being duly audited by the Finance Committee thereof and approved by a majority of all the members of the Board, shall be endorsed in the same manner as other demands. The salary roll so audited, approved and endorsed, shall be immediately transmitted to the Auditor not later than the third day of every month for comparison with the individual salary warrants issued in the manner above provided; but payment shall be made only on the individual warrants issued in accordance herewith.

Ordered submitted—Board of Supervisors, San Francisco, September 18, 1928.

Ayes—Supervisors Andriano, Colman, Gallagher, Havenner, Hayden, Kent, Marks, McSheehy, Powers, Roncovieri, Schmidt, Shannon, Todd, Toner—14.

Absent—Supervisors Deasy, McGovern, Stanton, Suhr—4.
J. S. DUNNIGAN, Clerk.

State of California }
City and County of San Francisco } ss.

This is to certify that we, James Rolph, Jr., mayor of the city and county of San Francisco, and J. S. Dunnigan, clerk of the Board of Supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the charter of the said city and county of San Francisco with the original proposals, submitting the same to the electors of said city and county at a general election held on Tuesday, the sixth day of November, one thousand nine hundred and twenty-eight, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true. Certificate

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the city and county of San Francisco, this Thirty-first day of December, 1928.

[SEAL]

JAMES ROLPH, JR.,
Mayor of the City and County of
San Francisco.

J. S. DUNNIGAN,
Clerk of the Board of Supervisors
of the City and County of San
Francisco.

Approval by
Legislature

Now, therefore, be it
Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That amendments number twenty-six, thirty-one, thirty-two, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, and forty to the charter of the city and county of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county and as hereinbefore fully set forth, be and the same are, and each of them is hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the city and county of San Francisco.

CHAPTER 10.

Senate Joint Resolution No. 1—Relative to memorializing congress for federal aid in the control of the western pine bark beetle.

[Filed with Secretary of State February 26, 1929.]

Request for
federal aid
in control of
western pine
bark beetle.

WHEREAS, Timber constitutes one of the greatest resources of California and other western states where the lumber industry gives employment to over half of the wage earners of the Pacific coast; and

WHEREAS, The forests of western United States now contain two-thirds of the remaining virgin timber resources of the country and the entire nation is dependent upon these forests for its supply of timber and other forest products; and

WHEREAS, Bark beetles and other forest insects are annually destroying hundreds of millions of board feet of virgin timber each year, and such losses by insects exceed the total annual growth of young timber in this region, and the losses in the pine region of the west caused by beetles is greater than the loss by fire; and

WHEREAS, Such losses are resulting in a too-rapid exploitation of the timber resources of this region in an effort to salvage timber before it is killed by insects; and

WHEREAS, These insect depredations have become a serious threat to the timber resources comparable to the activities of the boll weevil and corn borer in other parts of the nation; and

WHEREAS, It is impossible to control bark beetle infestations on private lands unless control work is also conducted upon adjoining federally owned lands; and

WHEREAS, A very large proportion of all timber in the west is owned by the United States government; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That the Legislature of the State of California respectfully urge and request adequate federal assistance in the control of this great

forest menace, and the adoption by the congress of the United States of appropriate legislation for the appropriation of the requisite funds for the purpose of meeting this emergency; and

Be it further resolved, That the secretary of the senate be, and he is hereby directed to transmit copies of these resolutions to the President of the United States, to the secretary of agriculture, to the secretary of the interior and to each of the members of the senate and house of representatives.

CHAPTER 11.

Senate Concurrent Resolution No. 6—Approving certain amendments to the charter of the county of Alameda, State of California.

[Filed with Secretary of State February 26, 1929.]

WHEREAS, The county of Alameda, State of California, has at all times herein mentioned been and now is a body politic and corporate and is now and has been since the eighteenth day of January, 1927, organized and acting under and by virtue of a charter adopted under and by virtue of section 7½ of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the second day of November, 1926, and approved by the Legislature of the State of California on the eighteenth day of January, 1927; and

Alameda
county
charter
amend-
ments.

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to said charter set out in the certificate of the chairman of the board of supervisors and the county clerk and ex officio clerk of the board of supervisors of the county of Alameda, to wit:

State of California, }
County of Alameda. } ss.

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY OF ALAMEDA, SUBMITTED TO THE QUALIFIED ELECTORS OF THE SAID COUNTY OF ALAMEDA ON THE 6TH DAY OF NOVEMBER, 1928.

PREAMBLE.

BE IT KNOWN THAT:

WHEREAS, the County of Alameda, State of California, has, at all times mentioned herein, been and now is a body

Preamble

Preamble.

politic of the State of California, and is now and has been since the 18th day of January, 1927, organized and acting under and by virtue of a charter adopted under and by virtue of section seven and one-half of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of the said county at an election held for that purpose on the 2nd day of November, 1926, and approved by the legislature of the State of California on the 18th day of January, 1927; and

WHEREAS, on the 24th day of September, 1928, the board of supervisors of said County of Alameda pursuant to the provisions of section seven and one-half of article eleven of the constitution of said state duly proposed to the qualified electors of the said county certain amendments to the charter of the said county by submission of proposals for such amendments to said electors at the general election held on November 6, 1928, and at the same time said board of supervisors duly ordered said proposals to be submitted to the qualified electors of said county for ratification or rejection at said general election, and further duly ordered that said proposals should be forthwith published for ten times in the Oakland Tribune, a newspaper of general circulation printed, published and circulated in said county, and in said proposals said proposed amendments, and each of them, were set forth in full and at length and were and are in the words and figures hereinafter set forth; and

WHEREAS, thereafter, the said proposals, and each of them, were duly published in full and at length in said newspaper for ten times and on the following dates, to-wit: September 26, 27, 28, 29, 30, October 1, 2, 3, 4 and 5, 1928, and as often during said time as said newspaper was regularly published; and said general election at which said proposals were submitted to the vote of the qualified electors of said county was not less than thirty days nor more than sixty days after publication of said proposals as aforesaid; and

WHEREAS, immediately subsequent to said publication, the said board of supervisors duly prescribed the form and titles to be printed on the general election ballot to be used at said general election for the submission of said proposals, which said form and titles are hereinafter set forth, and in which said form and under which said titles said proposals appeared on said ballot; and

WHEREAS, subsequent to said publication and at least twenty-five days prior to November 6, 1928, the county clerk of said county duly filed in his office a notice of election in which, among other things and in addition to all other matters required by law, it was stated that said proposals, and each of them, would be submitted to the qualified electors of said county at said general election on November 6, 1928, and said clerk caused a copy of said notice to be posted in a prominent place in his office; and

WHEREAS, not more than twenty-five days, nor less than fifteen days prior to said November 6, 1928, the county clerk of said county caused to be mailed to each qualified elector within said County of Alameda, inclosed in an envelope with a sample ballot, a pamphlet containing a complete copy of said proposed amendments, and each of them, and said pamphlet was in the form required by law and contained all matters and things required by law to be contained therein, and said pamphlet in all respects duly complied with law; and three copies of said pamphlets were kept at every polling place within the said County of Alameda while said election was in progress, so that they might be freely consulted by the electors; and

Preamble

WHEREAS, at said general election said proposals, and each of them, were duly submitted to the vote of the qualified electors of said county and appeared on the general ballot at said election in the following form, to-wit:

AMENDMENTS TO THE CHARTER OF THE COUNTY OF ALAMEDA

1	Shall Section 15 of the Charter of the County of Alameda be amended so as to provide that the Coroner, County Clerk, Recorder, Surveyor, and Tax Collector, who is ex-officio License Collector, shall be elective officers of the County, and Section 17 of said Charter be amended so as to remove the aforesaid officers from the enumeration therein contained of the appointive officers of the County.	YES	
		NO	
2	Shall Section 14 of the Charter of the County of Alameda, which now provides that an ordinance for the purchase of annuities or insurance for County employees, or for an annuity or insurance fund, shall not take effect until two-thirds of the electors of the County voting on said ordinance at a general election shall have voted in favor thereof, be amended so as to provide that such an ordinance shall not take effect until a majority of the said electors voting on said ordinance at such election shall have voted in favor thereof.	YES	
		NO	

and

WHEREAS, said ballot contained all matters and things required by law to be stated and contained thereon, and said

Preamble.

ballot in all respects duly complied with law; and said proposals, and each of them, were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, the returns of said general election held in the County of Alameda on the 6th day of November, 1928, at which election said proposals, and each of them, were duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the board of supervisors of the County of Alameda, and it appeared therefrom and was so declared by the said board of supervisors that ninety-six thousand one hundred twelve votes were cast in favor of said proposed Amendment No. 1, and that thirty thousand eight hundred forty-five votes were cast against said proposed Amendment No. 1; that sixty-five thousand three hundred sixty-one votes were cast in favor of said proposed Amendment No. 2, and that forty-nine thousand eight hundred sixty-six votes were cast against said proposed Amendment No. 2; and it appeared therefrom and was so declared by said board of supervisors that a majority of the qualified electors of said County of Alameda voting thereon at said general election voted in favor of each of said proposed amendments above set forth, and said board of supervisors thereupon ordered and declared that said proposed amendments, and each of them, were ratified; and

WHEREAS, said amendments so ratified by the electors of said County of Alameda at said general election held on November 6, 1928, are now submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with the provisions of section seven and one-half of article eleven of the constitution of the State of California;

NOW THEREFORE, the undersigned, Wm. J. Hamilton, Chairman of the Board of Supervisors of the County of Alameda, State of California, and Geo. E. Gross, County Clerk and Ex-Officio Clerk of the Board of Supervisors of the County of Alameda, State of California, authenticating their signatures with the official seal of said Board of Supervisors of the County of Alameda, do hereby certify that said amendments to said charter of said county, and each of them, so ratified by the majority of the electors voting thereon at said general election held on the 6th day of November, 1928, as submitted to said electors, are in words and figures as follows, and are and shall, if so approved by said legislature be in the words and figures following, to-wit:

ALAMEDA COUNTY CHARTER AMENDMENT No. 1.

Section 15 of the Charter of the County of Alameda is hereby amended to read as follows:

“Section 15. The elective County officers other than the members of the Board of Supervisors shall be: Elective officers other than supervisors”

Auditor
 Assessor
 District Attorney
 Sheriff
 Superintendent of Schools
 Treasurer
 Coroner
 County Clerk
 Recorder
 Surveyor
 Tax Collector

The Tax Collector shall be ex-officio License Collector.”

Section 17 of the Charter of the County of Alameda is hereby amended to read as follows:

“Section 17: The appointive County officers shall be:

Board of Education, Members of
 Board of Law Library Trustees, Members of
 Civil Service Commission, Members of
 Fish and Game Warden
 Health Officer
 Horticultural Commissioner
 Live Stock Inspector
 Probation Committee, Members of
 Probation Officer
 Public Administrator
 Public Defender
 Purchasing Agent

Such other officers as are not mentioned in Section 15 hereof.

Such other officers as may be hereafter provided by law shall also be appointive.”

ALAMEDA COUNTY CHARTER AMENDMENT NO. 2.

Section 14 of the Charter of the County of Alameda is hereby amended to read as follows:

“Section 14: The Board of Supervisors, if deemed expedient, may provide, after actuarial investigation, by ordinance adopted by a four-fifths vote, for the purchase of annuities or insurance for County employees, or for an annuity or insurance fund, the basis of which in whole or in part, shall be contribution by the employees to be benefited; provided, however, such ordinance shall not take effect until it shall have been submitted to the electors of the County at a general election, and a majority of the electors voting on said ordinance at said election shall have voted in favor thereof.”

Supervisors may provide for purchase of insurance for county employees

We further hereby certify that the facts set forth in the preamble of this certificate preceding said amendments to said Charter are and each of them is true; and for and on behalf of said County of Alameda we being duly authorized, do hereby require the legislature of the State of California to approve

said amendments to said Charter, and each of them, as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF we have hereunto set our hands and affixed the official seal of said Board of Supervisors of the County of Alameda, State of California, this 7th day of January, 1929.

[SEAL] WM. J. HAMILTON,
Chairman of the Board of Supervisors
of the County of Alameda, State
of California.

ATTEST: GEO. E. GROSS,
County Clerk and Ex-officio Clerk of
the Board of Supervisors of the County
of Alameda, State of California.

Approval by
Legislature.

WHEREAS, Said proposed amendments to the charter of the county of Alameda, and each of them, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provision of section 7½ of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, that said amendments to the charter of the county of Alameda, and each of them, as proposed, adopted and ratified by the electors of the said county of Alameda and as hereinbefore set forth, be and the same are hereby approved as a whole, without amendment or alteration, and as amendments to and as a part of the charter of the county of Alameda.

CHAPTER 12.

Senate Concurrent Resolution No. 15—Relative to the publication of a new edition of the constitution of the State of California, the constitution of the United States, and other documents for use in the public schools of the state.

[Filed with Secretary of State February 26, 1929]

Provision for
publication of
new edition
of state and
federal
constitutions
for use in
the public
schools.

WHEREAS, It has been customary for many years for the state to print and distribute, free of cost to the students in the schools and to others copies of the constitutions of the State of California, and of the United States and other documents; and

WHEREAS, The course of study in the schools of the state requires a study of the constitutions; and

WHEREAS, The constitution of the State of California and the constitution of the United States and other historical documents are of great use in the teaching of civics in the public schools and in the teaching of Americanization; and

WHEREAS, It is to the benefit of the State of California that the constitution of the state and other similar documents be readily available to the students in public schools and colleges and for use in the teaching of Americanization; and

WHEREAS, The last edition of such constitutions and documents is now exhausted and there are numerous unfilled requests from the schools and others for copies of such constitutions and other documents; and

WHEREAS, It is customary for the Legislature to provide for such publication and to pay the cost of such publication from the contingent funds of the Senate and Assembly; therefore, be it

Resolved by the Senate, the Assembly concurring, That the secretary of the Senate and the chief clerk of the Assembly be, and they are hereby directed to compile, or arrange for the compilation and publication in a revised form of an edition of the constitution of the State of California and the constitution of the United States and certain other constitutional documents for use in the schools and for distribution to the public; and, be it further

Resolved, That the controller be and he is hereby directed to draw his warrants in favor of the secretary of the Senate and the chief clerk of the Assembly in the sum of one thousand dollars upon the contingent fund of the Senate and one thousand dollars upon the contingent fund of the Assembly for the purpose of carrying out the provisions of this resolution and the treasurer is hereby directed to pay the same; and be it further

Resolved, That the cost of printing such constitutions and other documents be charged to legislative printing.

CHAPTER 13.

Senate Concurrent Resolution No. 7—Approving certain amendments to the charter of the city of Piedmont, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at the general municipal election, held therein on the ninth day of April, 1928.

[Filed with Secretary of State February 26, 1929.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption, and ratification of certain amendments hereinafter set forth in the charter of the city of Piedmont, a municipal corporation in the county of Alameda, State of California, as set out in the certificate of the president of the city council and the city clerk of said city of Piedmont as follows, to wit:

State of California, }
County of Alameda, } ss
City of Piedmont, }

Piedmont
city charter
amendments.

We the undersigned, Oliver Ellsworth, president of the city council of the city of Piedmont, State of California, and W. C. Little, city clerk of said city do hereby certify and declare as follows:

That the city of Piedmont is a municipal corporation in the county of Alameda, State of California, now is and at all times herein mentioned was, a city containing a population of more than thirty-five hundred (3500) inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States, and is now organized, existing and acting under a freeholders' charter, adopted under and by virtue of section 8 of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose February 27, 1923, and approved by the Legislature of the State of California by concurrent resolution filed with the secretary of state on the fifteenth day of March, 1923, (statutes 1923, page 1564).

That in the pursuance of section 8 of article eleven of the constitution of the State of California, on its own motion, the council of the city of Piedmont being the legislative body of said city, by and in pursuance of a certain resolution passed by the city council on the first day of March, 1928, duly submitted to the qualified electors of said city of Piedmont certain proposals for the amendment of the charter of said city, to be voted on by said qualified electors at the general municipal election held in said city on the ninth day of April, 1928, which said proposals were and are in words and figures following, to wit:

Shall the City Charter of the City of Piedmont be amended by adding a new Section thereto numbered 37-a to read in words and figures following, to wit:

Pension
plan.

SECTION 37-a. PENSION PLAN: The Council, by Ordinance, shall prepare and provide a pension plan for all employees in the Police and Fire Departments of the City of Piedmont. When such pension plan shall have been passed by Ordinance it will be retroactive from the date of the adoption of this amendment to the Charter, and on the First Thursday in September of each year, the City Council, if necessary, shall levy a tax to provide extra revenue for maintaining said pension plan.

Shall Section 7 of the City Charter of the City of Piedmont be amended to read in words and figures following, to wit:

Ordinances.

SECTION 7. ORDINANCES—All proposed Ordinances introduced in the Council shall be in printed or typewritten form. The enacting clause of all Ordinances passed by the Council shall read as follows: "The Council of the City of Piedmont do ordain as follows:" The enacting clause of all Ordinances initiated by the people shall read as follows: "The people of the City of Piedmont do ordain as follows:"

No Ordinance shall be passed by the Council on the day of its introduction, nor within five days thereafter. A proposed

Ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. All Ordinances shall be signed by the Mayor and attested by the City Clerk, and shall either be published at least once in a newspaper of general circulation or posted in accordance with a declaration by the Council before becoming effective; provided, any Ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and passed at one and the same meeting and, if passed by a four-fifths vote, shall become effective immediately.

That said such proposed amendments were published and advertised in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Piedmont in "The Oakland Tribune," which was then and there a daily newspaper of general circulation.

That said City Council caused said copies of said proposed amendments to be printed in convenient pamphlet form and kept in the office of the City Clerk of said city, and did, until the date fixed for the election upon such Charter, advertise in said "The Oakland Tribune" a notice that such copies might be had upon application therefor at the office of the said City Clerk until the date fixed for the election hereinafter described.

That the Council of the City of Piedmont, a legislative body of said city, by its certain resolution passed on the First day of March, 1928, did order the holding of the General Municipal Election of said City of Piedmont on the Ninth day of April, 1928, and did provide in said resolution for the submission of the proposed amendments to the Charter to the qualified electors of said city for ratification at such election.

That said election was duly called and held on the Ninth day of April, 1928, and at said election a majority of qualified electors, voting thereon, voted in favor of and the ratification of, and did ratify the proposed amendments to the Charter of the City of Piedmont hereinabove set forth.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined, and declared by the proper officers thereunto duly and properly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of and ratified said proposed amendments to said Charter as hereinabove set forth, and we and each of us further certify that we have compared the foregoing enclosed and ratified amendments to the Charter of the City of Piedmont with the original proposals, submitting the same to the electors of said city at the election held on the Ninth day of April, 1928, and find that the foregoing is a true, full, correct, and exact copy thereof.

IN WITNESS WHEREOF we have hereunto set our hands and caused the seal of said city of Piedmont to be affixed hereto this tenth day of January, 1929.

 President of the City Council and
 Ex Officio Mayor.

[SEAL]

 City Clerk of the City of Piedmont.

Approval by
 Legislature

WHEREAS, Said proposed amendments so ratified as hereinbefore set forth have been and are now duly passed and submitted to the Legislature of the State of California for approval or rejection without power of alteration in accordance with section 8 of article eleven of the constitution of the State of California;

Now therefore be it resolved by the Senate of the State of California, the Assembly thereof concurring, the majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the city of Piedmont as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be, and the same are hereby approved as a whole without amendment or alteration for and as amendments to and as parts of the charter of the said city of Piedmont.

CHAPTER 14.

Senate Concurrent Resolution No. 5—Relative to reports of the department of encampment of the Grand Army of the Republic.

[Filed with Secretary of State March 7, 1929.]

Reports of
 department
 encampment
 of the Grand
 Army of the
 Republic to
 be printed.

Resolved by the Senate, the Assembly concurring, That there shall be printed as a public document five hundred copies of the sixty-second session of the department encampment of the Grand Army of the Republic for the year 1929, and of each succeeding department encampment, together with illustrations, copies of general orders of the department and of the official rolls, two hundred fifty copies for the use of the Senate and two hundred fifty copies for the use of the Assembly. Annual cost not to exceed six hundred dollars, payable from legislative printing appropriation.

CHAPTER 15.

Senate Concurrent Resolution No. 17—Approving a certain amendment to the charter of the city of Eureka ratified by the qualified electors of said city at a special municipal election held therein on the seventh day of January, 1929.

[Filed with Secretary of State March 12, 1929.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the charter of the city of Eureka, as set out in the following certificate of the mayor and city clerk of the city of Eureka, to wit:

Eureka city
charter
amendment

PREAMBLE.

Whereas, the city of Eureka, of the county of Humboldt, State of California, has at all times mentioned herein been and now is a municipal corporation of said State of California, containing a population of more than thirty-five (3500) hundred inhabitants, and is now, and has been, ever since the second Monday in July, A. D. 1895, organized, existing and acting under a freeholder's charter, adopted under and by virtue of section 8 of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city, at an election held for that purpose on the twenty-sixth day of January, 1895, and approved by the Legislature of the State of California, on the twelfth day of February, 1895 (statutes of 1895, pages 355 to 405 inclusive); and

Preamble

Whereas, a petition purporting to be signed by fifteen (15%) per cent of the registered electors of the city of Eureka, and proposing a certain amendment to the charter of the city of Eureka, the same being an amendment to section 23 of article three of the charter of the city of Eureka, was filed with the council of said city (said council being the legislative body thereof) on the fourth day of September, 1928, said fourth day of September, 1928, being not less than sixty (60) days prior to the general election next preceding a regular session of the Legislature of the State of California; and

Whereas, the signatures on such petition were duly verified by the city clerk of said city (said city clerk being the authority having charge of the registration records of said city of Eureka; and

Whereas, said city clerk did report to the council that said petition was signed by more than fifteen (15%) per cent of the registered electors of said city, calculated as provided by section 8 of article eleven of the constitution of the State of California; and

Whereas, said council did, by ordinance duly adopted by said council on the twenty-fifth day of September, 1928, and approved by the mayor of the city of Eureka on the twenty-ninth day of September, 1928, duly determine and declare

Preamble

that said petition proposing said amendment had been signed by the number of registered electors and had been filed and verified at the time and in the manner and form required by section 8 of article eleven of the constitution of the State of California; and

Whereas, said proposed amendment was published in the Humboldt Standard, a daily newspaper of general circulation, printed and published in the city of Eureka, and having a general circulation therein, for the time and in the manner prescribed by section 8 of article eleven of the constitution of the State of California, and copies of said proposed amendment to said charter were printed in convenient pamphlet form, and until the date fixed for the election on said charter amendment, the council of said city of Eureka caused to be published in the Humboldt Standard and in the Humboldt Times, both said Humboldt Standard and said Humboldt Times being newspapers of general circulation, printed and published in said city of Eureka, a notice that copies of said proposed amendment to said charter could be had at the office of the city clerk of the city of Eureka upon application therefor, as required by section 8 of article eleven of the constitution of the State of California; and

Whereas, the council of said city of Eureka did, by ordinance duly adopted by said council on the seventh day of November, 1928, order the holding of a special municipal election in said city of Eureka to be held on Monday, the seventh day of January, 1929, said day being not less than forty (40) days and not more than sixty (60) days after the completion of the publication of said proposed amendment in said Humboldt Standard, a daily newspaper of general circulation in said city of Eureka, and did provide in said ordinance for the submission of said proposed charter amendment to the qualified electors of said city for ratification or rejection at said election; and

Whereas, said election was duly called and held on said seventh day of January, 1929, and at said election the majority of the qualified voters voting thereon voted in favor of the ratification of and did ratify the said proposed amendment to said charter; and

Whereas, the council of the said city of Eureka, in accordance with the law in such cases made and provided, and in accordance with the provisions of the charter of the city of Eureka did meet on Tuesday, the fifteenth day of January, 1929, at their usual place of meeting and did canvass the returns of said election as certified by the election boards and duly found, determined and declared that the majority of the qualified electors of said city voting thereon had voted for and ratified the said proposed amendment to the charter of the city of Eureka; and

Whereas, said amendment to the charter of the city of Eureka so ratified by the electors of said city of Eureka at said special municipal election held on the seventh day of

January, 1929, is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section 8 of article eleven of the constitution of the State of California.

Now therefore the undersigned, A. W. Way, the mayor and chief executive of the city of Eureka and A. Walter Kildale, city clerk and ex officio clerk of the council of said city, authenticating their signatures with the official seal of said city

Do hereby certify, that said amendment to said charter of said city, so ratified by the majority of the electors voting thereon at said special municipal election, held on the seventh day of January, 1929, as submitted to said electors and ratified by said electors, in the words and figures as follows, and will and shall, if so approved by the Legislature, be in the words and figures as follows, to wit:

Section 23 of article three of the charter of the city of Eureka is hereby amended so as to read as follows:

“ARTICLE III—SECTION 23.

The qualified electors of the city voting as a whole shall elect one member of the Council for each of the five wards of the city, and no person shall be eligible to the office of councilman who has not resided in said city for one year, and in the ward for which he is elected at least six months next preceding his election, and if he fail to continue a resident of such ward, his office shall, by reason thereof, become vacant; provided, that in case a redistricting or redivision of the city into wards be made, whereby the lines or boundaries of any wards are changed, the last provision in regard to residence shall not apply to any person whose residence has been changed thereby from the ward for which he was elected and in which he resided.”

Councilman
qualification
and
election

And the said A. W. Way, as mayor and chief executive of said city of Eureka and A. Walter Kildale, as city clerk of said city and ex officio clerk of the council of said city, do hereby further certify that they have this day carefully compared the foregoing proposed and ratified amendment to the charter of said city of Eureka with the original petition proposing said amendment and requiring its submission to the qualified electors for ratification or rejection, as aforesaid, and with the ordinance submitting said proposed amendment to the qualified electors of said city, to wit, with Ordinance No. 1048 calling said special municipal election held in said city on the seventh day of January, 1929, and with the proceedings of the council of the said city on file in the office of said clerk, subsequent to the passage of said ordinance and relating to the adoption of said amendment, and from said comparison and examination they find, and hereby certify,

that the foregoing contains a true, full, exact and correct copy of said charter amendment to said charter of said city of Eureka, so ratified as aforesaid.

And we further hereby certify that the facts set forth in the preamble of this certificate preceding said amendment to said charter are, and each of them is, true.

And, for and on behalf of said city, we, being heretofore duly authorized, do hereby request the Legislature of the State of California, to adopt and approve the said amendment to said charter as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

In witness whereof, we have hereunto set our hands and caused our signatures, authenticated by the official seal of said city, to be hereunto attached this twenty-sixth day of February, 1929.

[SEAL]

A. W. WAY,
Mayor and Chief Executive of the city of Eureka.

Attest: A. WALTER KILDALE,

City clerk of the city of Eureka and ex officio clerk of the council of the city of Eureka.

Approval
by the
Legislature

AND WHEREAS, The said proposed amendment to the charter of the city of Eureka so ratified as hereinbefore set forth has been and is now duly submitted and presented to the Legislature of the State of California for approval or rejection as a whole without power of alteration, in accordance with section 8 of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the Senate, the Assembly concurring, a majority of the members elected to each house voting therefor and concurring therein, said amendment to the charter of the city of Eureka as proposed to, and adopted and ratified by the electors of said city, and as hereinabove fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as a part of the charter of the said city of Eureka.

CHAPTER 16.

Assembly Joint Resolution No. 3—Relative to memorializing congress to adopt a bill to provide compensation in lieu of taxes for the several states with respect to certain lands of the United States within the borders of said states, and for other purposes.

[Filed with Secretary of State March 14, 1929.]

WHEREAS, There has been introduced a bill in the house of representatives of the United States, which provides: "That the United States government hereby assumes, subject to the conditions of this act or any subsequent act of congress, the payment to the several states of sums of money equivalent to the amounts which such states would receive from the taxation of said lands of the United States within their respective borders if such lands were owned by individuals"; and

Federal compensation in lieu of taxes with respect to federal lands within state borders

WHEREAS, Under an act of congress of the United States approved March 3, 1891, large areas of territory with the timber and other resources thereon and therein were "set apart, reserved, and withdrawn from entry" in the states of California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, Arizona and New Mexico and in a lesser degree in several of the other states of the Union; and

WHEREAS, The United States government has withdrawn, set apart and reserved within permanent national forests eighteen million eight hundred ninety-one thousand one hundred sixty-one acres of land within the State of California, approximating one-fifth of the total land area of the state, said lands being set apart, withdrawn from entry and reserved for the purpose of conserving the resources thereof and particularly the standing timber thereon for the benefit of future generations of mankind; and

WHEREAS, The lands of the United States above referred to, comprise in several of the counties upwards of one-half of the area within the borders of the counties, and, although exempt from annual taxation, are being put to commercial and industrial uses for the benefit of all the people of the United States, which fact places these lands on the same basis, as to use, as privately owned lands used for the same purpose, and said lands of the United States are in competition with said privately owned lands, and the setting aside, reserving and withdrawing from entry of these large areas of territory in the sparsely settled forest counties and on which the United States pays no taxes, results in throwing a heavy tax burden on privately owned property in the same political subdivision of government thus making the financing of local government a difficult problem indeed; and

WHEREAS, This area is not and can not be taxed by any of the thirty-nine counties of California wherein this vast domain is situated, although each of said counties is required to and do perform therein and thereon all necessary and requisite

Same

police powers, equip, maintain and operate schools; equip, maintain and operate courts for the punishment of offenders against the forest and other laws; construct, repair and maintain trails, roads and bridges and to do and perform such other acts, duties and powers as may be necessary to the enjoyment of such forests by the people of the United States as well as of other nations; and

WHEREAS, When state government was instituted and the several states admitted into the Union they were divided into counties, and townships and each of the states, counties and townships were guaranteed the full right of enjoyment of all the territory and resources within their respective borders and the declared policy of the United States government being to dispose of all the public domain, and article ten of the declaration of rights, which formed the basis for the union of the states provides, that "No state shall be deprived of territory for the benefit of the United States." In setting apart, reserving and withdrawing from entry nineteen million acres of land for national forest purposes within the boundaries of a single state, surely territory has been taken from that state for the benefit of the United States; and

WHEREAS, The following clause is contained in the enabling act of every state admitted into the Union, beginning with Ohio in 1803: "The state when admitted shall be on a basis of equality with the original states in all respects whatever." Therefore all political subdivisions of government should be on a basis of equality, which makes it necessary for all to contribute on a basis of equality to the solution of all problems of national necessity (and we deem the national forests to be such a problem), and if in so doing it becomes necessary to take territory and resources from some of the subdivisions of government and "set apart, reserve or withdraw" the same from entry for the benefit of all the others, then those benefited should join in reimbursing the subdivisions of government from which the territory and resources were taken, otherwise there can be no basis of equality; and

WHEREAS, The congress of the United States has enacted legislation known as the "exchange bills," and under the provisions of said law, private owners are enabled to exchange cut-over lands for standing timber on the lands of the United States, and since said law has become operative, private owners have availed themselves of the right granted to them under said law and have conveyed hundreds of thousands of acres of such lands to the United States and have received in exchange, hundreds of millions of feet of standing virgin timber from the United States, and as a result of the operation of such legislation, counties in which such exchange have been made or in which such exchanges may hereafter be made, have had or will have taken from them and removed from the assessment rolls of such counties, many thousands of dollars in assessed valuation, and in addition to this loss of assessed valuation such counties are losing the percentage

which they would receive were a sale made instead of an exchange, and as Colonel Greeley, chief forester of the United States, has said of this law, "The forest counties lose both going and coming"; and

WHEREAS, The congress of the United States has enacted the so-called Clark-McNary law, and under the provisions of section 7 of said law, private owners are enabled to donate or devise to the United States lands chiefly valuable for the growing of forests, the private owner reserving the timber, mineral, grazing and other rights and when so conveyed become a part of the national forest reserve and not open to entry or taxation, and should timber owners in some of the counties in several of the western states exercise their just right under this law, and convey their said lands to the United States, thus taking from the assessment rolls of the counties the immense valuation involved and the right of taxation, it will result in putting many of the forest counties of the west out of business, because such counties will be unable to raise sufficient revenue to maintain county government, and if such counties are annexed to a nonforest county in the same state the county to which it is annexed will receive not an asset but a liability; and

WHEREAS, It is only just and right that a heavy burden of local taxation should not be placed annually on the people of any state, in which, and by reason of the fact that, extensive areas of territory having great natural resources, guaranteed to them in the beginning and later legislated from them, have been set apart, reserved and withdrawn from entry for the economic use and benefit of all of the people of the United States, and we believe that if the government of the United States can not afford to finance its national forests, then in right and justice it should not expect the sparsely settled forest counties to do so for it; now, therefore, be it

Resolved by the Assembly and Senate, jointly, That the Legislature of the State of California approves of the purpose of the bill referred to and respectfully request its support and adoption, by the congress of the United States at the earliest possible date; and be it further

Resolved, That any moneys to be paid to the State of California, by the United States under the provisions of any law enacted by the congress of the United States, based on forest values of the forest counties of California, shall be divided among said forest counties in proportion to the forest values fixed by the United States bureau of public roads; *provided,* that by the term "forest counties" is meant those counties of California, a part of which are in the present national forests; *and provided, further,* that any portion of the timber sale, grazing or other receipts of national forests returned by the federal government to the State of California, are excepted herefrom; and be it further

Resolved, That the chief clerk of the Assembly of the State of California be authorized and directed to transmit copies

of this resolution by mail to the governors of the states of Oregon, Washington, Idaho, Montana, Wyoming, Utah, Nevada, Colorado, New Mexico and Arizona with the request that similar action be taken by their respective legislatures; and be it further

Resolved, That the chief clerk of the Assembly of the State of California be authorized and directed to transmit copies of this resolution by mail, to all the members of the congress and senate of the United States.

CHAPTER 17.

Assembly Concurrent Resolution No. 15—Relating to the death of Honorable Frank P. Flint.

[Filed with Secretary of State March 14, 1939.]

In memory
of Honorable
Frank P.
Flint

WHEREAS, It has pleased an all wise Providence to call from us Honorable Frank P. Flint, a former member of the senate of the United States of America from California and the chairman of the citizens committee of southern California, which said committee espoused and promoted the passage of the congressional act known as the Boulder canyon project act; and

WHEREAS, He will be accounted in history as a foremost leader in his time in the advancement and progress of our state, and as one of California's illustrious men, and as a public spirited citizen who gave freely and unselfishly of his time to promote the betterment of this state; now therefore, be it

Resolved by the Assembly, the Senate concurring, That a committee of two members, consisting of one member of the Assembly to be appointed by the speaker of the Assembly, and one member of the Senate to be appointed by the president of the Senate, be appointed to attend the funeral of said Honorable Frank P. Flint; and be it further

Resolved, That when the respective houses of this Legislature of the State of California shall this day adjourn, they shall do so in respect of the memory of Honorable Frank P. Flint; and be it further

Resolved, That the secretary of the Senate and the chief clerk of the Assembly are hereby directed to convey to the family this expression of tribute from the Senate and Assembly of California.

CHAPTER 18.

Senate Concurrent Resolution No. 21—Relative to the publication of a new edition of the constitution of the State of California and providing funds to meet the expenses thereof.

[Filed with Secretary of State March 26, 1929.]

WHEREAS, The forty-eighth session of the California Legislature previously adopted Senate Concurrent Resolution No. 15, providing for the compilation and publication of the constitution of the State of California, the constitution of the United States and other documents for use in the public schools of the state, and

Appropriation for new edition of state and federal constitutions

WHEREAS, Senate Concurrent Resolution No. 15 did not provide sufficient funds to meet the expenses of the compilation, publication and distribution of the documents therein provided for; therefore, be it

Resolved by the Senate, the Assembly concurring, That the controller be and he is hereby directed to draw his warrant upon the contingent fund of the Senate in the sum of two thousand dollars in favor of the secretary of the Senate, and to draw his warrant upon the contingent fund of the Assembly in the sum of two thousand dollars in favor of the chief clerk of the Assembly, in addition to the amount previously appropriated by Senate Concurrent Resolution No. 15, for the purpose of carrying out the provisions of Senate Concurrent Resolution No. 15, and the treasurer is directed to pay the same.

CHAPTER 19.

Assembly Concurrent Resolution No. 11—Relating to the suppression of traffic in narcotic drugs, and authorizing the appointment of a committee for the purpose of considering and recommending the enactment of effective and uniform laws governing traffic in narcotic drugs and related matters.

[Filed with Secretary of State March 26, 1929.]

WHEREAS, The misuse of habit-forming drugs constitutes a grave menace to society; and

Committee to consider enactment of uniform narcotic law

WHEREAS, There is great need for more vigorous action on the part of the State of California to combat this evil; and

WHEREAS, The State of California is particularly subject to the illegal traffic in narcotic drugs on account of its great accessibility by land and water; and

WHEREAS, A greater effort is necessary on the part of California in order to successfully combat this evil and stamp out drug addiction within its borders; and

WHEREAS, There is great need that the state and federal narcotic laws should be harmonized in order to bring about closer cooperation between state and federal law enforcing officials; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That there shall be and hereby is created a committee to consist of one member of the Assembly, to be appointed by the speaker of the Assembly, and one member of the Senate, to be appointed by the president of the Senate, for the purpose of considering the enactment of effective and uniform laws governing traffic in narcotic drugs; and be it further

Resolved, That the committee shall also make a complete study of the entire subject of drug addiction in California, and shall gather such other necessary information, formulate recommendations, and prepare and submit to the next session of the Legislature of the State of California their findings therein; be it further

Resolved, That the members of said committee shall receive no compensation for their services but shall be paid their necessary traveling and other expenses. The sum of one thousand five hundred dollars (\$1,500) is hereby set aside from the contingent fund of the Assembly, and a like sum from the contingent fund of the Senate, and made available for the purpose of defraying the expenses, if any, of such committee and committeemen, which expenses shall be paid equally from such contingent funds of the Assembly and Senate, and the state controller is hereby authorized and directed to draw his warrant in favor of the members of said committee for such expenditures as may be certified to him from time to time by said committee, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 20.

Assembly Joint Resolution No. 5—Relating to the participation of California in the Great Lakes-St. Lawrence Tide Water Association to facilitate and expedite the prosecution of the construction of a seaway connecting the Great Lakes with the Atlantic ocean.

[Filed with Secretary of State March 29, 1929.]

Participation of California in the Great Lakes-St. Lawrence Tidewater Association.

WHEREAS, The growth of the essential industries of the State of California depends in large measure upon the extension of her commerce with the interior of the nation—an interior now handicapped in its development by high transportation rates to and from the sea; and

WHEREAS, Such handicap, both to present commerce and to the development of a still larger, wider and more valuable commerce, may be overcome only by bringing ocean transportation to the heart of the continent, thereby giving to the

interior direct low cost transportation to its markets, both selling and buying, throughout the world, and by reason of such action stimulating a business development and population growth that shall enlarge the market outlets for the products of the State of California; and

WHEREAS, The Panama canal has made it possible for the producers of the State of California to reach the seaboard markets of the Atlantic coast to their very great advantage, while the equally desirable markets upon and surrounding the Great Lakes are still closed to our producers; and

WHEREAS, The joint board of engineers for the United States and Canada has declared that a seaway connecting the Great Lakes with the Atlantic by way of the St. Lawrence river, thereby extending to our producers the full benefits of direct ocean connection with the interior of the continent, is practical from the engineering standpoint, and the St. Lawrence commission of the United States, on December 27, 1926, after an investigation, at the instance of the national government, of the economic needs and requirements, declared "The construction of the shipway from the Great Lakes to the sea is imperative"; and

WHEREAS, Eighteen states, by action of their legislatures, have joined the Great Lakes-St. Lawrence Tidewater Association, an association of sovereign states, having as its object the early undertaking and completion of this improvement; and

WHEREAS, The transportation situation now existing constitutes an emergent need calling for immediate relief; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the State of California is hereby associated in the above named organization with its neighboring commonwealths in pressing to advance to completion this undertaking, and that participation by this state in the council of the said associated states by the governor and by those whom he may appoint to said council as representing the State of California is hereby ordered and approved, and that the representatives of this state in the congress of the United States are hereby requested to facilitate and expedite in every possible way the prosecution of this undertaking for the economic freedom of a landlocked continent.

CHAPTER 21.

Assembly Concurrent Resolution No. 12—Approving a certain amendment to the charter of the city of Compton, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the sixth day of November, 1928.

[Filed with Secretary of State March 29, 1929.]

WHEREAS, The city of Compton, in the county of Los Angeles, State of California, contains a population of over Compton city charter amendment.

six thousand inhabitants, and has been ever since the year one thousand nine hundred twenty-five, and now is organized and acting under a freeholders charter, adopted under and by virtue of section 8 of article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the ninth day of December, 1924; and approved by the Legislature of the State of California (Statutes of 1925, page 1212), and by resolution of said Legislature filed with the secretary of state of the State of California, the twenty-seventh day of January, 1925 (Statutes of 1925, page 1212); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the charter of the city of Compton, as set out in the certificate of the mayor and the city clerk of said city of Compton, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF COMPTON AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE SIXTH DAY OF NOVEMBER, ONE THOUSAND NINE HUNDRED TWENTY-EIGHT, OF A CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF COMPTON, STATE OF CALIFORNIA.

State of California	}	ss.
County of Los Angeles		
City of Compton		

Certificate.

We, C. A. Dickison, mayor of the city of Compton, and Maude Hecock, city clerk of the city of Compton, do hereby certify as follows:

That said city of Compton, in the county of Los Angeles, State of California, is now and was at all the times herein mentioned a city containing more than thirty-five hundred inhabitants as ascertained by a census duly taken by the said city of Compton, under the provisions of Act 555 of the General Laws of the State of California; and

That said city of Compton is now and was at all the times herein mentioned organized and existing under a freeholder's charter, adopted under the provisions of section 8 of article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the 9th day of December, 1924, and approved by the Legislature of the State of California (Statutes of 1925, page 1212), and by resolution of said Legislature filed with the secretary of state of the State of California, on the 27th day of January, 1925 (Statutes of 1925, page 1212); and

That pursuant to the provisions of section 8 of article eleven of the constitution of the State of California, the legislative body of said city, namely: the city council of said city did on its own motion and pursuant to the provisions of

Certificate.

section eight of article eleven of the constitution of the State of California, duly propose to the electors of said city of Compton an amendment to the charter of said city, and ordered that said amendment be submitted to said electors of said city at a special municipal election to be held in said city on the 6th day of November, one thousand nine hundred twenty-eight; and

That said proposed amendment was on the 21st day of September, 1928, duly published in the "Compton News-Tribune" a newspaper of general circulation, published in said city of Compton, and the official newspaper of said city, and the newspaper designated by said city council for that purpose;

That said proposed amendment was printed in convenient pamphlet form and from the 21st day of September, 1928, to the 6th day of November, 1928, both inclusive, a notice was published in said "Compton News-Tribune" that such copies could be had upon application therefor at the office of the city clerk of said city; and

That said city council did by ordinance designated as Ordinance No. 251, which was duly adopted on the 16th day of October, 1928, order the holding of a special municipal election in said city of Compton on the 6th day of November, 1928, which date was more than forty (40) days and less than sixty (60) days after the completion of the publication of said proposed amendment to the charter of the city of Compton, and which said ordinance was duly posted in three conspicuous places in the said city of Compton at least ten successive days prior to said election;

That said special municipal election was held in said city of Compton on said 6th day of November, one thousand nine hundred twenty eight, which date was more than forty (40) days and less than sixty (60) days after said proposal of amendment to the charter of the city of Compton had been published once in said "Compton News-Tribune," as aforesaid, which said election was held after the six months next preceding a regular session of the Legislature, and before the adjournment of that session.

That at said special municipal election held as aforesaid on said 6th day of November, 1928, a majority of the qualified voters of said city of Compton voting thereon voted in favor of said proposal of amendment to the charter of the city of Compton and duly ratified the same.

That the city council of the city of Compton after duly canvassing the returns of said special municipal election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters of said city of Compton voting thereon, had voted in favor of and ratified said proposed amendment to the charter of the city of Compton, which said amendment is in words and figures to-wit:

That section 12 of article XXII of the charter of the city of Compton be amended to read as follows:

Entertain-
ment

Section 12. ENTERTAINMENT: The council may appropriate and spend money from the funds of the city for any or all of the following purposes: reception and entertainment of public guests, assistance of public celebrations, fairs and exhibitions, to aid or carry on the work of inducing immigration to the city; to exhibit manufactured and other products of the city, and generally, for the purpose of advertising the city; *provided, however,* that the aggregate expenditures for all of said purposes shall not exceed in one fiscal year the sum of NINE (9) CENTS on each One Hundred Dollars (\$100.00) of the assessed value of property within the city.

That the foregoing is a full, true and correct copy of said proposal of amendment to the charter of the city of Compton, ratified by the electors of said city, as aforesaid, on file in the office of the city clerk of the said city of Compton.

In witness whereof, C. A. Dickison, mayor, as aforesaid, and Maude Hecock, city clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the city of Compton to be thereunto duly affixed, on this seventh day of February, one thousand nine hundred twenty-eight.

C. A. DICKISON,

Mayor of the City of Compton.

MAUDE HECOCK,

City Clerk of the City of Compton.

[SEAL]

Approval by
Legislature.

WHEREAS, Said proposal of amendment to the charter of the city of Compton, ratified by the electors of said city, as aforesaid, is now submitted to the Legislature of the State of California for approval or rejection, without alteration or amendment in accordance with section 8 of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the Assembly, the Senate concurring, a majority of all the members elected to each house voting therefor, and concurring therein, that said proposal of amendment to the charter of the city of Compton presented to, adopted and ratified by the qualified electors of said city of Compton, as hereinabove fully set forth, is hereby approved as a whole, without amendment or alteration, as an amendment to and a part of the charter of the city of Compton.

CHAPTER 22.

Assembly Concurrent Resolution No. 19—Approving ten certain amendments to the charter of the city of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twenty-sixth day of February, 1929.

[Filed with Secretary of State March 29, 1929.]

Long Beach
city charter
amendments

WHEREAS, The city of Long Beach, in the county of Los Angeles, State of California, contains a population of over

fifty thousand inhabitants, and has been, ever since the year 1921, and now is, organized and acting under a freeholders' charter, adopted under and by virtue of section 8, article eleven of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the fourteenth day of April, 1921, and approved by the Legislature of the State of California, by concurrent resolution filed with the secretary of state on the twenty-sixth day of April, 1921 (statutes 1921, page 2054) ; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of said city of Long Beach, as set out in the certificate of the mayor and city clerk of said city of Long Beach, to wit :

State of California,
 County of Los Angeles,
 City of Long Beach. } ss.

We, Oscar Hauge, mayor of the city of Long Beach, and J. Oliver Brison, city clerk of the city of Long Beach, do hereby certify as follows: Certificate.

That said city of Long Beach, in the county of Los Angeles, State of California, is now, and was at all of the times herein mentioned a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States; and,

That said city of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of section 8, article eleven, of the constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the fourteenth day of April, 1921, and approved by the Legislature of the State of California, on the twenty-sixth day of April, 1921, and amendments thereto, duly adopted by the qualified voters of said city and by resolution of said Legislature and filed with the secretary of state of the State of California the twenty-seventh day of April, 1923 (statutes of 1923, page 1624), and amendments thereto duly adopted by the qualified voters of said city and by resolution of said Legislature and filed with the secretary of state of the State of California the eighteenth day of April, 1925 (statutes 1925, page 1330) ; and,

That, pursuant to the provisions of section eight of article eleven of the constitution of the State of California, the legislative body of said city, namely, the city council of said city did, on its own motion and pursuant to the provisions of section eight of article eleven of the constitution of the State of California, duly propose to the electors of said city of Long Beach sixteen amendments to the charter of said city

Certificate

and ordered that said amendments be submitted to said electors of said city at a special municipal election to be held in said city on the twenty-sixth day of February, 1929; and,

That said sixteen proposed amendments were, and each of them was, at the time and in the manner provided by law, duly published in The Long Beach Sun, a daily newspaper of general circulation published in said city of Long Beach, and the official newspaper of said city, and the newspaper designated by said city council for said purpose;

That said proposed amendments were printed in convenient pamphlet form, and at and during the time and in the manner provided by law, a notice was published in The Long Beach Sun that such copies could be had upon application therefor at the office of the city clerk of said city; and

That said city council did, by ordinance designated as Ordinance No. C-818, which was duly adopted on the eighth day of February, 1929, order the holding of a special municipal election in said city of Long Beach on the twenty-sixth day of February, 1929, which date was more than forty days and less than sixty days after the completion of the publication of said sixteen proposals of amendments to the charter of the city of Long Beach, as aforesaid, and which ordinance was published at least ten successive days prior to said election in The Long Beach Sun, the official newspaper of the city of Long Beach, and a newspaper of general circulation and published in said city, and was posted in three conspicuous places in the city of Long Beach;

That said special municipal election was held in said city of Long Beach on said twenty-sixth day of February, 1929, which day was more than forty days and less than sixty days after said proposals of amendments to the charter of said city of Long Beach had been published once in The Long Beach Sun, as aforesaid; which said election was held during a regular session of the Legislature and before the final adjournment thereof;

That at such special municipal election, held as aforesaid, on said twenty-sixth day of February, 1929, a majority of the qualified voters of said city of Long Beach voting thereon voted in favor of ten of said proposals of amendments of the charter of the city of Long Beach, and duly ratified the same;

That said proposals of amendments to the charter of the city of Long Beach so ratified, as aforesaid, were and are amendments numbered one, four, six, seven, eight, eleven, twelve, fourteen, fifteen and sixteen; and,

That the city council of said city of Long Beach, after duly and regularly canvassing the returns of said special municipal election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters of said city of Long Beach voting thereon had voted in favor of and ratified said proposals of amendments to the charter of the city of Long

Beach known as amendments numbered one, four, six, seven, eight, eleven, twelve, fourteen, fifteen and sixteen; and

That said proposals of amendments to the charter of the city of Long Beach ratified by the electors of said city, as aforesaid, are in words and figures as follows, to wit:

AMENDMENT No. 1. TO THE CHARTER OF THE
CITY OF LONG BEACH.

Sec. 55a. The city auditor of the city of Long Beach shall receive, in full compensation for all services rendered by him, a salary of four thousand two hundred dollars (\$4,200.00) per annum. In all respects wherein this section conflicts with section 55, the latter shall be deemed repealed. Auditor

AMENDMENT No. 4 TO THE CHARTER OF THE
CITY OF LONG BEACH.

Sec. 63. In the event of a vacancy in any elective office caused by death, resignation, recall, removal from the city or for any other reason, the vacancy shall be filled for the unexpired term by the city council. In the event any member of the city council shall remove from the district from which he was elected during his term of office, his office shall be declared vacant and filled for the unexpired term by the city council; *provided*, that the member of the city council elected to succeed shall have been an elector in the district he is chosen to represent for six months next preceding the date of his selection. Vacancies

AMENDMENT No. 6. TO THE CHARTER OF THE
CITY OF LONG BEACH.

DEPARTMENT OF CITY PROSECUTOR.

Sec. 210a. (1) There is hereby created the department of the city prosecutor which shall consist of the city prosecutor and such assistants, deputies, stenographers, clerks and other employees as the city council may prescribe and authorize by ordinance. Department of city prosecutor

(2) The city prosecutor shall be elected by the qualified electors of the city of Long Beach and shall hold office for three (3) years, and until his successor shall have been elected and qualified. He must be qualified to practice in all the courts of the State of California and must have been so qualified at least three (3) years next preceding the date of his election. All deputies of the city prosecutor must, at the time of their appointment, have been, for one (1) year next preceding the date of their appointment, qualified to practice in all of the courts of the State of California.

(3) The city council shall fix the salary of the city prosecutor at a sum not less than forty-eight hundred dollars (\$4,800.00) per annum. In the event of the failure or refusal

Department
of city
prosecutor

of the city council to fix such salary, the city prosecutor shall receive as compensation for his services the sum of forty-eight hundred dollars (\$4,800.00) per annum.

(4) The city prosecutor shall appoint, subject to the confirmation of the city council, all members of the department of the city prosecutor for whose acts he shall be responsible.

(5) Upon the creation of the department of the city prosecutor, the city attorney shall be relieved of all duties provided in this amendment to be performed by the city prosecutor.

(6) The powers and duties of the city prosecutor shall be as follows:

(a) The city prosecutor shall institute, attend and conduct, on behalf of the people, all criminal cases arising upon violations of the provisions of this charter or the ordinances of the city, in the court of original jurisdiction, and on appeal.

(b) The city prosecutor shall draw complaints in such cases, and prosecute all recognizances and bail bonds forfeited in said cases. He shall prosecute all actions for the recovery of fines, penalties and forfeitures and other money accruing to the city of Long Beach in said cases.

(c) Whenever it shall be authorized by the laws of this state, the city prosecutor shall prosecute any or all misdemeanor offenses arising upon violation of the laws of the state and appeals arising therefrom. He shall draw complaints for misdemeanors committed against the laws of this state, prosecute all recognizances and bail bonds forfeited in such misdemeanor cases and prosecute all actions for the recovery of fines, penalties and forfeitures accruing to the city of Long Beach or the county of Los Angeles in said cases.

(d) Whenever the laws of the state shall so provide, if any person held in custody or restrained by any peace officer of the city and charged with having committed any criminal offense against the provisions of the charter of this city, or the ordinances thereof, or with having committed any misdemeanor or other offense in the city of Long Beach against the laws of the state, shall apply for a writ of habeas corpus, a copy of the application for such writ must in any such case be served upon the city prosecutor at such time and in such manner as may be provided by such laws; and it shall be the duty of the city prosecutor to conduct all proceedings connected with or relating to the application for or hearing upon such writ on behalf of the people, provided that in all matters of habeas corpus in which the constitutionality of any law or ordinance has been raised and in all appeals in which the constitutionality of any law or ordinance has been raised, the city prosecutor must immediately notify the city attorney thereof, and in all such cases the city attorney may in his discretion become associated with the city prosecutor in any such action or proceeding and have charge of such litigation.

(e) It shall be his duty to keep a register of his official business, in which must be entered a note of all actions, whether

criminal or civil, prosecuted or defended officially by him, and of the proceedings therein.

(f) For the purpose of performing the duties hereinbefore prescribed, he shall be allowed, subject to the approval of the city council, such secret service funds as shall be necessary and may employ special investigators.

AMENDMENT No. 7. TO THE CHARTER OF THE CITY OF
LONG BEACH.

Sec. 91. Whenever a vacancy occurs in this office, the city council shall immediately proceed to appoint a city manager, and until a city manager is so appointed and has qualified, the assistant city manager shall perform all of the duties of city manager, and, pending such appointment and qualification, he is hereby vested with all the powers of city manager as herein set forth.

AMENDMENT No. 8. TO THE CHARTER OF THE CITY OF
LONG BEACH.

That section 321 of the charter of the city of Long Beach be, and the same is hereby repealed.

AMENDMENT No. 11. TO THE CHARTER OF THE CITY OF
LONG BEACH.

Sec. 294. All contracts, except as otherwise provided in this charter, or by general law, for the city or any of the departments or public institutions thereof, must be made by the city manager with the lowest responsible bidder whose bid is in regular form, after one publication of a notice calling for bids in the official newspaper of the city; said notice shall contain a brief description of the services, supplies, or materials required, and the amount of bonds required of the successful bidder, and state the hour and day on which said bids will be opened; said bids shall be opened not less than five days nor more than thirty days after such publication of the notice calling for bids; except that the city council may, by resolution adopted by the affirmative vote of five members of the city council, authorize the city manager to enter into a contract on behalf of the city, in writing or otherwise, without advertising for bids, for labor, material or supplies for actual emergency work.

AMENDMENT No. 12. TO THE CHARTER OF THE CITY OF
LONG BEACH.

NOMINATIONS AND ELECTIONS.

Sec. 65. Municipal elections held in the city of Long Beach shall be classified as of three kinds, to wit:

1. Primary nominating elections,
2. General municipal elections,

Nominations
and
elections.

3. Special municipal elections.

Sec. 65a. The first primary nominating election shall be held in the city of Long Beach on the second Tuesday in May, 1930. The first general municipal election shall be held in the city of Long Beach on the first Tuesday in June, 1930, and such primary and general municipal elections shall be held in the city of Long Beach, respectively, on the second Tuesday in May and on the first Tuesday in June, every three years thereafter.

Sec. 65b. All other municipal elections that may be held in the city of Long Beach by the authority of the constitution of the State of California, this charter, or general law, or by ordinance of the city shall be known as special municipal elections.

Sec. 66. The city council shall have the power to submit to the electors of the city of Long Beach, at any election, any proposition or question required to be submitted by the constitution, this charter, general law or by ordinance of the city; *provided*, that in case such question or proposition is required by said constitution, charter, general law or ordinance to be submitted at a special or other particular kind of election, or within any specified time, it shall be so submitted, and not otherwise.

Sec. 66a. Except as in this charter otherwise provided, every special election ordered, held and conducted shall be ordered, held and conducted and the result thereof made known and declared in the same manner as herein provided for other elections.

Sec. 66b. The city council shall by ordinance order the holding of all elections. Said ordinance shall conform in all respects to the general law of the State of California governing the conduct of municipal election, now or hereafter in force, except as herein required. All ordinances ordering the holding of elections shall be published, at least ten successive days before the day of the election, in the official newspaper of the city of Long Beach.

Sec. 67. The provisions of the general law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections of the city of Long Beach; *provided*, that the city council shall meet as a canvassing board and duly canvass the election returns within the seven days after any municipal election.

Sec. 67a. The name of no candidate for nomination shall be printed upon the primary ballot unless a petition for nomination shall have been filed in his behalf as provided herein.

Sec. 67b. Candidates for elective offices in the city of Long Beach shall be nominated in the following manner, and not otherwise: Prior to the signing of the nominating petition of any candidate, and not more than fifty nor less than thirty-five days before the day of the primary nominating

election, the candidate shall take the following oath of affirmation, and the same shall remain as a matter of record in the office of the city clerk: ^{Same}

State of California }
County of Los Angeles } ss.
City of Long Beach }

I, _____ residing at No. _____ Street, Long Beach, California, being first duly sworn, hereby declare myself a candidate for the office of _____ for the city of Long Beach, to be voted for at the _____ primary nominating election to be held in said city on the _____ day of _____ 19____.

Signature of candidate.

Subscribed and sworn to before me this _____ day of _____ 19____.

City Clerk.

By _____
Deputy.

Sec. 68. Petitions for nominations shall contain not less than fifty nor more than seventy-five signatures of electors duly qualified to sign same, and shall be in substantially the following form:

PETITION OF NOMINATION OF

----- candidate for the office of -----

State of California }
County of Los Angeles } ss.
City of Long Beach }

I, the undersigned, hereby join in a petition for the nomination of _____, whose residence is No. _____ Street, Long Beach, California, for the office of _____, to be voted for at the primary nominating election to be held in the city of Long Beach, California, on the _____ day of _____, 19____, and I further state that I am a qualified elector in the city of Long Beach, duly qualified to sign this petition, residing at the place herein mentioned; that I am not at this time a signer of any other petition nominating any other candidate for the above named

Same

office; and I further declare that I intend to support for such nomination the candidate named herein.

Date -----, 19--
Name -----
Residence -----
City District No.-----
County Precinct No.-----

Sec. 68a. No petition for nomination shall be for more than one office nor more than one candidate for such office. Each signer to the petition must be a qualified elector of the city of Long Beach, and in the case of a petition of nomination for a member of the city council, must reside in the same city district wherein the candidate named in the petition resides; and must not at the time of signing have signed his name to the petition of any other candidate for the same office.

Sec. 68b. Such petition shall consist of sheets of uniform size and before being filed shall be fastened together in book form, and numbered consecutively. The last sheet of such petition shall contain the affidavit of the circulator thereof, which shall be in substantially the following form:

State of California }
County of Los Angeles } ss.
City of Long Beach }

I, ----- do hereby certify that I am a qualified elector of the city of Long Beach. that I reside at ----- street, being within the district for which this petition applies, and that the signatures of this petition were signed in my presence and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of so signing, qualified electors of said city and that their respective residences are within the district to which this petition applies, and are correctly stated as above set forth.

Signature of Circulator.

Subscribed and sworn to before me this ----- day of -----, 19--.

City Clerk.

By-----Deputy.

Sec. 69. It shall be the duty of the city clerk to prepare and furnish the official forms of declaration of candidacy and petitions of nominations.

Sec. 69a. Said petition shall be presented to the city clerk ^{Same.} not more than forty-five days and not less than thirty days prior to the primary nominating election, and the said clerk shall endorse thereon the date of such presentation. The said city clerk shall immediately, upon the presentation to him of a petition, ascertain and determine whether or not the petition is signed by the requisite number of qualified electors. If requested by him the council shall allow the clerk extra assistants in this work, and the provisions of this charter respecting classified civil service of the city shall not apply to the persons so employed. The clerk shall, within five days after the presentation of such petition to him, attach his certificate thereto showing the result of his examinations.

Sec. 69b. If, by the city clerk's certificate, it shall appear that the petition has not been signed by the requisite number of qualified electors the city clerk shall at once notify the candidate of the deficiency, and five additional days, exclusive of the day of mailing, shall be allowed for the amendment of the petition, by the further addition of names and presenting to the city clerk. Notice herein required shall consist of depositing in the postoffice at Long Beach, postage prepaid, and registered, a letter containing such notice, addressed to the candidate at the residence named in the petition of nomination.

Sec. 70. If either the original or amended petition shall be found to be sufficiently signed as herein provided, the same shall be filed by the city clerk. Said petition, when filed, shall not be withdrawn or added to, and no signature shall be withdrawn therefrom after presentation to the clerk.

Sec. 70a. Within five days after the expiration of the time for the filing of petitions for nominations, any person for the nomination of whom a petition has been filed as hereinbefore provided, may cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot to be used at the primary nominating election. If upon such withdrawal or by the death or other disqualification of any person for the nomination of whom a petition has been filed, the number of candidates remaining does not exceed the number of persons to be elected to any office, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election, but no amendment to any such petition shall be allowed.

Sec. 70b. Not later than twenty days before the day of the primary nominating election, the city clerk shall enter the names of the candidates nominated as hereinbefore provided in a list, with the offices to be filled, and shall certify such list to the city council as being the list of candidates nominated as required by the city charter of the city of Long Beach; and the city council shall cause said certified list of names, and the offices to be filled to be published in an ordinance calling the election, at least ten successive days before the day of the elec-

Same

tion, in the official newspaper of the city of Long Beach. Said ordinance shall conform in all respects to the general law governing the conduct of municipal elections, now or hereafter in force, except as herein required.

Sec. 71. The city clerk shall cause the ballots to be printed, except when voting machines are used, numbered and bound as provided by the general law, except as otherwise required in this charter. The ballot shall contain the lists of names of candidates and respective offices as published by the ordinance calling the election, with the following caption:

PRIMARY NOMINATING ELECTION.

CITY OF LONG BEACH

“To vote, stamp a cross (X) opposite the name of the candidate for whom you desire to vote. If you wrongly mark or tear, or deface this ballot, return it to the inspector of election and obtain another. To vote for a person whose name is not printed on the ballot, write in the name of such person under the title of the office in the blank space left for that purpose.”

The names of the offices to be filled shall be arranged on the ballot in the order the officers of the city to be elected are named in section 48 of this charter; *provided*, that in the case of candidates for the city council, the ballots to be used by each city district shall contain the names only of those candidates nominated by petition from the respective district.

Sec. 71a. The names of the candidates for each office shall be arranged on the ballot for the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

Sec. 71b. Each ballot shall contain blank spaces underneath the printed names for each office wherein the voter may write the name of any candidate whose name is not printed on the ballot, and for whom he may wish to vote, and in such case a cross need not be stamped opposite such written name.

Sec. 72. Candidates for elective offices, except for the offices of members of the city council, to be voted for at any general municipal election, shall be nominated by the city at large at the primary nominating election and candidates for the offices of member of the city council to be voted for at any general municipal election, shall be nominated by the respective district to be represented, at a primary nominating election.

Sec. 72a. In the event that any candidate for nomination to an elective office, except the office of member of the city council, shall receive a majority of the votes cast for all the candidates for nomination to such office at any primary nominating election, the candidate so receiving such majority of votes shall be deemed to be and declared by the city council to be elected to such office. Except as in this section

provided the result of such primary nominating election shall be as provided in section-----of this charter. ^{Same.}

Sec. 72b. The two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballots to be used at the general municipal election; *provided*, that where more than one office of the same kind is to be filled, the candidates therefor, equaling in number twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates, and the only candidates for such offices whose names shall be printed upon the ballot to be used at such general election.

Sec. 73. In the event of death, resignation or other disqualification of any candidate nominated at a primary nominating election for any office, such resignation being duly sworn to and filed with the city clerk, the person who received the highest vote of those who were candidates for such office, other than the candidates who were nominated therefor at the primary nominating election, shall be deemed a candidate and, if practicable, his name shall be printed upon the ballot to be used at the general municipal election, with the same force and effect as if such person had been nominated therefor as hereinbefore provided.

Sec. 73a. Whenever it shall appear upon the canvass of the returns of any primary nominating election that two or more persons have received an equal number of votes as candidates for any office at such election, so that the result of such election does not determine which of such persons are entitled to be nominated as candidates for such office, the city clerk shall forthwith, upon the declaration by the council of the result of such election, notify in writing all persons so receiving an equal number of votes, to appear before the council in the council chamber at its next regular meeting that shall occur after the expiration of five days after the result of such election shall have been declared, and at an hour to be specified in such notice, and then and there to draw lots to determine which of said persons shall be the candidate or candidates for such office. At the time and place specified in such notice, such persons shall appear before the council and shall then and there, in open session thereof, draw lots to determine which of said persons shall be such candidate or candidates. Such lots shall be drawn in such manner as the council shall prescribe and the person or persons upon whom the choice made by such drawing of lots shall fall, shall be declared to be and shall be the candidate or candidates. If any such person does not appear, as above prescribed, the city clerk shall act for such person in such drawing of lots; *provided, however*, that if any demand for a recount of the ballots cast at such primary nominating election be made as hereinafter provided, by or on behalf of any such person, such drawing of lots shall not be had until and

Same.

unless such recount shall also result in a tie vote having the effect hereinbefore stated.

Sec. 73b. Not later than twenty days before the day of the general municipal election, the city clerk shall enter the names of the candidates nominated as hereinbefore provided in a list with the offices to be filled, and shall certify such list to the city council as being the list of candidates nominated as required by the city of Long Beach; and the city council shall cause said certified list of names, and the offices to be filled to be published in an ordinance calling the election, at least ten successive days before the day of the election, in the official newspaper of the city of Long Beach. Said ordinance shall conform in all respects to the general law governing the conduct of municipal elections, now or hereafter in force, except as herein required.

Sec. 74. (1) The city clerk shall cause the ballots to be printed, bound and numbered as provided by the general law, except as otherwise required in this charter. The ballots shall contain the list of names and respective offices as published in the ordinance aforementioned, and shall conform substantially with the provisions of the general law of the State of California as to form.

(2) All ballots shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all the candidates printed upon the ballot shall be in type of the same size and style. A column may be provided at the right hand side for charter amendments, initiative measures, referendum ordinances or other questions to be voted upon at the general municipal election, if any, as provided for under this article. The names of the candidates for each office shall be placed on the ballot in alphabetical order, and nothing on the ballot shall indicate the source of the candidacy, or of the support of the candidate. All charter amendments or other propositions, if any, printed in the right hand column shall be placed on the ballot in the order in which they were filed with the city clerk.

(3) The name of any candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be printed upon the ballot.

(4) Half-inch space shall be provided at the right of the name of each candidate wherein to stamp the cross (X).

(5) Half-inch space shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sec. 74a. The city clerk shall cause to be printed sample ballots identical with the ballot to be used at any election, except as to quality and color of paper, and numbering, and shall mail one such ballot to each voter entitled to vote at any such election, so that all of said sample ballots shall have

been mailed at least five (5) whole days before the day of the ^{same} election.

Sec. 74b. The city council shall divide the city districts into as many voting precincts as are required for the proper functioning of any election, describing and designating the same and designating the polling places and naming the election officers in the election ordinance aforementioned.

No informalities in conducting any municipal election shall invalidate the election, if such election has been fairly conducted and in substantial conformity to the requirements of this charter, and the election laws of the State of California.

Sec. 75. The candidate who shall receive the highest number of votes in the general municipal election for his respective office shall be declared elected to such office. The entire electorate of the city of Long Beach shall be entitled to vote at the general municipal election for one candidate for office of city councilman from each district, and only one member of the city council shall be elected from each district.

Sec. 76. The foregoing provisions of this article shall not apply to elections for members of the board of education, or issuing bonds of the "Long Beach City School District," or propositions to be submitted to the people of said school district. Candidates for election to the office of member of the board of education of the "Long Beach City School District" shall be nominated in the following manner, and not otherwise:

Prior to the signing of the nominating petition of any candidate, and not more than fifty nor less than thirty-five days before the day of the "Long Beach City School District" election, the candidate shall take the following oath of affirmation, and the same shall remain as a matter of record in the office of the city clerk of the city of Long Beach:

State of California }
County of Los Angeles }ss.
City of Long Beach }

I, ----- residing at No.---- street, "Long Beach City School District" California, being first duly sworn, hereby declare myself a candidate for the office of member of the board of education for the "Long Beach City School District," to be voted for at the "Long Beach City School District" election to be held in said district on the ----- day of ----- 192-----.

Signature of candidate.

Subscribed and sworn to before me this ----- day of -----, 192-----.

City clerk.

By -----
Deputy.

Same.

THE NOMINATION PETITION.

Sec. 76a. The name of a candidate shall be printed upon the ballot when a declaration of candidacy has been filed by the candidate, and a petition of nomination has been filed in his behalf, in the manner and form and under the conditions hereinafter set forth.

Sec. 76b. The petition of nomination shall contain not less than twenty-five nor more than thirty-five signatures of electors duly qualified to sign same, and shall read substantially as follows:

Petition of nomination of _____ candidate for the office of member of the board of education.

State of California }
County of Los Angeles }ss.
City of Long Beach }

I, the undersigned, being first duly sworn, hereby join in a petition for the nomination of _____ whose residence is No. _____ street, "Long Beach City School District," California, for the office of member of the board of education, to be voted for at the Long Beach city school district election to be held in the "Long Beach City School District," California, on the _____ day of _____ 192___; and I further certify that I am a qualified elector in the Long Beach city school district, duly qualified to sign this petition, residing at the place herein mentioned; that I am not at this time a signer of any other petition nominating any other candidate for the above named office; and I further declare that I intend to support for such nomination the candidate named herein.

Date _____, 192__

Name _____

Residence _____

County precinct No. _____

Subscribed and sworn to before me this _____ day of _____, 192__.

City clerk.

By _____
Deputy.

Sec. 76c. It shall be the duty of the city clerk to furnish the official forms of declaration of candidacy and petitions of nomination.

Sec. 77. Each candidate shall be nominated separately. Each signer to the petition of nomination must be a qualified elector of the "Long Beach City School District."

Sec. 77a. Every petition of nomination must be signed at the office of the city clerk of the city of Long Beach, and

must be subscribed and sworn to before the city clerk or one ^{same.} of his deputies.

Sec. 77b. (1) Following the filing of the declaration of candidacy, a petition of nomination may be signed not earlier than forty-five days before the date of the election, and shall remain open for signatures for ten days, or until thirty-five signatures have been signed thereto. On the thirty-fifth day before the day of the election, or as soon as thirty-five signatures have been signed to the nomination petition, the city clerk shall declare the nomination closed for the purpose of examination, and shall ascertain whether the signers are duly qualified as hereinbefore provided; and if twenty-five or more signers are found qualified, then the city clerk shall so certify and file the petition.

(2) Not later than thirty days before the date of the election, or as soon as the city clerk ascertains that less than twenty-five duly qualified signatures are on any petition, if the petition be found deficient, the city clerk shall at once notify the candidate of the deficiency, and five additional days, exclusive of the day of mailing, shall be allowed for final completion of the nominating petition. Notice herein required shall consist of depositing in the post office at Long Beach, postage prepaid, and registered, a letter containing such notice, addressed to the candidate at the residence named in the declaration of candidacy.

(3) If the supplemental nominating petition be found sufficiently signed as hereinbefore provided, the city clerk shall so certify and file the petition not later than twenty-five days before the day of the election. Every original or supplemental petition of nomination so certified shall not be withdrawn or added to, and no signature shall be revoked thereafter, except as provided in the following paragraph:

(4) Any signer to any petition of nomination may withdraw his name from the same not later than thirty days before the day of the election by filing with the city clerk a verified revocation of his signature, and not otherwise. If the petition at the time of this revocation has been certified by the city clerk as sufficient, and such revocation reduces the qualified signatures to less than twenty-five, the city clerk shall proceed under paragraph two of this section. Any elector withdrawing his name from a petition in the manner herein provided shall then be at liberty to sign a petition for another candidate for the same office.

Sec. 77c. Any person who has presented his name as a candidate and filed a declaration of candidacy may, not later than twenty-five days before the day of the election, cause his name to be withdrawn from nomination by filing with the city clerk a verified request therefor, and no name so withdrawn shall be printed upon the ballot.

Sec. 78. The city clerk shall preserve in his office for a period of two years all declarations of candidacy, nominating

petitions, withdrawals and all certificates belonging thereto filed under this article.

Sec. 78a. Not later than twenty days before the day of election for members of the board of education, the city clerk shall enter the names of the candidates nominated as hereinbefore provided in a list, with the offices to be filled, and shall certify such list to the city council as being the list of candidates nominated; and the city council shall cause said list of names, and the offices to be filled, to be published in the ordinance calling the election, at least ten successive days before the day of the election, in the official city newspaper. Said ordinance shall conform in all respects to the general law of the State of California governing the conduct of municipal elections, now or hereafter in force, except as herein required.

Sec. 78b. The city clerk shall cause ballots to be printed and bound and numbered as provided by the state law, which ballots shall contain the list of names and respective officers as published in the ordinance before mentioned.

Sec. 78c. The city clerk shall cause to be printed sample ballots identical with the ballots to be used at the election, except as to quality and color of paper, and number, and shall mail one such ballot to each voter entitled to vote at such election so that all of such sample ballots shall have been mailed at least five days before the date of election.

Sec. 79. The city council shall divide the "Long Beach City School District" into as many voting precincts as are required for the proper functioning of the election, and shall describe or designate the same, and designate the polling places, and name the election officers in the ordinance or proclamation calling the election.

Sec. 79a. No informalities in the conducting of the election shall invalidate the same, if the election has been fairly conducted in a substantial conformity to the requirements of this charter and the election laws of the State of California.

Sec. 79b. The city council shall meet as a canvassing board and duly canvass the election returns within seven days after the election.

AMENDMENT NO. 14, TO THE CHARTER OF THE CITY OF LONG BEACH.

Playgrounds
and public
recreation.

Sec. 202a. The term "public recreation" wherever herein used is hereby defined and understood to mean and include all public recreation activities in or upon playgrounds, athletic fields, ball parks, summer camps, recreation centers, swimming pools, beaches, streets, water fronts, waterways, public buildings, coliseums, play areas in parks, tennis courts and other suitable places or other public lands or public waterways used, owned, controlled or operated by the city of Long Beach, either within or without its corporate limits, and the activities in or upon them, and use of same for athletic sports, or contests, games, aquatic games, community leagues, pageants, dramatics, music, public amusements and entertainments and other

recreational and play programs or activities, whether herein ^{same.} specified or not, excepting therefrom, however, the municipal golf links, civic auditorium and the municipal band and the provisions of this article shall apply to adults as well as to minors.

Wherever the term "board" is hereinafter used, unless it is otherwise expressly specified, it shall be understood to refer to and mean the playground and public recreation commission, as in this chapter constituted.

Sec. 202b. There is hereby created a playground and public recreation commission of nine (9) members, not more than six (6) of whom shall be of the same sex, and all of whom shall serve without compensation, except that this shall not apply to the city manager, the superintendent of schools, the members of the city council, and the member of the board of education sitting on said board. They shall constitute four (4) of the nine (9) members of said board and shall serve until their successors are elected, and they shall select five (5) other members of said board, who shall be residents of the city of Long Beach, and none of whom shall hold office as members of the board of education or of the city council during their term of office on the board. One of said five (5) members so elected shall serve for one (1) year, one for (2) years, one for three (3) years, one for four (4) years, and one for five (5) years.

In case of the person sitting on said board as superintendent of schools is no longer such superintendent, his position on the board shall be taken by his successor. In the event the member sitting on the board as member of the board of education by virtue of being a member of the board of education is no longer such member, his successor shall be chosen by the board of education. In case of the person sitting on said board as city manager is no longer such city manager, his position on the board shall be taken by his successor in office as city manager. In the event the member sitting on the board as member of the city council by virtue of being a member of the city council is no longer such member, his successor shall be chosen by the city council. In the event of any other vacancy on the board, such vacancy shall be filled for the unexpired term by the vote of the board.

Sec. 202c. The director of health and physical education of the city schools of the city of Long Beach shall be the director of playground and public recreation of the city of Long Beach, and the council may pay such portion of the salary of such director as may be fixed by the playground and public recreation commission. He shall act as a coordinating director of the playground and recreation program of the city schools and of the city of Long Beach.

Sec. 202d. The city manager, upon the recommendation of the director shall appoint or discharge such supervisors, assistants, and other employees as shall be necessary, and upon the recommendation of the director, he may appoint super-

Same

visors, assistants, or others in the employ of the city schools of Long Beach, and none of the supervisors, assistants, or others engaged in technical recreation work shall be under civil service.

Sec. 202e. If a member of the board does not attend four (4) consecutive meetings, unless excused by the vote of the board, his membership thereon shall automatically terminate, and his successor shall be elected.

Sec. 202f. The director shall manage and supervise the public recreation of the city within or without its corporate limits; shall, subject to the provisions of article 26 of this charter, purchase the equipment and materials necessary for public recreation, and shall aid and promote and supervise all public functions of a public recreation nature and character; shall have charge of the construction, operation, sale, renting, leasing of concessions or privileges on playground and public recreation areas, and shall have exclusive supervision, control, of all equipment, apparatus and buildings, or portions of buildings, as are devoted to public recreation; shall issue permits for the use of playgrounds and other public recreation equipment and facilities, and adopt a schedule of charges and fees and rents for special or regular services and use thereof.

Sec. 202g. The city council of Long Beach shall establish a fund to be known as the "Playground and public recreation fund." There shall be deposited to this and expended from this fund all fees or moneys received by the board, including the proceeds from all gifts, legacies, or bequests or other sources managed or controlled by the board and derived by it in connection with the operation of the public recreation activities and facilities under its jurisdiction. All moneys in said fund shall be used for the uses and purposes of public recreation, as in this article defined, and not otherwise, and if not used during any current year shall accumulate in said "Playground and public recreation fund."

Sec. 202h. The city council of Long Beach shall annually levy and collect on all the taxable property in the city of Long Beach for the purposes of creating a special fund to be designated as the "Playground and public recreation fund" at least five cents (5¢) on each one hundred dollars (\$100.00) of the value on all real and personal property of the city, as assessed by the city for city purposes, and, in addition thereto, shall have power to appropriate such additional funds as it may deem necessary and proper. Said fund shall be exclusively maintained and used to meet the legal demands and expenditures of the board made for the purpose of public recreation.

Sec. 202i. The city council of Long Beach shall have the power by ordinance to set aside either absolutely or for a definite period of time any lands, waterways or buildings, equipment or facilities belonging to it for public recreation under the jurisdiction of the playground and public recrea-

tion commission, and the same shall, when and so long as used ^{Same.} by the board, be under its exclusive jurisdiction and control.

Sec. 202j. The board may, for and on behalf of the city of Long Beach, receive legacies, gifts or bequests for the purchase, maintenance, or improvement of grounds, buildings, equipment or facilities for the purposes of public recreation. All moneys received from such legacies, gifts, or bequests shall, unless otherwise expressly provided by the terms of said legacies, gifts or bequests, be deposited in the treasury of the city of Long Beach in the "Playground and public recreation fund," and the same may be withdrawn therefrom and paid out only in the manner as is provided for the payment of moneys legally appropriated for the support and improvement of playgrounds and other recreation areas, facilities, equipment, under the supervision and control of said board. If the moneys derived from such gifts, legacies or bequests shall at any time exceed in amount the sum necessary for the immediate expenditure for the purposes of public recreation, then the board may invest all or a part of the same in interest bearing bonds of the United States of America or of the State of California, or of any municipality or school district thereof.

Sec. 202k. The board shall make a report every three (3) months of the activities thereof to the city manager, and an annual report of the activities thereof to the city manager and the city council, and which annual report shall be filed with the city clerk.

Sec. 202l. The board may recommend to the city manager and the city council the acquisition of lands or waterways, buildings, structures, or other equipment and facilities for public recreation as it may, from time to time, deem necessary for the proper conduct of public recreation as in this article defined. It shall have exclusive jurisdiction and control of the operation and conduct of all public recreation activities. No area used for public recreation shall be abandoned or dispensed with without the approval of the board, and it shall pass upon and approve all plans for the improvement of lands for public recreation and for the erection, construction or improvement of buildings or other equipment, structures and facilities for the purposes of public recreation.

Sec. 202m. The board shall elect one of its number as president, who shall hold office for one (1) year and until his successor is elected, and the director shall act as secretary of the board. It must hold regular meetings at least once every month, and shall establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties and which shall not be inconsistent with this charter or with the laws of the State of California. It shall provide for and do any other acts which may be found necessary and proper by it to carry out the provisions and purposes hereof, and to execute the duties imposed upon it under the provisions of this charter.

Sec. 202*n*. Should it be determined by either the unanimous vote of the board of education or the unanimous vote of the playground and public recreation commission, or of both, that it is advisable to discontinue the coordinated plan of playground and recreation and supervision and administration, as in this article provided, then written notice of such decision shall be given to the other board herein named by the board making such decision, and one (1) year thereafter such plan shall be discontinued; then in that event, all the foregoing provisions of this chapter shall remain in full force and effect, except as follows:

The number of members of the playground and public recreation commission shall be reduced to seven (7), and the superintendent of public schools and member of the board of education shall no longer by virtue of their office be members thereof. The board shall select a director of playgrounds and public recreation, shall fix his duties, tenure of office, salary, and his qualifications shall be the same as are required by the board of education of the city of Long Beach for its director of health and physical education, with the exception, however, that a state certificate from the state board of education of the State of California shall not be required.

Sec. 202*o*. In so far as the provisions of this article are in conflict with the provisions of section 192 and section 193 of this charter, said section 192 and section 193 are hereby repealed; otherwise, they shall remain in full force and effect.

AMENDMENT NO. 15 TO THE CHARTER OF THE
CITY OF LONG BEACH.

ARTICLE XXI.

The Harbor Department
ORGANIZATION.

Harbor
department
organiza-
tion

Sec. 225. There is hereby created a department of the government of the city of Long Beach to be known as the harbor department, which shall be under the management and control of five (5) commissioners, to be known as the board of harbor commissioners.

Sec. 226. As soon as is practicable after the passage of this amendment by the Legislature, the city manager shall appoint, with the confirmation of the city council, the members of the board of harbor commissioners. They shall receive such salaries, if any, as may be prescribed by ordinance by the city council of the city of Long Beach.

The board of harbor commissioners shall have possession and control, under the provisions of this charter, of all that portion of the city of Long Beach bounded on the east by the east line of the Los Angeles county flood control district, on the west by the boundary line of the city of Long Beach, on the north by the southerly line of State street.

Whenever the council, of its own motion or upon the recommendation and suggestion of the board of harbor commissioners, shall find and determine that the needs and requirements of commerce, navigation or fishery, demand that other territory, in addition to that placed by this charter under control, supervision and management of the harbor department, be added thereto, the council shall have power to place such territory, by ordinance, under the control, supervision and management of the board of harbor commissioners.

The lands and waters under the control, supervision and management of the board of harbor commissioners shall be known as the "Harbor district."

ORGANIZATION. TERMS OF OFFICE.

Sec. 227. The board of harbor commissioners shall immediately organize by electing one of its members president, and one secretary, which officers shall hold office for one year and until their successors are elected, unless their membership on the board sooner expires. The election of each succeeding president and secretary shall be held at the meeting during the last week in July of each year. The board may fill for the unexpired term any vacancy occurring in the office of president or secretary.

Terms of
office

The members of the board first appointed hereunder so appointed shall cast lots for their respective term:

- One of whom shall serve until the first Monday in July, 1932;
- Two of whom shall serve until the first Monday in July, 1934;
- Two of whom shall serve until the first Monday in July, 1936.

At the expiration of the term of each of said persons so appointed, their successors shall be appointed by the city manager, subject to the approval of the council by majority vote, for a full term of six (6) years, except in the case of a vacancy, in which event the appointment shall be for the unexpired term.

Any member of the board may be removed from office by the city manager upon approval of the city council by a majority vote, for incompetence, malfeasance, misfeasance, or neglect of duty.

POWERS AND DUTIES OF THE HARBOR COMMISSION.

Sec. 228. The board of harbor commissioners shall have power and it shall be its duty:

Powers and
duties of
harbor
commission

(a) To make and enforce all necessary rules and regulations governing the use and control of all navigable waters and all tidelands and submerged lands, whether filled or unfilled, within the harbor district, and may prescribe and enforce penalties for the violation of such rules and regulations;

(b) To regulate and control the anchoring, mooring, towing and docking of all vessels and water craft;

(c) To regulate and control the construction, maintenance, operation or use of any railroad, wharf, warehouse or other

Same.

utility, structure, improvement or appliance used in connection with or for the accommodation and promotion of commerce, navigation or fishery in the harbor district;

(d) To regulate and control all dredging or excavating in the harbor district;

(e) To fix, regulate and collect rates or charges for the use of all wharves, warehouses, water craft, railroads, and other facilities, utilities, structures and appliances, owned, controlled or operated by the city in connection with, or for the promotion and accommodation of commerce, navigation and fishery; and the rates or charges for pilotage and towage;

(f) To regulate and control all public service and public utilities operated in connection with, or for the promotion and accommodation of commerce, navigation or fishery in the harbor district; to fix the proper license fees to be paid to the city by any person, firm or corporation operating any such public service or utility; and to fix and regulate the rates or tolls to be charged or collected for services furnished by any such public service or utility. The board shall have the right, at all reasonable times, to have access to, and, in person, or by its duly authorized representatives, to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such person, firms or corporations, and to require reports respecting said matters from such persons, firms or corporations at such times and in such form as the board may prescribe. The amounts of the license fees to be paid to the city by any such person, firm or corporation operating any such public service or utility, and the rates or tolls to be charged and collected for service furnished or supplied by such public service or utility shall be fixed by the board by order, subject to approval, change or modification by the council, by ordinance, at such times and by such method of procedure as the council may, by ordinance, prescribe;

(g) To acquire, erect, maintain or operate all such improvements, utilities, water craft, appliances or facilities as it may deem necessary or convenient for the promotion and accommodation of commerce, navigation or fishery, or for use in connection therewith, or upon the lands and waters under the control and management of said board.

(h) The powers conferred in this section upon the board of harbor commissioners relating to the making and enforcement of rules and regulations of general application, and to the fixing, regulating and the collecting of rates, tolls and charges to be collected by the city, shall be exercised by order of the board adopted by a majority of its members. Every such order must be approved by the council, by ordinance, before the same shall become effective; *provided, however*, that in case of emergency the board shall have power to suspend, modify or amend any such rule or regulation, or to place in effect any emergency rule or regulation, for periods not exceeding thirty days, and every such ordinance shall so provide. Every such ordinance shall prescribe penalties for

the violation of the provisions of such order, and any person, ^{same} firm or corporation who shall violate the provisions of any such order shall be guilty of a misdemeanor and shall be punishable by imprisonment in the city jail for a period not exceeding six (6) months, or by a fine not exceeding five hundred dollars (\$500.00), or by both such fine and imprisonment, as may be prescribed in such ordinance.

Sec. 229. The board of harbor commissioners, at such time as it may deem necessary, may appoint, with the confirmation of the city council, a general manager in the harbor department, who shall have the following powers and duties in addition to the powers and duties which are or may be conferred upon him elsewhere in this charter:

(1) To enforce all orders, rules and regulations adopted by the board relating to regulation, operation or control;

(2) To supervise and manage all construction and maintenance work authorized or ordered by the board, and to that end the board shall have power to delegate to him such necessary powers and duties as are by this charter conferred upon said board;

(3) To designate and assign berths or landings for the use of vessels at any wharf or like facility controlled or operated by the city, at the duly established rates or charges for the use of such municipal wharves and like facilities, and subject to the rules and regulations governing the same. Every such berthing assignment shall reserve to the city the right to use such wharf or other facility for general wharf or other purposes when such space is not required for the use of the grantee or holder;

(4) To designate and assign space in any warehouse, elevator, or like facility operated by the city, at the duly established rates or charges for the use of such municipal facilities and subject to the rules and regulations governing the same.

(5) Every such assignment of a berth or of space in any warehouse, elevator or like facility operated by the city shall be revocable by the general manager, without compensation to the grantee or holder thereof, upon due notice to be stated therein, such notice in no case to exceed one year.

(6) Whenever it shall be determined by the board, by order, that certain parts of the tide or submerged lands therein described in the harbor district may not be required at such time for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation or fishery, the general manager shall have power, subject to approval of the board, to grant revocable permits to use limited portions of such tide or submerged lands for any and all purposes which shall not interfere with commerce or navigation, and are not inconsistent with the trusts upon which said lands are held by the city of Long Beach. Every revocable permit shall prescribe that it shall be revocable, without compensation to the grantee or holder thereof, upon due

Same.

notice to be stated therein; such notice in no case to exceed one year.

(7) Every such assignment or revocable permit shall be issued on printed forms, which shall set forth the terms and conditions thereof.

Sec. 229a. (a) All tidelands and submerged lands within the harbor district, whether filled or unfilled, now owned or hereafter acquired by the city of Long Beach, are hereby declared to be required for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation or fishery, and shall, except as hereinafter provided, continue to be withheld for such purposes. It shall be unlawful to grant, sell, convey, alienate, transfer or otherwise dispose of, except as herein provided, any part of or any interest in the water front, tidelands, submerged lands, or appurtenances thereto belonging, owned, controlled, possessed or held by the city of Long Beach in the harbor district; *provided*, that grants of such lands may be made to the State of California or to the United States of America, for public purposes.

(b) The board of harbor commissioners shall have power to grant to any person, firm or corporation franchises and permits to use the water frontage and/or publicly-owned terminal facilities in the harbor district for purposes in connection with or for the promotion and accommodation of commerce, navigation and fishery, together with the necessary coterminus and adjacent tide or submerged lands, for periods not exceeding forty (40) years, as hereinafter provided. Whenever it shall be determined by the board, by order, approved by the city council, by ordinance, that certain parts of such tide or submerged lands therein described may not be required at such time for use for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, the board of harbor commissioners shall have power to grant leases of such tide or submerged lands for periods not exceeding forty (40) years, for any and all purposes which shall not interfere with commerce or navigation and are not inconsistent with the trusts upon which said lands are held by the city of Long Beach.

(c) All such franchises, permits and leases shall be granted subject to such terms and conditions and such rental and compensation as prescribed therein, and to the limitations, conditions, restrictions and reservations in this charter contained. Every such grant for a definite period of time shall be made by order. Every order making any such grant for a period of five (5) years or less shall be published once in the same manner as ordinances of said city, and shall take effect ten (10) days after the first publication thereof.

Every order making any such grant for a period of more than five (5) years shall, before the same shall become effective, be submitted to the city council for its approval or disapproval. Action must be taken thereon by the council

within thirty (30) days after such order shall have been sub-^{Same}mitted to it. If the council shall approve the same, such order shall thereupon be published once in the same manner as ordinances of said city; or, if the council shall fail to disapprove any such order within said thirty (30) days, such order shall thereupon be published once in the same manner as ordinances of said city. Every such order, when published, shall, before the same becomes effective, be subject to the referendum provisions of this charter relating to ordinances.

Every such grant shall provide for a readjustment of the rental or the compensation every ten (10) years during the term thereby created, upon such procedure as shall be specified in such grant.

(d) Every such grant shall be made only upon the condition, whether expressed therein or not, that the construction of the works, structures or improvements provided for therein shall, if the same be not already constructed or made, be commenced within ninety (90) days of the date of such grant, and be prosecuted diligently to completion upon such further terms and conditions as may be prescribed therein.

(e) No total or partial assignment, transfer, sublease, gift or grant of control shall be valid for any purpose unless first approved by the board of harbor commissioners.

(f) Every such grant shall be subject to such rights of way over the lands embraced therein for such sewers, pipe lines, conduits, and for such telephone, telegraph, light, heat or power lines as may from time to time be determined by the board of harbor commissioners, and the same shall be subject to such rights of way for such streets and other highways and for such railroads and other means of transportation as shall have been duly established or shall be reserved in such grant. No such grant shall ever be made that shall provide for any use of the property or for the construction or placing of any structure, building or other improvement thereon that shall interfere with any plan approved or adopted by the city for harbor improvements, or for the development of facilities for the promotion and accommodation of commerce, navigation or fishery, or for providing railroad or other terminal facilities.

(g) Every such grant shall prescribe that upon the expiration thereof, all wharves, piers, docks, slips, bulkheads, sea walls and channels, constructed or maintained thereunder, shall be and become the property of the city of Long Beach without compensation therefor to the grantee or holder thereof; and as to the other permanent structures or improvements constructed or maintained thereunder, shall prescribe whether the same shall become the property of the city without compensation or upon compensation to be paid to such grantee or holder, or shall be removed by such grantee or holder at his own expense.

(h) The board of harbor commissioners shall have power to declare a forfeiture of any such grant upon the neglect,

Same.

failure or refusal of the grantee thereof to comply with any of the terms or conditions thereof. Upon any such forfeiture, any and all buildings, structures and improvements of whatsoever character, erected, installed, or made under, through or because of, or pursuant to the terms thereof, shall immediately ipso facto become the property of the city, and every such grant shall so provide.

Sec. 229*b*. Grants of franchises, permits, leases, revocable permits and assignments provided for herein shall be made only upon written application therefor submitted to both the city council and the board of harbor commissioners, which application shall set forth such information as the board may require, and shall be accompanied by a fee, to be prescribed by the board, sufficient to cover the expenses of making any such grant. In every case where an application is filed for a franchise, permit or lease for a definite, fixed term, at least thirty (30) days must elapse after date of filing such application before the board shall have power to grant such franchise, permit or lease.

Sec. 229*c*. (a) The board shall have power, with the approval of the council, by ordinance, to contract for the operation of any warehouse, elevator or like facility owned or controlled by the city for periods not exceeding five (5) years, upon such terms and conditions as it may prescribe.

(b) The board shall have power to contract for or permit the operation of trains and cars upon the municipal terminal railroad of the city upon such terms and conditions as it may prescribe. In order to provide for the unified or joint operation and control of railroad facilities in the harbor district, both municipal and private, the board shall have power:

(1) To lease all necessary privately owned railroads, tracks, facilities and adjuncts and to operate, or provide for operation of, the same in conjunction with the municipal terminal railroad; or

(2) To lease the municipal terminal railroad to an association or company for the purpose of operating the same together with all other privately owned railroads, tracks, facilities and adjuncts in the harbor district necessary to provide unified or joint operation and control of all such facilities.

Sec. 229*d*. All money received or collected from or arising out of the use or operation of any harbor or port improvement, work, appliance, facility or utility, or water craft, owned, controlled or operated by the city of Long Beach in or upon or pertaining to the water front or navigable waters of said city; all tolls, charges and rentals collected by the harbor department, and all compensations or fees required to be paid for franchises or licenses, or otherwise, by law or ordinance or order, to the city for the operation of any public service utility upon lands and waters under the control and management of the harbor department, shall be deposited in the city treasury to the credit of a fund to be known as the harbor revenue fund, and shall be kept separate and apart from other moneys of the

city. None of the money in or belonging to the harbor revenue fund shall be appropriated or used for any purpose except the following purposes:

(1) For the necessary expenses of conducting the harbor department, including the operation and maintenance of all harbor or port improvements, works, utilities, appliances, facilities and water craft, owned, controlled or operated by the city for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith;

(2) For the acquisition, construction, completion and maintenance of harbor and port improvements, works, utilities, appliances, facilities, and water craft for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith; and for extraordinary improvements and betterments to lands and property under the control, supervision and management of the department, including the purchase or condemnation of necessary lands and other property and property rights;

(3) For the payment of the principal or interest, or both, of harbor improvement bonds;

(4) To return and pay into the general fund of the city, from any surplus money in said harbor revenue fund, any sums paid by the city from funds raised by taxation for the payment of the principal or interest of any municipal bonds issued by the city for or on account of the harbor improvement works to which such revenue fund pertains.

Sec. 229e. Anything contained in this charter inconsistent with or contrary to any portion of this amendment shall be deemed to be and is hereby repealed.

AMENDMENT NO. 16. TO THE CHARTER OF THE CITY OF LONG BEACH.

INDUSTRIAL DISTRICTS.

Sec. 324. There are hereby established three industrial districts in the city of Long Beach, as follows: Industrial districts.

District No. 1, Zone "A"—This district shall be open to all industries, the nature of whose manufacture or business prevents their location in other portions of the city, and is described as follows:

All that portion of the city of Long Beach hereinbefore described in article two of this charter, more particularly described as follows:

Beginning at the intersection of the northerly boundary line of the city of Long Beach with the westerly line of the silt diversion channel, as said westerly line is shown on section 2 of the property location map No. 29, filed in the office of the Los Angeles county flood control engineer; thence southerly along said westerly line of the silt diversion channel to the northerly line of Santa Cruz street; thence westerly along said northerly line of Santa Cruz street to the easterly line of Mitchell avenue; thence northwesterly in a direct line

Industrial
districts.

to the most southerly corner of lot 4, block 4, "Plat No. 2 Seaside Park," as per map recorded in book 4, page 6 of maps, records of the county of Los Angeles, State of California; thence northwesterly along the southwesterly lines of lots 4, 3 and 34 in said block 4, to the easterly line of Mariposa avenue; thence northerly along said easterly line of Mariposa avenue to the southerly line of Ocean boulevard; thence westerly along said southerly line of Ocean boulevard to the center line of Mendocino avenue; thence southerly along said center line of Mendocino avenue to the center line of Sonoma avenue; thence westerly along said center line of Sonoma avenue to the prolongation northerly of the center line of Alpine avenue; thence southerly along said prolongation northerly, of said center line of Alpine avenue and the prolongation thereof to the southerly boundary line of the city of Long Beach; thence westerly along said southerly boundary line to the westerly boundary line of said city; thence northerly, northeasterly, northwesterly, northeasterly, northwesterly, northeasterly and easterly along the various courses of the boundary line of the city of Long Beach to the point of beginning.

District No. 1, Zone "B"—This zone of the first district shall be known as the "semi-industrial" district, in which may be located warehouses, laundries, and wholesale houses, and is described as follows:

All that portion of the city of Long Beach as hereinbefore described in article two of this charter, more particularly described as follows:

Beginning at the intersection of the easterly line of the silt diversion channel, as said easterly line is shown on section 1 of property location map No. 29, filed in the office of the Los Angeles county flood control engineer, with the northerly line of Fifth street and running thence easterly along said northerly line of Fifth street to the westerly line of Shanock avenue; thence northerly along said westerly line of Shanock avenue to the northerly line of Seventh street; thence easterly along said northerly line of Seventh street to the northeasterly line of Fairbanks avenue; thence northwesterly along said northeasterly line of Fairbanks avenue to the northerly line of lot 9, block 2, "Knoll Park addition," as per map recorded in book 6, page 142 of maps, records of the county of Los Angeles, State of California; thence westerly along the prolongation of said northerly line of lot 9, to the easterly line of the private right of way of the Pacific Electric Railway Company; thence northerly and northeasterly along the easterly and southerly lines of said private right of way to the southerly line of Anaheim street; thence westerly along said southerly line of Anaheim street to the aforementioned easterly line of the silt diversion channel; and thence southerly along said easterly line of the silt diversion channel to the point of beginning.

District No. 1, Zone "C"—This zone of the first district shall be restricted to the location of industries the nature of the operation of which does not constitute a menace from the standpoint of odor or smoke, and is described as follows: Industrial districts

Beginning at the intersection of the northerly line of Anaheim street with the prolongation southerly of a line seventy-five (75) feet west of and parallel to the westerly line of Magnolia avenue as Magnolia avenue is located north of Fourteenth street north; and running thence westerly along the northerly line of Anaheim street to the easterly right of way line of the Los Angeles county flood control channel; thence northerly along the easterly right of way of the Los Angeles county flood control channel to the southerly line of State street; thence easterly along the southerly line of State street to the prolongation northerly of the aforementioned line seventy-five (75) feet west of and parallel to the westerly line of Magnolia avenue; and thence southerly along said prolongation northerly, said line seventy-five (75) feet west of and parallel to the westerly line of Magnolia avenue, and the prolongation thereof, to the point of beginning.

District No. 1, Zone "D." This zone of the first district is created for use as a landing and starting field for any or all aviation purposes, and within the boundaries of which it shall be legal to construct airplane, balloon and dirigible hangars, to repair or build aircraft, with the exception that no metal parts or engines shall be cast within said zone, and is described as follows:

All that portion of the city of Long Beach as hereinbefore described in article two of this charter, more particularly described as follows:

Beginning at the intersection of the easterly line of Eucalyptus avenue with the northerly line of Burnett street and running thence easterly along said northerly line of Burnett street and the prolongation thereof to the westerly line of Pine avenue; thence northerly along said westerly line of Pine avenue to the northerly line of Vernon street; thence easterly along said northerly line of Vernon street to the westerly line of American avenue; thence northerly along said westerly line of American avenue and the prolongation thereof to the northerly line of Willow street; thence westerly along said northerly line of Willow street to the easterly line of Eucalyptus avenue; and thence southerly along said easterly line of Eucalyptus avenue to the point of beginning.

District No. 2. This industrial district, known as the East Long Beach industrial district, is described as follows:

All that portion of the city of Long Beach as hereinbefore described in article two of this charter, more particularly described as follows:

Beginning at the intersection of a line six hundred twenty feet south of and parallel to the southerly line of Anaheim street with the easterly line of Temple avenue, and running thence northerly along said easterly line of Temple avenue to

Industrial
districts.

a line six hundred twenty feet north of and parallel to the northerly line of Anaheim street; thence easterly along said line six hundred twenty feet north of and parallel to the northerly line of Anaheim street to the easterly line of Loma avenue; thence southerly along said easterly line of Loma avenue to the southerly line of Anaheim street; thence easterly along said southerly line of Anaheim street to the center line of Mira Mar avenue; thence southerly along the center line of Mira Mar avenue to the aforementioned line six hundred twenty feet south of and parallel to the southerly line of Anaheim street; thence westerly along said line six hundred twenty feet south of and parallel to the southerly line of Anaheim street to the point of beginning.

District No. 3. This industrial district, known as a further industrial district, is described as follows:

Beginning at the intersection of a line five hundred feet north of and parallel to the south line of farm lot 59, "The American colony tract," as per map recorded in book 19, pages 89 and 90, miscellaneous records of the county of Los Angeles, State of California, with the east line of California avenue and running thence north along the east line of California avenue to the northwest corner of farm lot 41, said "The American colony tract"; thence east along the north line of said farm lot 41, six hundred thirty feet to a point; thence north six hundred ninety feet to a point in the north line of farm lot 32, said "The American colony tract"; thence east along the north line of farm lot 32 and farm lot 31, said "The American colony tract," thirteen hundred twenty feet to a point; thence north six hundred sixty feet to a point; thence east six hundred ninety feet to a point in the east line of Walnut avenue, as Walnut avenue is shown on said map of "The American colony tract"; thence north along the east line of said Walnut avenue to the northerly line of said "The American colony tract"; thence east along the northerly line of said "The American colony tract" to the east line of said "The American colony tract"; thence south along said east line of said "The American colony tract" to the south line of Spring street; thence south 67 degrees 30 minutes east along the southerly line of a county road commonly known as Sugar Factory road, and extending southeasterly from the most easterly end of aforementioned Spring street at the east line of said "The American colony tract," ten hundred fifty-two and seven-tenths feet; thence easterly along the southerly line of said Sugar Factory road thirty-one hundred fifty-four and fourteen one-hundredths feet to a point in the boundary line between "Rancho Los Cerritos" and "Rancho Los Alamitos"; thence south 53 degrees 12 minutes west along the boundary line between "Rancho Los Cerritos" and "Rancho Los Alamitos" to a point thirty feet east from and perpendicular to the west line of section 21, township 4 south, range 12 west, S.B.M., in "Rancho Los Alamitos"; thence southerly parallel to and thirty feet east-

erly from the west line of section 21 and section 28, to a point in the north line of the south one-half of the north one-half of section 28, said township and range; thence easterly along said north line of the south one-half of the north one-half of section 28 to the easterly line of said section 28; thence southerly along the easterly line of said section 28, to a point thirty feet north of the easterly and westerly line through the center of said section 28; thence westerly parallel to and thirty feet northerly from said easterly and westerly line through the center of said section 28 to a point thirty feet westerly from the northerly and southerly line through the center of said section 28; thence southerly parallel to and thirty feet westerly from said northerly and southerly line through the center of section 28 to a point thirty feet southwesterly from and perpendicular to the northeasterly line of the "Alamitos tract," as said "Alamitos tract" is recorded in book 36, pages 37 to 44, miscellaneous records of the county of Los Angeles, State of California; thence south 48 degrees 29 minutes east parallel to and thirty feet southwesterly from said northeasterly line of said "Alamitos tract" to the west line of Ximeno avenue; thence south along the west line of Ximeno avenue to the south line of lot 39, said "Alamitos tract"; thence west along the south line of said lot 39 to the east line of Termino avenue, as Termino avenue is shown on map of said "Alamitos tract"; thence north along the east line of said Termino avenue to the north line of State street, as State street is shown on map of said "Alamitos tract"; thence west along the north line of said State street to the southeast corner of lot 24B, said "Alamitos tract"; thence northwesterly along the easterly line of lots 24B and 24A, said "Alamitos tract," on a curve concave to the south line of Summit road, as Summit road is shown on map of "Alamitos tract"; thence west along the south line of said Summit road to the west line of Obispo avenue, as Obispo avenue is shown on map of said "Alamitos tract"; thence north along the west line of Obispo avenue to a point two hundred thirty-four feet south from the south line of Hill street, as Hill street is shown on map of said "Alamitos tract"; thence west parallel to and two hundred thirty-four feet south from the south line of said Hill street to the east line of Temple avenue, as Temple avenue is shown on map of said "Alamitos tract"; thence north along the east line of said Temple avenue to the south line of said Hill street; thence east along the south line of said Hill street prolonged to a point thirty feet west of the east line of section 29, aforementioned township and range; thence north thirty feet west from and parallel to the east line of said section 29 and section 20 to the south line of Willow street prolonged east from the aforementioned "The American colony tract"; thence west along the prolonged south line of said Willow street to a point in the northwesterly line of "Rancho Los Alamitos"; thence south 53 degrees 12 minutes west to the east line of the aforementioned "The American colony tract"; thence north along the east line of

Industrial
districts.

said "The American colony tract" to the southeast corner of farm lot 45, said "The American colony tract"; thence west along the south line of said farm lot 45 to the east line of Vine avenue, as Vine avenue is shown on map of said "The American colony tract"; thence north along the east line of said Vine avenue to the north line of aforementioned Spring street; thence west along the north line of said Spring street to the west line of Orange avenue, as Orange avenue is shown on map of said "The American colony tract"; thence south along the west line of said Orange avenue to the aforementioned line five hundred feet north of and parallel to the south line of farm lot 59, said "The American colony tract"; and thence west along said line five hundred feet north of and parallel to the south line of farm lot 59, said "The American colony tract," to the point of beginning.

That the foregoing is a full, true and correct copy of said proposals of amendments to the charter of the city of Long Beach ratified by the electors of said city, as aforesaid, on file in the office of the city clerk of said city of Long Beach.

In witness whereof, Oscar Hauge, mayor, as aforesaid, and J. Oliver Brison, city clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the city of Long Beach to be thereunto duly affixed, on this 11th day of March, 1929.

OSCAR HAUGE,
Mayor of the City of Long Beach.

[SEAL]

J. OLIVER BRISON,
City Clerk of the City of Long Beach.

and,

Approval by
Legislature.

WHEREAS, Said proposals of amendments to the charter of the city of Long Beach ratified by the electors of said city, as aforesaid, have been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section 8, article eleven, of the constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, A majority of all the members elected to each house voting therefor and concurring therein, that said proposals of amendments to the charter of the city of Long Beach ratified by the electors of said city, as aforesaid, as presented to, adopted and ratified by the qualified electors of said city of Long Beach, as hereinabove fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration as amendments to and as a part of the charter of the city of Long Beach.

CHAPTER 23.

Senate Concurrent Resolution No. 2—Relative to Henry Meade Bland being given the honorary title of The Laurel Crowned Poet of California.

[Filed with Secretary of State March 29, 1929.]

WHEREAS, Henry Meade Bland of San Jose, California, has brought prominently to the attention of the world the history, romance and beauty of California, and its traditions and aspirations, through his verse and poetry, and has contributed to the high standard of our literature, thereby winning the gratitude and admiration of Californians, and meriting official recognition; therefore, be it

Honorary
title given
to Henry
Meade
Bland.

Resolved by the Senate, the Assembly concurring, That Henry Meade Bland be hereby recognized and given the title of The Laurel Crowned Poet of California.

CHAPTER 24.

Senate Concurrent Resolution No. 18—Relative to the Colorado river compact.

[Filed with Secretary of State March 29, 1929.]

WHEREAS, Pursuant to the congressional act known as the Boulder canyon project act, the states of California, Wyoming, Colorado, Utah, New Mexico and Nevada have ratified the Colorado river compact dated November 24, 1922, in accordance with said act, upon a six state basis; and

California-
Colorado
river com-
missioners
requested to
continue ne-
gotiations

WHEREAS, California has accepted the limitations on the use of water from the Colorado river as prescribed in said act; and

WHEREAS, Negotiations are now in progress between the states of Arizona, Nevada and California, looking to an amicable agreement between said states for the use of the waters of the said Colorado river and an unconditional seven state ratification of the said Colorado river compact; and

WHEREAS, It is desirable that said negotiations be continued and carried on until a satisfactory agreement between said states has been entered into, and an unconditional seven state ratification of said compact effected; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the California-Colorado river commissioners be and they are hereby requested to continue negotiations with Arizona and Nevada, and make every reasonable effort to effect a satisfactory agreement between said states relative to the use of the water of said river, and secure, if possible, an unqualified seven state ratification of said Colorado river compact.

CHAPTER 25.

Senate Concurrent Resolution No. 19—Relative to the orderly addition of new roads to the state highway system, after engineering and economic studies by the California highway commission and the department of public works.

[Filed with Secretary of State March 29, 1929.]

Preamble

WHEREAS, It appears that some highways not now in the state highway system are carrying a volume of state traffic that far exceeds the local traffic carried on said roads thus placing upon the counties in which these roads are located an undue and heavy maintenance burden; and

WHEREAS, A preliminary investigation by the California highway commission and department of public works indicates that there is at the present time a decidedly greater mileage of such roads in the south, as compared with those in the north, carrying this excessive state traffic; and

WHEREAS, An executive message was transmitted to the Legislature under date of March 12 in which was suggested certain underlying principles to be observed in the inclusion of new secondary roads within the state highway system; now therefore be it

Orderly
addition of
new roads
to state
highway
system.

Resolved by the Senate, the Assembly concurring, That the principles enunciated in said executive message be observed in the inclusion of new roads within the state highway system, and that the California highway commission and the department of public works be, and they are hereby directed to observe the following principles in the inclusion of new roads within the state highway system.

1. Additions shall during the next two years be made to the present secondary highway system, totaling between ten and twelve per cent of existing state highway mileage, said mileage to be added in the ratio of not less than three or four miles in the south to one mile in the north.

2. For budgetary purposes, this mileage shall be included as a part of the state highway system by the California highway commission when the necessary surveys are completed; *provided, however,* no money be expended on same until they have been finally included in the system by legislative act.

3. There shall be no change in the present statutory division of secondary highway funds; and, be it further

Studies by
highway
commission
and depart-
ment of
public
works.

Resolved, That the California highway commission and the department of public works be and they are hereby directed to make a careful study of the state highway system to ascertain and determine routes not now in the system which, either by reason of the large volume of state traffic that they are now carrying, or by reason of the relief that they would afford to heavy traffic upon present state highways, or as highways serving as important interstate links, might properly be included and added to the state highway system; and be it further

Resolved, That this study shall, in accordance with the above mentioned executive message, include an investigation into the engineering, economic and traffic facts involved in the matter; that a comprehensive report shall be made to the forty-ninth Legislature embodying such recommendations as the investigation may disclose as proper and a recital of such facts as may have been taken into account; that this investigation shall begin not later than May 1, 1929, and that this report shall be completed and made public not later than August 1, 1930, and that pending the adoption of such report authority be hereby given to the California highway commission to take into consideration for its next budget such roads as it is thus designating and bringing to the attention of the Legislature at its next session.

CHAPTER 26.

Senate Joint Resolution No. 6—Relating to an act of congress of the United States restricting immigration of aliens ineligible to citizenship and a proposed modification of said act.

[Filed with Secretary of State March 29, 1929.]

WHEREAS, In 1921 the Legislature of the State of California by appropriate resolution urged upon congress the necessity for the continued adherence to the policy of the United States, restricting the right of citizenship and likewise protested against any attempt by treaty or otherwise to permit the immigration of ineligible aliens; and

Preamble

WHEREAS, In 1924, after full investigation and consideration, congress by general law prohibited the immigration of aliens ineligible to citizenship; and

WHEREAS, Various organizations have since the passage of said act persistently sought to influence congress to recede from such policy, and the adherence to said policy has been urged by the American Legion, American Federation of Labor, the Grange, and the Native Sons of the Golden West, the first three of which organizations have repeatedly in their annual conventions by resolutions expressed their continued support of the congressional action; and

WHEREAS, There is now in progress a nation-wide campaign designed to substitute the quota system for the rigid and effective exclusion of Asiatic laborers as provided in the General Immigration Act of 1924; now therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of this state protests against any character of action designed to modify the present immigration laws relating to the exclusion of Asiatic laborers and reaffirms its belief that the privilege of American citizenship should continue to be restricted as at present, and that the privilege of immigration should be extended only to those

U. S.
immigration
laws.

people who may become citizens of the United States; and be it further

Petition to
congress

Resolved, That the senators and representatives in congress from the State of California be urged to present the seriousness of the present situation to the attention of their colleagues and to the departments of the federal government, and to use all honorable means to prevent modification of the present naturalization and exclusion laws; and be it further

Resolved, That the chief clerk of the Senate of the State of California be and he is hereby authorized and directed to transmit a copy of this resolution to each member of the senate and house of representatives of the United States.

CHAPTER 27.

Senate Joint Resolution No. 8—Relating to the federal income tax law.

[Filed with Secretary of State March 29, 1929.]

Preamble

WHEREAS, Just and equitable taxation is a matter of paramount importance to all American citizens, and

WHEREAS, It is apparent that grave injustice results from the failure of the federal income tax law to properly differentiate between earned incomes and unearned incomes; and

WHEREAS, An earned income is the measure of value of service rendered by the worker to the community and unearned income is the measure of value received by the individual from the community, and earned incomes are thus received in return for service of any sort—mental or physical—as distinguished from incomes from investments or from property, and

WHEREAS, It is apparent that wealth received by an individual who did not create it should bear a heavier tax than wealth received by an individual who did create it; and

WHEREAS, To tax earned income heavily is to penalize thrift and industry, and is a direct tax on labor and tends to retard enterprise and achievement; therefore, be it

Federal
income
taxes

Resolved by the Senate and Assembly of the State of California, jointly, That the President, the secretary of the treasury and the congress of the United States be hereby memorialized and urged that a reduction of fifty per cent be made in the tax rate on earned incomes below the tax rate on unearned incomes; and be it further

Petition to
congress

Resolved, That the secretary of the Senate is hereby directed to transmit copies of this resolution to the President and vice president of the United States, the speaker of the house of representatives and to the senators and representatives, from California, in the congress of the United States.

CHAPTER 28.

Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California, adding to article thirteen thereof a new section to be numbered 18, relative to taxation of ocean marine insurers.

[Filed with Secretary of State March 29, 1929.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session commencing on the seventh day of January, 1929, two-thirds of the members elected to each of the two houses of said Legislature voting therefor, hereby proposes to the people of the State of California that the constitution of said state be amended by adding to article thirteen thereof a new section to be numbered 18, and to read as follows:

Proposed constitutional amendment

Sec. 18. Every insurer transacting the business of ocean marine insurance in this state shall annually pay to the state a tax measured by that proportion of the underwriting profit of such insurer from such insurance written in the United States, which the gross premiums of the insurer from such insurance written in this state bear to the gross premiums of said insurer from such insurance written within the United States, which tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such insurers, except taxes upon real property, and such other taxes as may be assessed or levied against such insurer on account of any other class of insurance written by it. The Legislature shall define the terms "ocean marine insurance" and "underwriting profit," shall provide for the assessment, levy, collection and enforcement of said tax, and, two-thirds of all the members elected to each of its two houses voting in favor therefor, fix the rate of said tax.

Tax upon marine insurers measured by underwriting profits

CHAPTER 29.

Senate Concurrent Resolution No. 8—Relative to reports of the department encampment and the annual convention of the United Spanish-American War Veterans and the Disabled American Veterans of the World War of the Department of California, respectively.

[Filed with Secretary of State April 4, 1929.]

Resolved by the Senate, the Assembly concurring, That there shall be printed as a public document five hundred copies of the session of the department encampment of California of the United Spanish War Veterans for the year 1929 and of each succeeding department encampment, together with illustrations, copies of general orders of the department and

Printing of reports of veterans' encampments and conventions

of the official roll, two hundred fifty copies for the use of the Senate and two hundred fifty copies for the use of the Assembly. Annual cost of same not to exceed six hundred dollars payable from the legislative printing appropriation; and be it further

Resolved, That there shall be printed as a public document five hundred copies of the report of the annual convention of the Disabled American Veterans of the World War of the Department of California for the year 1929 and of each succeeding annual convention, together with illustrations, copies of general orders enacted at such convention and of the official roll, two hundred fifty copies for the use of the Senate and two hundred fifty copies for the use of the Assembly. Annual cost of same not to exceed six hundred dollars payable from the legislative printing appropriation.

CHAPTER 30.

Senate Joint Resolution No. 5—Relating to the control of motor vehicles for hire, engaged in interstate commerce.

[Filed with Secretary of State April 4, 1929.]

Preamble

WHEREAS, In the absence of control, there has grown up a class of interstate motor stage operation which is entirely unregulated and altogether irresponsible and subject to the regulation of no state or federal authority whatever, and

WHEREAS, The traveling public is being constantly victimized by such operators crossing state lines between California and neighboring states, and who resort to all sorts of illegitimate and unscrupulous activities at the expense of travelers who are unable to obtain redress, and

WHEREAS, The regularly certificated stage lines operating within the state railroad commission; are a source of large revenue to the state, and now constitute one of the state's major public utilities, and

WHEREAS, The activities of the unregulated interstate "wild-cat" operators subject both the legitimate stage lines and other forms of transportation to unfair, injurious and unscrupulous competition, and

WHEREAS, The present condition is highly detrimental to the interests of the State of California, to the legitimate transportation interests, to the traveling public and to the public generally, and

WHEREAS, Such conditions present an urgent need for adequate federal regulation, at least as to proper certification and control, now therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California recommend to the congress of the United States and to the

Petition to
congress,
interstate
motor stage
commerce.

interstate commerce commission that legislation providing for such federal regulation be immediately enacted.

CHAPTER 31.

Assembly Concurrent Resolution No. 2—Relative to veterans and widows of veterans engaged in the civil service of the several counties, cities and other political subdivisions of the State of California.

[Filed with Secretary of State April 5, 1929.]

WHEREAS, The nation's debt to those who have served their country in time of war is recognized by a grateful people; and

Preamble

WHEREAS, As an expression of such gratitude and in token of such recognition for services valiantly rendered, it is the law of the State of California to accord to veterans and widows of veterans who become eligible for appointment in the civil service of the state by attaining the passing mark established for examination, an additional credit of five points added to the percentages attained by them in such examinations; and

WHEREAS, It appears that there is lack of uniformity of treatment in this respect upon the part of the counties, cities and other political subdivisions of this state, and that the ends of justice will be subserved if substantial uniformity is attained in this respect; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California hereby recommends to the governing authorities of the several counties, cities and other political subdivisions of this state that they respectively consider and adopt the policy of providing and requiring that whenever an examination for entrance to or promotion in the civil service of the county, city or other political subdivision of the state be held, veterans and widows of veterans who become eligible for appointment or promotion by attaining the passing mark established for the examination, be allowed an additional five points to be added to the percentage attained by such persons in the examination.

Civil service preferences to veterans and their wives

CHAPTER 32.

Assembly Concurrent Resolution No. 4—Relative to reports of the proceedings of the annual convention of the Veterans of Foreign Wars of the United States, Department of California.

[Filed with Secretary of State April 5, 1929.]

Resolved by the Assembly, the Senate concurring, That there shall be printed as a public document, five hundred copies of the report of the proceedings of the annual convention of the

Printing copies of reports of veterans' convention

Veterans of Foreign Wars of the United States, Department of California, for the year 1929 and of each succeeding annual convention together with illustrations, copies of general orders enacted at such conventions and of the official roll, two hundred fifty copies for the use of the Assembly and two hundred fifty copies for the use of the Senate, the annual cost thereof, not exceeding six hundred dollars, to be payable from the appropriation for legislative printing.

CHAPTER 33.

Assembly Concurrent Resolution No. 20—Relative to approving the charter of the city of Riverside, which was submitted to the qualified voters of said city and voted for and ratified by them at a special municipal election held on the fifteenth day of March, 1929.

[Filed with Secretary of State April 5, 1929]

Riverside
city charter

WHEREAS, the city of Riverside, in the county of Riverside, State of California, now is and was at all times herein referred to, a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

WHEREAS, the said city of Riverside at all times mentioned herein was, and now is organized and existing under a freeholder's charter adopted under the provisions of section 8 of article eleven of the constitution of the State of California, which charter was duly adopted and ratified by a majority of qualified electors of the said city on the first day of March, 1907, and approved by the Legislature of the State of California on the fifth day of March, 1907; and

WHEREAS, proceedings having been had for the proposal, adoption and ratification of a new charter for said city of Riverside, as set out in the certificate of the mayor and city clerk of the said city of Riverside, to wit:

City of Riverside,	} ss.
County of Riverside,	
State of California.	

We, the undersigned, Joseph S. Long, mayor of the city of Riverside, county of Riverside, State of California, and G. Albert Mills, city clerk of said city, do hereby certify and declare as follows:

That the city of Riverside, in the county of Riverside, State of California, now is and at all times herein referred to, was a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States.

That said city of Riverside at all times mentioned herein was, and now is, organized and existing under a freeholder's charter adopted under the provisions of section 8 of article eleven of the constitution of the State of California, which charter was duly adopted and ratified by a majority of the qualified electors of said city on the first day of March, 1907, and approved by the Legislature of the State of California on the fifth day of March, 1907. Certificate

That, pursuant to the provisions of section 8 of article eleven of the constitution of the State of California, the common council of the said city of Riverside, said common council being the legislative body of said city, did by a two-thirds vote of all its members, pass an ordinance, calling a special municipal election to be held on Friday, the twenty-ninth day of June, 1928, for the purpose of choosing a board of fifteen freeholders, to frame, prepare and propose a new charter for the said city of Riverside; that at such election held on said day, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, which said board within one hundred twenty days after the result of said election was declared, to wit: on the thirtieth day of October, 1928, filed a request with the common council of said city for an extension of sixty days time in which to complete its work, which extension was duly authorized by the said common council, within which period the said board of freeholders did frame and prepare a proposed new charter for said city, and did on the twenty-seventh day of December, 1928, file in the office of said city clerk a proposed new charter for the government of the said city, and upon said charter designated the date of the special municipal election, to wit: the fifteenth day of March, 1929, as the date upon which, and the election at which, said charter should be submitted to the electors of said city for ratification. that said proposed charter and said designation for the date for the submission therefor to the electors for ratification were duly filed by a majority of the members of the said board of freeholders; that thereupon said mayor and common council duly caused said charter to be submitted to the electors of said city for ratification at the special municipal election held on the fifteenth day of March, 1929, and did, within fifteen days after the filing of said charter, cause the same to be published once, on the eleventh day of January, 1929, in The Riverside Enterprise, and once, on the eleventh day of January, 1929, in the Riverside Daily Press, newspapers of general circulation, printed and published in said city, and caused copies of said charter to be printed in a convenient pamphlet form, and until the date fixed for the election upon such charter, advertised in said newspapers, a notice that such copies of said charter could be had at the office of the city clerk upon application therefor; that at the said election, duly and regularly held on said fifteenth day of March, 1929, a majority of qualified electors, voting thereon, voted in favor of such proposed charter, and

the common council of the city of Riverside, county of Riverside, State of California, at a meeting held in the manner required by law, duly canvassed the returns of said election, and duly found, determined and declared that a majority of the said electors voting thereon, had voted for and ratified said charter; that said charter, after the same was prepared, proposed and ratified as herein set forth, is as follows, to wit:

CHARTER OF THE CITY OF RIVERSIDE.

ARTICLE I.

General Powers of the City.

Corporate
entity

Section 1. The municipal corporation now existing, known as the city of Riverside, in the county of Riverside, State of California, shall remain and continue a body politic and corporate in name and in fact by the name of the city of Riverside and by that name shall have perpetual succession; may sue and be sued in all courts and places and in all proceedings whatever; shall have and use a common seal alterable at the pleasure of the said city; may purchase, lease, receive, hold and enjoy real and personal property and control and dispose of the same for the common benefit; may determine and declare what are public uses and when the necessity exists, of condemning property therefor; may receive bequests, gifts or donations of every kind of property, within or without said city, in fee simple or in trust for charitable or other lawful purposes, with full power to do and perform all acts and things necessary to carry out the purposes of such bequests, gifts or donations; and may do and perform all other acts necessary or incident to the exercise of the powers by this charter or otherwise granted to said city.

Property
and legal
rights

Sec. 2. The city of Riverside shall continue under this charter to have, hold and enjoy all property, rights of property, rights of action of every nature and description of the existing municipality and is hereby declared to be the successor of the same.

General
powers.

Sec. 3. To make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; provided, however, that nothing herein shall be construed to prevent or restrict the city from exercising or consenting to, and the city is hereby authorized to exercise, any and all rights, powers and privileges heretofore or hereafter granted or prescribed by general laws of the state.

ARTICLE II.

Boundaries and Wards of the City.

Boundaries
and wards
of the city

The boundaries of the city of Riverside shall be and remain as now fixed and established and are described as follows:

Section 4. Beginning at the northeast corner of section 13, township 2 south, range 5 west of San Bernardino base and

meridian; thence westerly along the northerly line of said section 13 to the center line of La Cadena drive; thence south-westerly along the center line of La Cadena drive to the northeasterly corner of lot 92, Southern California Colony Association lands as recorded in book 7 of maps, page 3, records of San Bernardino county, California; thence north-westerly along the northerly lines of lots 92, 93 and 94 said Southern California Colony Association lands to the north-west corner of lot 94, said corner being on and common with the center line of North Orange street; thence continuing along the north line of lot 94 said subdivision, produced north-westerly, to the northeast corner of lot 57, Alamo tract as recorded in book 9 of maps, page 5, records of Riverside county, California; thence on a bearing of north 60 degrees 57 minutes west along the northerly lines of lots 57, 34, 44, 43, and 42, said Alamo tract to the northwest corner of said lot 42, said point being on the southerly or left bank of the Santa Ana river; thence along the southerly or left bank of the Santa Ana river described as follows: South 32 degrees 48 minutes west 414.6 feet; thence south 35 degrees 58 minutes west 253.2 feet; thence south 32 degrees 33 minutes west 92.0 feet to the common corner of lots 42 and 41, said Alamo tract; thence south 32 degrees 33 minutes west 378.0 feet; thence south 13 degrees 09 minutes east 239.8 feet to the common corner of lots 41 and 27, said Alamo tract, said corner is also on the center line of Santa Ana street; thence along the westerly line of lot 27 bearing south 16 degrees 03 minutes west 145 feet; thence south 1 degree 42 minutes east 366.4 feet to the west line of lot 28, said Alamo tract; thence along the westerly line of lot 28 south 29 degrees 03 minutes west 114.0 feet; thence south 21 degrees 03 minutes west 255.9 feet; thence south 58 degrees 33 minutes west 570.9 feet to the common corners of lots 28 and 4, said Alamo tract; thence along the westerly line of lot 4, south 56 degrees 54 minutes west 793.81 feet; thence south 65 degrees 32 minutes west 235.0 feet; thence south 65 degrees 01 minutes west 341.1 feet; thence south 53 degrees 38 minutes west 168.0 feet to a point on the Pacific Electric Company's right of way; thence south 61 degrees 13 minutes west 60.2 feet to a point on Pacific Electric Company's track; thence continuing south 61 degrees 03 minutes west to a point on the southwest line of the Pacific Electric Company's right of way denoted as station 78+12.9 and being the most easterly corner of lot 2, amended map of Indian Hill tract as recorded in book 10 of maps, page 3, records of Riverside county, California; thence along the common lot line of lots 2 and J, said Indian Hill tract bearing south 81 degrees 19 minutes west a distance of 989.1 feet; thence south 23 degrees 47 minutes west 1471.9 feet to the common corner of lots J and 3, said Indian Hill tract; thence south 23 degrees 47 minutes west 3338 feet to the northeasterly corner of the Riverside Water Company's land described in book 185 of deeds, page 110,

Boundaries

records of Riverside county, California; thence south 74 degrees 18 minutes west 420.0 feet; thence at right angles to said line a distance of 420.0 feet to the southwesterly corner of said Riverside Water Company's land; thence in a direct line to the easterly corner of lot 6, Evans Rio Rancho as recorded in book 10 of maps, pages 52, 53 and 54, records of Riverside county, California, said point being on west property line of state highway; thence north 58 degrees 15 minutes west along said property line to the northerly corner of lot 6, said Evans Rio Rancho; thence south 39 degrees 38 minutes west to a point which is 2455.6 feet distant from the center line of said state highway; thence south 29 degrees 40 minutes west 3164.62 feet to the common corner of lots 6 and 12, said Evans Rio Rancho; thence south 25 degrees 00 minutes west 471.6 feet; thence south 18 degrees 52 minutes west 716.0 feet; thence south 74 degrees 09 minutes west 1425.0 feet to the common corner of lots 12 and 10, said Evans Rio Rancho; thence south 89 degrees 31 minutes west 1584.1 feet; thence south 88 degrees 25 minutes west 270.9 feet to the common corner of lots 10, 9 and 11, said Evans Rio Rancho; thence southeasterly along the westerly line of said lot 10 on a bearing of south 45 degrees 53 minutes east 112 66 feet to the most northerly corner of lot 8, said Evans Rio Rancho; thence south 34 degrees 13 minutes west 49.41 feet; thence south 28 degrees 11 minutes west 114.0 feet; thence south 15 degrees 16 minutes west 779.0 feet; thence south 6 degrees 59 minutes east 159.0 feet; thence south 20 degrees 00 minutes east 336.0 feet; thence south 5 degrees 44 minutes east 581.15 feet to the most southerly corner of said lot 8, said Evans Rio Rancho; thence along the northerly line of addition number one to Grand Avenue tract as recorded in book 6 of maps, page 90, records of Riverside county, California, on a bearing of south 39 degrees 07 minutes west 106.5 feet; thence south 23 degrees 06 minutes west 451.5 feet; thence south 59 degrees 10 minutes west 407.41 feet to the northeast corner of Grand Avenue tract as recorded in book 6 of maps, page 77, records of Riverside county, California; thence south 76 degrees 66 minutes west 358.5 feet to the most northerly corner of said Grand Avenue tract and the most easterly corner of lot 2 Evans Rio Rancho as recorded in book 10 of maps, pages 52, 53 and 54, records of Riverside county, California; thence north 78 degrees 15 minutes west 5354.0 feet along the northerly line of said lot 2 to the northeast right of way line of the Union Pacific railroad; thence along said right of way line bearing north 44 degrees 52 minutes west 367.8 feet; thence crossing said railroad right of way on a bearing of south 17 degrees 48 minutes west 112.48 feet to the northerly corner of lot 1, said Evans Rio Rancho; thence continuing south 17 degrees 48 minutes west 145.0 feet; thence south 0 degrees 04 minutes west 301.10 feet to the northeast corner of tract number three Riverview addition as recorded in book 7 of maps, page 5, records of Riverside county, California; thence along the northerly line of said Riverview addi-

tion north 89 degrees 57 minutes 15 seconds west 3286.12 feet ^{Boundaries} to the northwest corner of tract 4 Riverview addition as recorded in book 7 of maps, page 6, records of Riverside county, California; thence south 0 degrees 32 minutes 45 seconds west 329.80 feet to a point on the westerly line of lot G, said tract 4 Riverview addition; thence north 89 degrees 35 minutes west to the northeast corner of lot 1 McClaskey tract as recorded in book 10 of maps, pages 36 and 37, records of Riverside county, California; thence continuing north 89 degrees 35 minutes west 630.2 feet to the northwest corner of lot 1, said McClaskey tract; thence south 0 degrees 30 minutes west 330 feet to northeast corner of lot 5, said McClaskey tract; thence north 89 degrees 33 minutes 30 seconds west 1320 feet to the northwest corner lot 6, said McClaskey tract; thence south 0 degrees 22 minutes west 330.2 feet to the northeast corner of lot 6A, said McClaskey tract; thence south 4 degrees 08 minutes west 1400.8 feet along the westerly lines of lots 6, 7 and 8, said McClaskey tract to the northwest corner of section 31 as shown on book 6 of maps, page 70, records of Riverside county, California; thence south 0 degrees 17½ minutes west to the east property line of North Van Buren street, said line also being the west line of township 2 south, range 5 west of San Bernardino base and meridian; thence south along said township line to the northerly line of block 34, Riverside Land and Irrigating Company, as recorded in book 1 of maps, page 70, records of San Bernardino county, California, produced easterly; thence westerly along said line, produced easterly and the northerly lines of block 34 and 35, said Riverside Land and Irrigating Company to the northwesterly corner of lot 10, said block 35; thence southeasterly along the southwesterly lines of lots 10 and 15, said block 35; thence in a direct line to the northwesterly corner of lot 2, block 36, said Riverside Land and Irrigating Company; thence southeasterly along the southwesterly lines of lots 2, 7, 10 and 15, said block 36; thence in a direct line to the northwesterly corner of lot 2, block 37, said Riverside Land and Irrigating Company; thence southeasterly along the southwesterly lines of lots 2, 7 and 10, said block 37 and said line, produced southeasterly to the center line of the Riverside Water Company canal; thence northeasterly along the center line of the said canal to the west line of township 2 south, range 5 west of San Bernardino base and meridian; thence southerly along the said west line to the southwest corner of lot 1, block 3, Arlington Heights, as recorded in book 11 of maps, pages 20 and 21, records of San Bernardino county, California, said southwest corner being the southwest corner of section 19, township 3 south, range 5 west, San Bernardino base and meridian; thence easterly along the southerly lines of sections 19, 20, 21 and 22, said township and range, to the southeast corner of said section 22; thence northerly along the easterly line of said section 22 to the southwesterly corner of section 14, said township and range; thence easterly along the south-

erly line of sections 14 and 13, said township and range, to the southeast corner of section 13; thence northerly along the easterly line of sections 13, 12 and 1, said township and range, to the northeasterly corner of said township and range; thence continuing northerly along the easterly line of township 2 south, range 5 west to the point of beginning.

City divided
into wards

Sec 5. The city of Riverside is hereby divided into seven wards, which shall be designated respectively the first ward, the second ward, the third ward, the fourth ward, the fifth ward, the sixth ward and the seventh ward, and are described as follows:

Ward No. 1.

Ward
No. 1.

Beginning at the northeasterly corner of section 13, township 2 south, range 5 west; thence westerly along the northerly line of said section 13 to the center line of La Cadena drive; thence southwesterly along the center line of La Cadena drive to the northeasterly corner of lot 92, Southern California Colony Association lands as recorded in book 7 of maps, page 3, records of San Bernardino county, California; thence northwesterly along the northerly lines of lots 92, 93 and 94, said Southern California Colony Association lands to the northwest corner of lot 94, said corner being on and common with the center line of North Orange street; thence continuing along the north line of lot 94, said subdivision, produced northwesterly, to the northeast corner of lot 57, Alamo tract, as recorded in book 9 of maps, page 5, records of Riverside county, California; thence on a bearing of north 60 degrees 57 minutes west along the northerly lines of lots 57, 34, 44, 43 and 42, said Alamo tract, to the northwest corner of said lot 42, said point being on the southerly or left bank of the Santa Ana river and also the westerly boundary of the city of Riverside; thence southerly along the westerly boundary of the city of Riverside to the center line of First street, produced westerly; thence easterly along the center line of First street, produced westerly and said center line to the center line of Walnut street; thence southerly along the center line of Walnut street to the center line of Fourth street; thence easterly along the center line of Fourth street to the center line of the Santa Fe railroad right of way; thence northeasterly along the center line of the Santa Fe railroad right of way to the easterly line of the city limits; thence northerly along the city limits to the point of beginning.

Ward No. 2.

Ward
No. 2

Beginning at the center line of Eighth street and the center line of the Santa Fe railroad right of way; thence westerly along the center line of Eighth street to the center line of Orange street; thence southerly along the center line of Orange street to the center line of Tenth street; thence westerly along the center line of Tenth street to the center line of Pine street; thence northerly along the center line of Pine

street to the center line of Fourth street; thence westerly along the center line of Fourth street and said center line, produced westerly, to the westerly boundary of the city of Riverside; thence southerly along westerly boundary of the city of Riverside to the center line of Garden street; thence easterly along the center line of Garden street to the center line of Tequesquite avenue; thence easterly along the center line of Tequesquite avenue to the center line of Brockton avenue; thence southerly along the center line of Brockton avenue to the southerly line of lot 156, Southern California Colony Association lands, as recorded in book 7 of maps, page 3, records of San Bernardino county, California; thence easterly along the southerly lines of lots 156, 155 and 154, said Southern California Colony Association lands to the center line of Magnolia avenue; thence southerly along the center line of Magnolia avenue to the center line of Terracina drive; thence easterly, southerly and easterly along the center line of Terracina drive (formerly North street) to the center line of Olivewood avenue; thence northerly along the center line of Olivewood avenue to the center line of North street; thence easterly along the center line of North street to the center line of the Riverside Water Company canal; thence northerly along the center line of the said canal to the center line of the Santa Fe railroad right of way (near Fourteenth street); thence northerly along the center line of the Santa Fe railroad right of way to the point of beginning.

Ward No. 3.

Beginning at the center line of Fourth street and the center line of the Santa Fe railroad right of way; thence westerly along the center line of Fourth street to the center line of Walnut street; thence northerly along the center line of Walnut street to the center line of First street; thence westerly along the center line of First street and said center line, produced westerly, to the westerly boundary of the city of Riverside; thence southerly along the westerly boundary of the city of Riverside to the center line of Fourth street, produced westerly; thence easterly along the center line of Fourth street, produced westerly and the said center line of Fourth street to the center line of Pine street; thence southerly along the center line of Pine street to the center line of Tenth street; thence easterly along the center line of Tenth street to the center line of Orange street; thence northerly along the center line of Orange street to the center line of Eighth street; thence easterly along the center line of Eighth street to the center line of the Santa Fe railroad right of way; thence northerly along the center line of the Santa Fe railroad right of way to the point of beginning.

Ward
No 3.

Ward No. 4.

Ward
No. 4.

Beginning at the intersection of the easterly city limits and the center of the Santa Fe railroad right of way; thence southerly along the center line of the Santa Fe railroad right of way to the center line of the Riverside Water Company canal (near Fourteenth street); thence southerly along the center line of the said canal to the center line of North street; thence easterly along the center lines of North street and Cridge street to the center line of High street; thence southerly along the center line of High street to the northerly line of section 36, township 2 south, range 5 west, San Bernardino base and meridian; thence easterly along the northerly line of said section 36 to the center line of Sedgwick avenue as shown in Castleman's addition as recorded in book 3 of maps, page 19, records of San Bernardino county, California; thence northerly along the center line of Sedgwick avenue to the center line of Pennsylvania avenue; thence easterly along the center line of Pennsylvania avenue to the easterly city limits; thence northerly along the easterly city limits to the point of beginning.

Ward No. 5.

Ward
No. 5

Beginning at the intersection of Pennsylvania avenue and the easterly city limits; thence westerly along the center line of Pennsylvania avenue to the center line of Sedgwick avenue; thence southerly along the center line of Sedgwick avenue to the northerly line of section 36, township 2 south, range 5 west, San Bernardino base and meridian; thence westerly along the northerly line of said section 36 to the center line of High street, as shown in Castleman's addition as recorded in book 3 of maps, page 19, records of San Bernardino county, California; thence northerly along the center line of High street to the center line of Cridge street; thence westerly along the center lines of Cridge street and North street to the center line of Olivewood avenue; thence southwestwardly along the center line of Olivewood avenue to the center line of Terracina drive (formerly North street); thence westerly, northerly and westerly along the center line of Terracina drive to the center line of New Magnolia avenue; thence northerly along the center line of New Magnolia avenue to the southerly line of lot 154, Southern California Colony Association lands, as recorded in book 7 of maps, page 3, records of San Bernardino county, California; thence westerly along the southerly lines of lots 154, 155 and 156, said Southern California Colony Association lands, to the center line of Brockton avenue; thence southerly along the center line of Brockton avenue to the center line of Jurupa avenue; thence easterly along the center line of Jurupa avenue to the center line of New Magnolia avenue; thence southerly along the center line of New Magnolia avenue to the center line of Arlington avenue; thence easterly along the center line of Arlington avenue and the southerly line of township 2 south, range 5 west to the easterly

city limits; thence northerly along the city limits to the point of beginning.

Ward No. 6.

Beginning at the northeasterly corner of township 3 south, range 5 west, San Bernardino base and meridian; thence westerly along the northerly line of said township to the northwesterly corner thereof; thence southerly along the westerly line of said township to the northerly line of block 34, Riverside Land and Irrigating Company, as recorded in book 1 of maps, page 70, records of San Bernardino county, California, produced easterly; thence westerly along the city limits to the northwesterly corner of lot 10, block 35, said Riverside Land and Irrigating Company; thence southerly along the city limits to the center line of the Riverside Water Company canal; thence northeasterly along the center line of the said canal to the westerly line of said township 3 south, range 5 west; thence southerly along the city limits to the southwest corner of lot 1, block 3, Arlington Heights, as recorded in book 11 of maps, pages 20 and 21, records of San Bernardino county, California, said point being the southwest corner of section 19, said township 3 south, range 5 west; thence easterly along the city limits to the southeasterly corner of section 22, said township 3 south, range 5 west; thence northerly along the city limits to the southwest corner of section 14, said township 3 south, range 5 west; thence easterly along the city limits to the southeast corner of section 13, said township 3 south, range 5 west; thence northerly along the city limits to the point of beginning.

Ward No. 7.

Beginning at the intersection of Tequesquite avenue and Brockton avenue; thence westerly along the center line of Tequesquite avenue to the center line of Garden street; thence westerly along the center line of Garden street to the westerly boundary of the city of Riverside; thence southwestward and westerly along the westerly boundary of the city of Riverside to the westerly line of township 2 south, range 5 west, San Bernardino base and meridian; thence southerly along the westerly city limits to the southwestward corner of said township 2 south, range 5 west; thence easterly along the southerly line of said township (Arlington avenue) to the center line of New Magnolia avenue; thence northerly along the center line of New Magnolia avenue to the center line of Jurupa avenue; thence westerly along the center line of Jurupa avenue to the center line of Brockton avenue; thence northerly along the center line of Brockton avenue to the point of beginning.

Sec. 6. The boundaries of the said wards may at any time hereafter be changed by ordinance passed by the mayor and council; *provided*, that such change shall not be made more than once in every two years and shall be made at least ninety days before any general municipal election.

ARTICLE III.

Legislative Department.

CHAPTER 1.

The Council.

Legislative
department.
mayor and
council

Section 7. The legislative power of the city is hereby vested in a mayor and council consisting of seven members. A member of the council must be at least 25 years of age and must have been a qualified elector of the city for three years and a resident of the ward from which he is elected for one year next preceding the day of his election, and in case any member of the council shall change his residence from the ward which he represents his office shall immediately become vacant and shall be filled as directed in this charter; *provided, however*, that in case the boundaries of any ward are changed, no member of the council whose residence is included within a different ward from that from which he was elected shall lose his office by reason of such change.

Quorum

Sec. 8. Four members of the council shall constitute a quorum, but a less number may adjourn from time to time to compel the attendance of other members. No order, except to adjourn for a lack of quorum or to compel the attendance of a quorum, or to continue hearings set for that day, and no ordinance or resolution shall be valid unless it receives the affirmative vote of four councilmen.

Ordinances
and
resolutions.

Sec. 9. No ordinance for any purpose shall be passed by the council on the day of its introduction nor within five days thereafter nor at any other than a regular or an adjourned regular meeting. No resolution or order for the payment of money shall be passed at any other time than at a regular meeting or at an adjourned regular meeting.

Mayor's
approval
required.

Sec. 10. Ordinances and resolutions are the formal acts of the council reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts which being less formal in character, require only to be duly passed by the council and spread upon the minutes. No order, resolution or ordinance, except initiative, referendum, recall, election or tax ordinances, shall have any effect without the approval of the mayor. In the case of orders, the approval of the mayor shall be presumed, unless at the same meeting at which the order was passed, the mayor causes his disapproval with his reasons therefor to be spread upon the minutes.

All resolutions and ordinances after passage by the council must be submitted to the mayor who shall, within ten days after he has received the same, endorse his approval or disapproval thereon, giving the reason of his disapproval; *provided, however*, that if the mayor disapproves any order, as above provided, or if the mayor shall disapprove any resolution or ordinance, or fails to act on the same within a period of ten days, it may be passed by a vote of not less than six members of the council, and shall then be as valid as if

approved by the mayor. Any written contract requiring the action of the council shall be subject to the approval of the mayor in the same manner as resolutions and ordinances.

Sec. 11. All ordinances shall be attested by the city clerk, and before taking effect, shall be published at least once in a newspaper published in said city, or posted on the bulletin board at the city hall. Attestation
and
publication

Sec. 12. The council shall judge of the qualifications of its members and of all election returns and determine contested elections of all city officers. The council shall establish rules for the conduct of its proceedings and punish any member or other person for disorderly behavior at any meeting, and shall cause the city clerk to keep correct journal of all its proceedings and at the desire of any member of the council shall cause the ayes and noes to be taken by roll call on any question entered on the journal.

Sec. 13. All meetings of the council shall be public, except that the members thereof may meet in executive session for deliberation, and the council shall by ordinance fix the time and place of all regular meetings; *provided*, that at least one regular meeting shall be held each month. Adjournments may be taken from a regular meeting to a day certain and in such case the adjourned meeting shall be deemed an adjourned regular meeting.

Sec. 14. The mayor shall preside at all meetings of the council but shall not be entitled to vote, except in case of a tie, when he shall have the casting vote. The council shall choose one of their own members to preside in the absence of the mayor and who shall retain the right to vote upon all questions under consideration. The member thus chosen shall be designated the president of the council. In case of vacancy, or if by reason of absence from the city, or sickness, or from any other cause, the mayor is unable, neglects, or refuses, to perform the duties of his office, the president of the council shall act as mayor pro tempore and shall have all powers and authorities which the mayor would have possessed if personally present and attending to such duties, but such mayor pro tempore shall not lose his vote as councilman. Meetings

Sec. 15. The enacting clause of all ordinances shall be as follows: "The mayor and council of the city of Riverside do ordain as follows:" Enacting
clause

CHAPTER 2.

Powers of the Council.

General Corporate and Governmental Powers.

Section 16. The mayor and council of said city shall have power: Powers of
the council

1. To pass ordinances, not in conflict with the constitution of this state or of the United States or the provisions of this charter;

2. To purchase, lease or receive such real and personal property within and without the limits of said city as may be

Powers of
the council

necessary or proper for municipal purposes, and to operate, lease, control, dispose of and convey the same for the benefit of the city ;

3. To erect and maintain buildings for municipal purposes ; to appoint an art commission of five members who shall have such powers and duties as may be designated by ordinance ;

4. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind, including water, water rights and water works, within or without the city limits, necessary or convenient for the use of the said city or its inhabitants.

5. To establish and maintain police and fire departments ;

6. To provide a seal for the city of Riverside, and for such officers and departments as may require the same ;

7. To provide for the holding of municipal elections, prescribe and give notice thereof, establish and alter election precincts as provided for in this charter, and appoint necessary election officers ;

8. To provide for supplying the city with electricity, gas and water for resale and municipal purposes, together with the necessary generating, manufacturing and distributing systems therefor ; or to lease, option, acquire, own, construct, maintain and operate, any lands, wells, water sources, pumps, aqueducts, reservoirs, distributing systems, pipe lines and other conduits or works, and the connecting by lease, option or purchase, to any aqueduct, reservoir, well or water source, or water works, for supplying water for the use of the city or its inhabitants, or for domestic use, or for irrigating purposes ;

9. To lease, option, acquire, own and possess water stock in any water company where such leasing, optioning, acquiring or possessing of such stock would enable the city thereby to acquire and use water for any purpose stated in subdivision 8 of this section, and to vote said stock and do any and all things necessary to its operation and use for the purposes aforesaid ;

10. To acquire, own, construct, maintain and operate street and other railways and other means of public conveyance of passengers and freight, gas, electric and other works for light, heat, power, ice and refrigeration, public libraries, museums, gymnasiums, parks, playgrounds within or without the city limits, lavatories, toilets and baths ;

11. To lease, acquire, maintain and operate or supervise airports within the city, or adjacent thereto, for the purpose of providing facilities for the accommodation of aircraft ; *provided*, that any such leasing or acquisition shall be subject to referendum ;

12. To own, manage and control cemeteries within or without the city ; to sell or lease lots therein ; to regulate or prohibit the burial of the dead in the city ; and to authorize or acquire the disinterment, or removal of any body buried within said city or in a cemetery therein ;

13. To create offices other than those established by this charter or by the general law whenever the public convenience

or necessity may require the same; to prescribe the duties pertaining to the offices thus created; and to provide for the election or appointment, and to fix the compensation, of the officers to fill the same;

14. To prescribe by ordinance the duties of all officers whose duties are not defined by this charter; and it may by ordinance prescribe duties for any officer in addition to those herein prescribed, when the same are not inconsistent with the provisions of this charter, and may fix the hours during which the public offices shall remain open, if not otherwise herein provided for;

15. To fix the salary and prescribe the compensation of all officials and employees of the city whose salary or compensation is not fixed or prescribed by this charter;

16. To fix the fees and charges for official services not otherwise provided for;

Finance and Revenue Powers.

17. To levy and collect taxes on all property, real or personal within the city; Finance
and revenue
powers

18. To license for the purposes of revenue and regulation, all and every kind of business authorized by law and transacted and carried on in said city, and all shows, exhibitions and lawful games carried on therein; to fix the rates of license tax upon the same and to provide for the collection of the same by suit or otherwise;

19. To impose and collect an annual license not exceeding two dollars on every male dog, and four dollars on every female dog owned or harbored within the limits of the city;

20. To divide the city into fire districts and provide that each district be assessed to pay the expenses of acquiring and maintaining appliances, apparatus, engines and a fire department, with all other necessary means and agencies for protection against fire;

21. To manage and control the city's finances and to examine accounts, claims and demands against the city as provided for in this charter, and to allow and cause the same to be paid or rejected, in whole or in part;

22. To create a fund to be known as the advertising and immigration fund for the purpose of advertising the city of Riverside and its attractions, and of encouraging immigration thereto; for the observance of national holidays, and patriotic celebrations, and for such other purposes as may promote the public interest and welfare; to levy as part of the taxes for each fiscal year not to exceed one cent on each one hundred dollars of the assessed valuation of the city for said advertising and immigration fund;

Powers Relating to Public Health, Welfare and Safety.

23. To determine what are nuisances and prevent and remove the same; Public
health,
welfare
and safety.

Public
health,
welfare
and safety

24. To establish and maintain fire limits and to regulate building and construction within the municipality; and to establish zones for different classes of buildings and uses;

25. To regulate or prohibit the excavation or construction and use of cess-pools, privy vaults, privy pits, etc., within said city or any part thereof;

26. To regulate or prohibit the manufacture, keeping, storage, transportation and use of powder, dynamite, gun-cotton, nitro-glycerine, fireworks and other explosive substances and materials;

27. To regulate the use of steam, gas and other engines and steam boilers, elevators and other machinery within said city;

28. To regulate the storage and deposit of hay, straw, and other inflammable materials; to provide for the removal of weeds, dry grass, dead trees, rubbish or any material from lots or lands which may endanger or injure neighboring property or the health or welfare of the residents of the vicinity or cause a fire menace, and to assess the expenses thereof upon such lot or lands and make it a lien thereon, and collectible as taxes;

29. To regulate, license or prohibit the construction and use of bill boards and signs adjacent to or near the streets, alleys and public places of the city;

30. To regulate the entrance to and exit from all theatres, lecture rooms, public halls, schools, churches and public buildings of every kind, and to prevent the placing of seats, chairs, benches or other obstructions in the halls, aisles or open places therein;

31. To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street and other railway companies using or crossing the public streets of the city; and to regulate or prohibit the blowing of whistles or other alarms thereon within the city limits or portions thereof; to require railroad companies to station flagmen and place gates or viaducts at all such street crossings as it may deem proper; to require street cars to be provided with adequate fenders and other appliances for the better protection of the public; to prohibit the making up of railroad trains upon any of the streets, street crossings or street intersections of the city; to regulate the speed at which persons may ride, drive or propel, bicycles, tricycles, automobiles or other vehicles along or upon any of the streets or highways of the city;

32. To provide for the collection of garbage and rubbish in the city of Riverside; to enter into contracts for the collection and disposal thereof; and in the discretion of the council to provide for the collection and disposal thereof by the city; to fix rates payable by private citizens for such service; to construct and maintain incinerators and disposal plants, and otherwise to provide for the collection and disposal of garbage and rubbish in the city, and to provide for the payment of the expense thereof;

33. To operate and maintain a municipal clinic, or emergency hospital, or any adequate agency, or to contract with any hospital, or such adequate agency, within or without the city of Riverside for emergency treatment of cases arising within the city, and to pay for said services, and to recover the cost thereof from the persons treated or from their estates;

34. To require industrial or other accident insurance, and to determine the amount thereof, from the principals or from persons who work for, or perform or work with those applying for any permit from the city to give any exhibition, game or entertainment, whenever the council shall decide there is more than an ordinary risk of accident, the results of which might render emergency hospital service and expense a burden on the city;

35. To provide for, and to establish by ordinance, a pension system, or group insurance, or both, for the employees of the city;

Police Powers.

36. To regulate theatrical and moving picture entertainments within the city; to appoint a board of censorship therefor; to provide rules and regulations in relation thereto; and to prohibit by ordinance the showing within said city of any entertainment which is detrimental to the health, morals or safety of the public or of the persons engaged in such entertainment;

37. To impose fines, penalties and forfeitures for any and all violations of ordinances; to fix the penalty by fine or imprisonment or both; but no such fine shall exceed five hundred dollars, nor the term of imprisonment exceed six months;

38. To cause all persons imprisoned for violation of any ordinance to labor on the streets or on other public property or works within the city; or, under agreement with the Riverside county officials, to place them in the county jail or prison camp;

39. To regulate or prohibit the possession, sale, purchase or transportation of intoxicating, or alcoholic, liquors within the limits of the city of Riverside;

40. To establish and maintain a public pound; to regulate or prohibit the running at large of animals within the city and to provide for the impounding, sale or destruction of such animals as may be found at large in violation of its ordinances and regulations;

41. To prohibit by ordinance, within the city of Riverside, the killing, wounding, trapping, or injuring of any and all song birds and all harmless wild birds and animals, or the destroying or injuring of the nests of such birds or the removing or injuring of their eggs;

Streets, Sewers and Drains.

42. To build and repair bridges; to establish, lay out, alter, keep open, close, improve and repair streets, sidewalks, alleys, Streets, sewers and drains.

Streets,
sewers
and drains.

squares and other public highways and places within the city; to drain, sprinkle, oil and light the same; to remove all obstructions therefrom; to establish the grades thereon; to grade, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, walls, embankments, fills, sidewalks and cross-walks thereon or on any part thereof; to cause to be planted, set out and cultivated, shade trees therein; and to pay for the same or any part thereof out of the ordinary annual income and revenue of the municipality; and generally to manage and control all such highways and places;

43. To set apart as a boulevard or a one-way drive any street or streets or part of a street, and to lay out, construct and improve boulevards, lakes or ponds as a part of the park system of said city;

44. To construct, establish and maintain drains and sewers;

45. To prohibit the diversion or drainage into a public sewer of any refuse or waste material from gas works, chemical works or refineries or other sources destructive to the sewer pipe or conduit, and to prohibit the diversion or drainage into any public sewer of any matter that will render the sewage unfit for irrigation, or injurious to agriculture or horticulture;

46. To prescribe sewerage districts, and to require and compel the owners of all buildings and dwellings situated within such districts to connect the same with the city sewer system and in case of default on the part of such owners to cause such work to be done and the cost thereof to be made a lien against such property;

47. To require the owners of property, before connecting the same with a sewer already constructed, to the cost of which such property has not contributed, to pay a proportionate part of the original cost thereof, which shall be refunded by the city, where practicable, to those paying the cost of such sewer, or their assigns;

48. To form, out of any territory within said city, storm water districts, and provide that the real estate in each district so formed be assessed to pay the expense of constructing storm drains and acquiring rights of way therefor, for the purpose of diverting, conducting and caring for storm water, and protecting property therein from injury therefrom, provided no such districts shall be formed if a protest, signed by the owners of two-thirds in assessed value of all the real property in such proposed district as it appears on the assessment roll as assessed for city purposes, be filed before the final passage of the resolution or ordinance providing for the formation thereof;

49. To form drainage districts for the purpose of draining swamp or wet lands and caring for water from irrigation, and provide that such district so formed be assessed to pay the expenses of constructing the necessary drains, conduits and drainage works and rights of way therefor;

50. To acquire, construct, operate and maintain, to grant the right to construct, operate and maintain, and to regulate and prohibit the construction and maintenance of all pipes, tubes, conduits, poles, wires and other electric, telegraph and mechanical apparatus in, along, over, under and across all public streets, alleys and public places of the city, and to grant franchises as in this charter provided;

51. To cause the removal and placing under ground of all telephone, telegraph, electric or other wires or cables within the city or within any designated portion thereof;

52. To provide for planting and maintaining shade trees and shrubbery along the public streets and caring for the same at the expense of the abutters, or the board of park commissioners;

53. To make provisions for cleaning, sprinkling and oiling streets, alleys, sidewalks, crossings and highways, and to provide for the payment for the expense thereof as to any or all of such streets, alleys, sidewalks, crossings and highways, in whole or in part, by a charge and lien upon the lands fronting the places so cleaned, sprinkled and oiled;

Powers Over Trade and Commerce.

54. To regulate the use, distribution, quality, pressure and sale of municipal water, gas, electric light and power, and other light and power within the city, or without the city limits for such commodities or service as the city may furnish subject to other provisions of this charter, and to fix and determine the price thereof, as well as the rental price of all meters used in the measurements of said commodities, and to provide for the inspection and correction of such meters;

Trade and
commerce

55. To provide for and regulate the inspection of all food, food products, water, ice and refreshments offered for sale in the city, and to provide for the taking and summarily destroying of any such articles or products as are unsound, spoiled, or unhealthful, and to regulate and prevent the bringing into the city, or having or keeping within the city, of any such articles or products;

56. To provide for and regulate the inspection of all dairies, either within or without the city limits, that offer for sale or to sell any of their product in the city; also to provide for the inspection of slaughter houses, vegetable and fruit gardens, whose products are sold in the city;

57. To establish stands for, and regulate the charges of public conveyances for hire, and require schedules of such charges to be posted in or upon such public conveyances;

Incidental and General Powers.

58. To do and perform all other acts and things not herein enumerated but required by this charter or by law as necessary or incidental to the exercise of any power conferred upon said council;

Incidental
and general
powers

Sec. 17. The powers given in this article to the council shall be considered general powers of the city; whether they are exercised by the council or hereinafter conferred on other boards, and they shall not be construed to limit similar powers given hereinafter in this charter to other boards, unless the powers of said boards are specifically made subject to those of the council.

ARTICLE IV.

Relating to Officers of the City in General.

CHAPTER 1.

Officers of the City.

City
officers

Section 18. The officers of the city shall be: .

Mayor,

One councilman from each ward,

City clerk who shall be ex officio city assessor,

City auditor,

City treasurer who shall be ex officio city tax collector,

City attorney,

Judge of the police court,

City engineer,

Superintendent of streets,

Five park commissioners.

Five members of the board of education,

Five directors of the Riverside public library,

Five members of the board of health,

Five members of the board of public utilities,

Chief of police,

Chief of the fire department,

Health officer,

and such other officers as the council may create by ordinance.

CHAPTER 2.

Salaries of Officers.

Salaries of
officers

Section 19. The officers of the city shall receive in full compensation for all services of every kind rendered by them, such salaries or compensation as are now, or may be hereafter, fixed by ordinance.

Sec. 20. The salary of any elective officer may be changed by ordinance, but such ordinance must be adopted at least sixty days previous to an election at which such officer is to be elected and shall not take effect until the regular time for taking office after such election.

Sec. 21. The members of the board of education, directors of the Riverside public library, members of the park commission, members of the board of health (serving as such members) and the members of the board of public utilities (serving as such members) shall serve without compensation.

CHAPTER 3.

Official Bonds.

Section 22. Officers and employees of the city, before entering upon the discharge of their official duties, shall give and execute to the city such official bonds as may be required by general law, this charter, or by ordinance of the city. ^{Official bonds}

Sec. 23. All such official bonds must be given by some lawfully authorized and approved surety company and the city shall pay the premium therefor; *provided*, that if the council deems the premium charged to be excessive, then in that event the council may accept the bonds with approved personal sureties.

Sec. 24. Every bond given by any officer or employee must be approved as to form by the city attorney and must be approved by the council, subject to the veto of the mayor. The approval of every bond must be endorsed thereon and signed by the city attorney and certified by the city clerk. Upon the approval of a bond, it must be recorded in the office of the city clerk in a book kept for that purpose. After recording, all official bonds shall be filed and kept in the office of the city auditor, except the auditor's bond which shall be filed and kept in the office of the city clerk.

Sec. 25. The officers of the city, when required by ordinance, shall execute official bonds to the city in such sums as are fixed by such ordinance; *provided*, that the present officers of the city whose bonds have heretofore been fixed by charter or ordinance shall continue to furnish such bonds until otherwise changed by ordinance.

Sec. 26. The council may at any time by ordinance, increase or decrease the amount of any official bond.

Sec. 27. No city officer, deputy or employee shall be accepted as surety for any other city officer, deputy or employee on any official bond or on any bond given to the city for any other purpose.

The form and conditions of all official bonds, the affidavits and justification thereon, shall be as is required by the general laws of the state in force at the time such bonds are given.

Sec. 28. Every officer shall be liable on his official bond for the wrongful or negligent acts and omissions occurring in the course of his employment and those of his deputies, assistants, clerks and employees, and every official bond shall contain such a condition. All officers may require of their deputies, clerks or employees, bonds of indemnity with sufficient sureties for the faithful performance of their duties and all boards and departments may require bonds of their officers, clerks and employees, the amount of such bonds to be fixed and the bond approved by the council.

Sec. 29. In the event that any official bond of any officer of the city or of any officer or employee under any board or commission shall be reported in writing to the mayor to be

insufficient, the mayor and council shall determine the status of such bond and in all such cases be the final authority in relation thereto, and in case additional security shall be demanded, said officer or employee shall perform no official act without the approval of the mayor, until such new bond shall be given and approved, and in case of his failure to file such additional bond within fifteen days, he may be removed by the council, if the officer is elected, and by the mayor if the officer or employee is appointed; and it shall be the duty of the mayor at once to take into his charge all books and papers, money and other public property at the time in the hands or under the control of such officer or employee so notified and retain the same until such additional security is given or the election or appointment and qualification of a successor to such officer or employee. For the better enforcement of this section, the mayor is authorized to commence and prosecute at the cost of the city, in his own name, all appropriate actions and proceedings.

CHAPTER 4.

Oath, Appointment and Terms of Officers, Deputies and Employees.

Oaths,
appoint-
ments and
terms.

Section 30. Every officer or deputy provided for in this charter or created in pursuance thereof shall, before entering upon the discharge of the duties of his office, take and file with the city clerk the constitutional oath of office.

Sec. 31. All appointments of officers, deputies, superintendents and heads of departments to be made under any provision of this charter must be made in writing and in duplicate, authenticated by the person or persons, board or officer making the same. One of the duplicates must be filed with the city clerk and the other with the auditor.

Sec. 32. In all voting upon the appointment, confirmation, suspending or removal of officers, deputies and heads of departments, the members of the council or any board having jurisdiction, shall vote by call of roll and the vote of each member shall be spread upon the minutes.

Sec. 33. Any officer appointed by the mayor may be by him removed, with the approval of the council.

The qualification for office of any mayor at any time shall end the term of any officer then in office, appointed by a mayor, other than members of boards or commissions; *provided*, that all officers shall hold office until their successors have been elected or appointed and have qualified.

Sec. 34. Any vacancy in the office of member of the council shall be filled by a special election in the ward from which such member was elected. Such elections shall be called by the council and shall be held not more than sixty days after such vacancy occurs and the person elected shall hold office for the unexpired term. Vacancies in all other elective offices shall be filled by the council, the affirmative vote of a majority of the whole council being necessary therefor, and except in case

of a vacancy in the office of mayor, the approval of the mayor shall also be necessary. In all such cases, the officer so appointed shall hold office for the unexpired term. Vacancies in all appointive offices which the mayor has the power to fill, shall be filled by appointment of the mayor, subject to the provisions of this charter, and the person so appointed shall hold office for the unexpired term.

Sec. 35. Pending trial, the council may suspend any elective officer, against whom a criminal charge or any other charge involving inefficiency or misconduct in office is pending, and may appoint a substitute for such officer during such suspension.

Sec. 36. The city auditor, city clerk, city attorney, and the city treasurer may appoint, remove or suspend such deputies, assistants and clerks, and the city engineer and superintendent of streets may appoint, remove or suspend such deputies, assistants, clerks, laborers and other employees, as the duties of their offices and the work of their departments may require; *provided*, the number of such appointees and their compensation shall be fixed by the council.

CHAPTER 5.

Sundry Duties of Various Officers.

Section 37. All city officers except the mayor, city attorney, the members of the council and of the various boards of the city shall devote their entire time during business hours to the interests of the city, except when otherwise provided by this charter or by ordinance. Sundry
duties

Sec 38. All books, papers, archives, plats, maps, charts, records, files, stationery, documents and memoranda, made or made use of by the officers, boards, commissions or employees of the city in the performance of their official duties or in any way pertaining to their respective offices, shall be deemed and considered as belonging to the city and shall be inventoried and delivered, together with all city property, moneys, bonds or other things in their possession or under their charge and control, upon going out of office, to their respective successors in office, who shall give duplicate receipts in writing therefor, one of which shall be filed with the city auditor by each successor.

Sec 39. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies of extracts from said books and records shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents a folio of one hundred words for such copies or extracts, but the records of the police department shall not be subject to such inspection except permission be given by the mayor or by the chief of police.

Sec. 40. No officer or employee shall be compensated by fees or commissions unless specifically so provided herein or

Sundry
duties.

by ordinance, and all fees or commissions shall be promptly paid over to the treasurer

Sec. 41. Every executive and judicial officer of the city, except the mayor and city attorney, and every officer and agent of the city charged with the collection or disbursement of any money of the city, shall furnish at the end of each month to the council a full and detailed statement upon oath of all moneys received or disbursed by him and of his official transactions during such month. Like statements shall be made at and for such other times as the council may require.

Sec. 42. All officers of the city shall keep their respective offices open for the transaction of business from the hours of eight in the forenoon until five in the afternoon of each day Sundays and legal holidays excepted; *provided, however*, that no employee of the city shall be required to labor on Sundays and legal holidays, unless otherwise provided for by ordinance.

Sec. 43. It shall be the duty of every officer or employee of the city, when it shall come to his knowledge that any contract or agreement with the city or any officer or department thereof or relating to the business of any office, had been or is about to be violated by the other contracting parties, forthwith to report to the mayor all facts and information within his knowledge or possession concerning such matter, and a wilful failure so to do shall be the cause for removal of such officer or employee, as in case of malfeasance in office. The mayor shall give a certificate on demand to any person reporting such facts and information that he has done so, which certificate shall be evidence in exoneration from a charge of neglect of such duty.

Sec. 44. All officers of the city shall have the power to administer oaths and affirmations in any investigation or proceeding pending before any of said officers or before any board or committee thereof or concerning any demand on the city treasury, and the city clerk shall have the power to administer all oaths and affirmations required by this charter, for which no charge shall be made by any officer.

Sec. 45. The mayor, council and each board and commission provided for in this charter, or committee thereof, shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence, papers, records and books before such mayor, council, board, commission or committee, as the case may be, by subpoena, to be issued in the name of the city of Riverside, and to be attested by the city clerk. The city clerk shall upon the demand of the mayor or the president of the council or the presiding officer of any such board, commission or committee, issue such subpoena in the name of the city and attest the same with the corporate seal thereof and shall in such subpoena direct and require the attendance of the witness or witnesses sought to be summoned before the mayor, council or the respective board, commission or committee, requiring the attendance of such witness or witnesses and the production of

the records, books or papers in said subpoenas specified. The chief of police shall cause said subpoenas to be served by some member of the police department upon the person or persons required to attend before the council, board, commission or committee in such subpoena designated. The council shall from time to time adopt ordinances providing suitable penalties for disobedience of such subpoenas and the refusal of witnesses to testify before such council, board, commission or committee when required to do so.

Sec. 46. Whenever special meetings of the council or of any board or commission of the city, except the board of health, are called, written notice thereof shall be served on each member personally or by mail, addressed to his place of residence; if by mail, the notice, postpaid, shall be deposited in the post office of the city at least twenty-four hours before the time of meeting; if served personally it shall be so served at least three hours before the time of meeting; *provided*, that a meeting may be held without such notice if all members are present thereat; *provided, further*, that in the case of such a special meeting without notice, that no business can be transacted without the unanimous consent of those present.

Such special meeting may be called by the mayor or by two members of the council, board or commission, as the case may be. No business shall be transacted at any special meeting except that mentioned in the call, unless otherwise provided herein.

Sec. 47. Licenses and permits shall be issued by the various officers, boards or commissions as provided by ordinance.

Sec. 48. The council or a committee of the council duly authorized by it, may investigate any department of the city government and the official acts and conduct of any city officer or employee.

CHAPTER 6.

Specific Prohibitions and Penalties for Officers and Employees.

Section 49. If any member of the council or of any board or commission of the city shall absent himself from the city for more than thirty days consecutively or if any other officer of the city shall absent himself from his office for more than ten days consecutively, without the consent of the council in either case, or if the council determines that there exists any reason sufficient in law for the removal of any officer, his office shall thereupon be declared vacant by the council if the office is an elective one and by the mayor if the office is an appointive one. The council must not grant leave of absence to any officer, except for the purpose of attending to official business, for a longer period than sixty days; *provided*, that such permit may be renewed if good and sufficient reason exists therefor.

Prohibitions
and
penalties.

Sec. 50. Whoever, being a city officer or being in nomination for or while seeking nomination or appointment for any

Prohibitions
and
penalties.

city office, shall use or promise to use, whether directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, to aid any other person to secure any office or appointment in the service of the city or any nomination or increase of salary, upon the condition that his vote or political influence shall be given or used in behalf of any candidate, officer or political party or association, or upon any corrupt condition, shall be deemed guilty of a misdemeanor. And every person found guilty of such misdemeanor as aforesaid shall, upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars or more than one thousand dollars, or to be imprisoned not less than ten days or more than one year, or to both said fine and said imprisonment, in the discretion of the court. If the person convicted be a public officer, he shall, in addition to any other punishment imposed, be deprived of his office and be forever debarred and disqualified from holding any position in the service of the city.

Sec. 51. No officer or employee of the city shall become a party worker or solicitor or active partisan in any city election, except in his own behalf. A violation of any of the provisions of this section shall be sufficient cause for his removal from office.

Sec. 52. Any officer of the city who shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employee or from any candidate or applicant for any position as employee or subordinate under him, shall be subject to removal from office.

Sec. 53. No person in the service of the city is under any obligation to contribute to any political fund or to render any political service and no person shall be removed, reduced in grade or salary or otherwise prejudiced for refusing so to do. Any officer or employee of the city convicted of violating any of the provisions of this section shall be removed from office.

Sec. 54. No member of the council shall hold any other city office or hold any office or employment, the compensation for which is paid out of city moneys, or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected, or be interested directly or indirectly in any contract with the city, or be in the employ of any person having any contract with the city or of any grantee of a franchise granted by the city.

Sec. 55. Any officer or employee of the city may be suspended or removed for notorious nonpayment of his debts or gross disregard of his financial obligations.

Sec. 56. No member of the council or of any board provided for by this charter and no officer or employee of the city shall be or become directly or indirectly interested in any contract, work or business, or be in the employ of any person

having any contract, work or business with the city, or of any grantee of a franchise granted by the city, the consideration, price or profits of which are payable in whole or in part from the city treasury or school funds and are determined or in any way directly affected by any official act of said council, board, officer or employee, respectively; or in the sale of any article, the price of which or the purchase of which by or for the city or by or for the public schools thereof, depends directly or indirectly upon any official act of such council, board, officer or employee respectively. No member of the council or of any board provided for by this charter and no officer or employee of this city having any authority or power relating to or affecting the granting of any franchise, right or privilege, shall be or become directly or indirectly interested in any such franchise, right or privilege. Any member of the council or of any board herein mentioned and any officer or employee of the city violating the provisions of this section shall forfeit his membership or office or employment; and all contracts made or rights, franchises or privileges granted in violation of this section shall be absolutely void.

Sec. 57. The council shall institute all suits necessary to remove persons from office for cause and for the enforcement of all proper penalties, but this shall not be construed to prevent any citizen bringing any proper suit to remove from office any officer for any sufficient cause specified in law or this charter, or construed to limit the power of the mayor in making removals and suspensions and preferring charges, given elsewhere in this charter, and it shall be the duty of the mayor, with the approval of the council, to remove from office any appointive officer violating any of the provisions of this chapter or this charter.

ARTICLE V.

Executive Department.

CHAPTER 1.

The Mayor.

Section 58. The chief executive officer of the city of River-
Powers and
duties of
the mayor
 side shall be designated the mayor. He must be at least thirty years of age and shall have been a resident and qualified elector of the city for the three years next preceding the day of his election.

Sec. 59. He shall be elected by the qualified electors of the city at a general city election and shall hold office for four years and until his successor is elected and has qualified.

Sec. 60. When a vacancy occurs in the office of mayor, it shall be filled by a majority vote of the whole council, assembled for that purpose. The mayor so chosen shall hold office until the qualification of his successor elected at the next regular city election for said office. Any person, other than a member of the council, possessing the necessary qualifications, may be chosen mayor by the council as provided in this section.

Powers and
duties of
the mayor

Sec. 61. During the temporary absence or disability of the mayor or in case of his neglect or refusal to act, the president of the council shall act as mayor pro tempore and during such period shall possess the powers of the mayor and perform his duties; *provided*, that he shall not remove from office any person subject to removal by the mayor, unless such absence, disability, neglect or refusal to act continues for a period of at least sixty days, except he may suspend as provided herein, at any time, any officer. If such period continues thirty days or less, the mayor shall be entitled to his salary and the mayor pro tempore shall not receive any compensation other than that as councilman. Thereafter, during any further period of disability, neglect or refusal to act or absence, unless said absence is due to the business of the city, the mayor's salary shall cease and shall be paid to the mayor pro tempore who shall not receive any salary as councilman during such period.

Sec. 62. Within fifteen days after reassuming his powers and duties after any disability or absence, the mayor shall have the power by filing a written notice with the city clerk, to recall any ordinance, resolution, contract or grant of a franchise which has been passed by the council and approved or disapproved by the mayor pro tempore during such period, and by such action the approval or disapproval of the mayor pro tempore is rendered null and void and of no effect, and the mayor shall then have a further period of ten days in which to exercise the powers and duties in relation to approving or disapproving such ordinance, resolution, contract or grant of a franchise as are provided in this charter; *provided*, that the foregoing provisions shall not apply to any ordinance, resolution, contract or grant of a franchise which at the date said notice was filed with the city clerk by the mayor, has already gone into full force and effect under the provisions, exceptions and time limit as contained in section 233 of this charter.

Sec. 63. The mayor shall preside over the council when in session and shall have authority to preserve order, to enforce the rules of the council and to determine the order of business, subject to such rules, and subject to the right of appeal to the council. He shall not be entitled to a vote except in case of a tie, when he shall have the casting vote.

Sec. 64. He shall see that the laws of the State of California, the provisions of this charter and the ordinances of the city of Riverside are strictly enforced and duly observed within said city.

Sec. 65. He shall have a general supervision over all the departments and public institutions of the city and shall see that they are honestly, economically and lawfully conducted. The mayor shall from time to time recommend to the proper officers of the different departments such measures as he may deem beneficial to the public interest. He shall have the general supervision of all city officers, elected or appointed. He shall vigilantly observe the conduct of all public officials and employees.

It shall be his duty to receive and examine into all complaints made against such officers and employees for violation or neglect of duty. Any defalcation, dereliction, refusal to act, wilful neglect of duty, unlawful absence from the city, official misconduct or incompetency which he may discover or which may be reported to him shall be laid by him before the council or other proper board. If such person is subject to removal he shall at once be removed according to the provisions of this charter.

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duties of
the mayor

Sec. 66. He shall at least once in each month, and may at any other time, together with the city attorney and the city clerk, count the cash in the city treasury and see that it corresponds with the books of the treasurer and the auditor, and examine the securities placed with the city treasurer to secure funds deposited, and report the result of such count and of such examination to the council at its next meeting.

Sec. 67. He shall have the books and records of all public departments pertaining to the finances of the city and may have those institutions, objects or causes which are in part or wholly maintained or contributed to by the city, audited by a competent person expert in such matters, once in every year. If any other general audit is deemed expedient it must first be approved by a majority vote of the council. The expense of any such audits shall be paid out of the general fund in the same manner as other claims against the city are paid. The result of all such audits and examinations shall be reported to the council and such report filed with the city clerk. Any person refusing to permit such examinations or purposely delaying or impeding the same, may be suspended or removed from office according to the provisions of this charter.

Sec. 68. For the purpose of examining into the conduct of any board, commission, committee or other body intrusted with interests pertaining to the city, or for any other purpose, the mayor shall have the power to call a special meeting of such board, committee, commission or other body. At such meeting unless otherwise provided herein, only such business may be transacted as is mentioned in the call therefor.

Sec. 69. The mayor shall have the right to be present at regular, special or executive sessions of any board, commission, committee or other body intrusted with interests of the city, and shall have the right to sit in such body and take part in discussion therein, but shall not have the right to vote, except when he is a member of any such board, commission or committee.

Sec. 70. Whenever he considers it advisable, the mayor may call upon the heads of departments or other officers for such reports relating to the public business under their control and management as he may require of them, and it shall be their duty to prepare and submit the same promptly to the mayor.

Sec. 71. The mayor may at any time, with the approval of the council, remove from office or position any appointed

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the mayor

officer; *provided*, the cause therefor shall be stated in writing, which writing shall be filed with the city clerk and a copy thereof given to such officer; but the same need not be made public unless by direction of the mayor or upon request of the officer so removed.

Sec. 72. The mayor shall have the power to suspend, pending an official investigation, the hearing of which must be commenced within thirty (30) days of the date of such suspension and prosecuted with reasonable diligence, any appointive officer of the city, or any employee thereof after refusal of the head of his department or governing board to so suspend him, for any official defalcation, dereliction, refusal to act, wilful neglect of duty, official misconduct, incompetency, unlawful absence from the city, or if the official bond of such official or employee shall be deemed by the mayor to be insufficient for any cause, or if any of the sureties on said bonds have withdrawn therefrom, and other and sufficient sureties have not immediately qualified thereon, and during such suspension a substitute may be appointed pursuant to the provisions of this charter for the appointment of officers.

Sec. 73. The mayor shall, with the approval of the council, appoint all officers of the city and fill all vacancies in office where provision for such appointment is not otherwise specifically made in this charter or by law.

Sec. 74. The mayor shall take all proper measures for the preservation of public order and the suppression of all riots, tumults and unlawful assemblies, for which purpose he may use and command the police force, and in such case shall have power to add to the police force, and call upon the citizens as may in his judgment be required. If the police force of the city is insufficient he shall call upon the governor for military aid, in the manner provided by law, so that such riots, tumults or unlawful assemblies may be promptly and effectively suppressed.

Sec. 75. The mayor may on his own motion, and must upon a resolution passed by the council directing him so to do, cause to be instituted on behalf of the city, such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the city to any person, company or corporation, which have been forfeited in whole or in part, or which for any reason may be irregular and void and not binding upon the city, and the city attorney, upon demand of the mayor must institute and prosecute the suits or actions required to enforce the provisions of this section. Each mayor taking office under this charter shall cause a careful investigation to be made of the exact condition of all franchises theretofore granted by the city, and of the respective rights and obligations of the parties, and the performance of the same, and shall report the results thereof in his next annual message or report, or at such other times as he may deem proper.

Sec. 76. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted, in the name of the city, against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part.

Sec. 77. The mayor shall sign all conveyances made by the city, unless otherwise provided in this charter, and all contracts to which it is a party, unless otherwise provided herein; shall acknowledge the execution of all instruments executed by said city that require acknowledgment, and shall sign demands as elsewhere provided herein.

Sec. 78. The mayor shall have the veto power as provided in this charter. In case an ordinance or resolution of the council shall appropriate money, the mayor may approve one or more items in such ordinance or resolution and disapprove the others. In such case, those which he shall approve shall become effective, and those which he shall disapprove shall become effective only if again passed as provided in this charter.

Sec. 79. The mayor shall at the end of each year of his official term, and at such other times as he may deem proper, communicate in writing to the council a general statement of the affairs of the city, together with such recommendations regarding the public health, the cleanliness and ornamentation of the city, the improvement of its government, its finances and such other matters as he may deem proper or beneficial.

Sec. 80. The mayor may contract such bills for typewriting and necessary clerical work as are required in the performance of his duties.

Sec. 81. The mayor shall perform such other duties and exercise such other authority and powers as may be prescribed by this charter.

Sec. 82. Any person who shall solicit personally, or through another, either for himself or for another, the appointment to, or retention in, any city office or position from a candidate or prospective candidate for election as mayor, previous to his election, shall thereby be guilty of a misdemeanor, and shall be punished therefor as provided by law.

CHAPTER 2.

City Clerk and Assessor.

Section 83. The city clerk shall be at least thirty years of age and shall have been a qualified elector of the city for three years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for four years and until his successor is elected and has qualified. Clerk and
assessor

Sec. 84. The city clerk shall have the custody of, and be responsible for, the corporate seal, all books, papers, documents, records and archives belonging to the city, not in actual

Clerk and
assessor.

use by other officers or committed to their custody by special provisions of this charter or ordinance. He shall be the custodian of, and be responsible for, the city hall unless otherwise provided for by ordinance, and all personal property, the custody of which has not been otherwise provided for.

Sec. 85. He shall be present at all meetings of the council and shall keep a journal of its proceedings, with marginal notes and references thereon. He shall authenticate by his signature, certificate and the corporate seal of the city, all ordinances and other official acts of said council. He shall record in separate books to be kept for that purpose, all ordinances of the city, with his certificate annexed to each ordinance stating that the foregoing ordinance is a true and correct copy of an ordinance of the city, and giving the number, title, date of passage, the vote thereon and stating that the same had been adopted, approved by the mayor and published, or posted, according to the provisions of this charter. Such record copy with said certificate shall be prima facie evidence of the contents of the ordinance and of the passage and publication of the same and shall be admissible as such evidence in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. He shall, in separate books, also record all contracts to which the city or any officer thereof in his official capacity is a party, similarly attested, and all official bonds or other bonds given to or for the benefit of said city or in which it is interested. He shall keep all books and records properly indexed and cross indexed so as to afford prompt access to any record.

Sec. 86. The city clerk shall make monthly and annual reports to the council showing the condition of the property under his care and the expenses and receipts of his office.

Sec. 87. The city clerk shall perform such other duties and exercise such other powers as may be required of or conferred upon him by the ordinances of the city, or the provisions of this charter.

Sec. 88. The city clerk shall be ex officio assessor. As assessor he shall be present at all meetings of the city board of equalization, act as clerk of said board and keep a journal of its proceedings. He shall perform all the duties and shall possess such powers as may be prescribed by this charter, by the ordinances of the city or by law in relation to the assessing of property in the city for the purpose of taxation and shall collect such taxes upon personal property as are required to be collected by him, by law, by this charter or by ordinance.

Sec. 89. During such period as the city shall continue to avail itself of the provisions of the act of the Legislature approved March 27, 1895, relating to the assessing and collecting of the city taxes by the county officials, said act being particularly referred to in article fifteen, section 209, of this

charter, the duties and powers as ex officio assessor herein conferred on the city clerk shall be deemed inoperative, and they shall not take active force and effect until the mayor and council shall enact an ordinance providing for the assessing and collecting of all city taxes by the city assessor and city tax collector, and abolishing the provisions under which said taxes are assessed and collected by the county officers of Riverside county.

CHAPTER 3.

The City Auditor.

Section 90. The city auditor shall be at least thirty years ^{Auditor.} of age, a citizen of the state, and shall have been a resident of the city for a period of three years next preceding the day of his election. He shall be elected by the qualified electors of the city, and shall hold office for four years and until his successor is elected and has qualified.

Sec. 91. The city auditor shall possess such powers, perform such duties and keep such records in relation to the investigation, approval, disapproval endorsement, verification, numbering, registration and delivery of claims and demands as are elsewhere set forth in this charter, and as set forth in the report of the board of city accounting. He shall sign all demands on the city treasury except as otherwise in this charter provided.

Sec. 92. It shall be his duty to be constantly informed as to the exact condition of the city treasury. He shall, on the application of any person indebted to the city or any officer or person holding money payable into the city treasury or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable and by whom to be paid. He shall, upon the written order of the city treasurer directing him to issue a receipt for money paid into the city treasury, charge the city treasurer with the money and give the person paying the same a receipt therefor. He shall apportion among the several funds all public moneys at any time in the city treasury, in accordance with law, ordinance or direction of the council, and forthwith notify the city treasurer of such apportionment or appropriation.

Sec. 93. He shall, at the first meeting of the council every month and oftener if required, report to the council the condition of each fund in the treasury. He shall make a similar report to the mayor at any time when requested by the mayor in writing so to do. On or before August first of each year unless said date is changed by ordinance, he shall make an annual report to the council showing in detail the sources from which the revenue of the city was derived and how expended during the year ending June thirtieth of said year, segregating therein the different departments and funds and business interests of the city. Said report shall also give a detailed statement of the debt of the city, of the purposes for which such debt had been incurred, of the accounts of said city with

Auditor.

the grantees of franchises, an inventory of all public property of the city together with its condition and approximate value and shall also include a summary of the assets and liabilities of the city and of unpaid demands. The council shall publish this report or a condensed summary thereof, prepared by the auditor, in a daily newspaper of the city or print the same in pamphlet form for free distribution. He shall make the annual estimate and budget preliminary to the levying of taxes by the council referred to in article fifteen, section 204.

Sec. 94. He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner, as hereinafter provided, every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city, its debts, revenues and other financial affairs.

Sec. 95. The city auditor shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all the officers and employees of the city charged in any manner with the receipt, collection or disbursement of the city revenues, to the end that their system of book keeping, bills, accounts and receipts shall be kept and conducted in harmony with the general system of the city as to form, frequency of posting, and billing and collecting.

He shall examine all such accounts and books of such officers and employees at least once in each quarter, and as often as he desires, and if they be found incorrect, or neglected, or poorly kept, he shall promptly notify the mayor and council in writing, stating what is amiss and giving his recommendations. He shall cause to be kept under his direction and according to the method he shall designate, and in harmony with the general bookkeeping method of the city, all financial and property records, books and accounts of departments, boards and officers of the city, except those of the city clerk, ex officio city assessor, city treasurer, ex officio city tax collector, and board of education. Quarterly and annual reports shall be made to the council of the financial transactions and condition of each department, and the work shall be done by the officials of such departments. His authority over such records, the manner of keeping the same, and the control for that purpose over the deputies and clerks engaged in such work, shall be paramount, and shall not be subject to the authority of the board, commission or officer at the head of such department, but shall be subject only to the provisions of this charter and to the report of the board of city accounting herein referred to.

Sec. 96. He shall perform such other duties and possess such other powers as may be required of or conferred upon him by the provisions of this charter or by said report of the board of city accounting.

CHAPTER 4.

City Treasurer and Tax Collector.

Section 97. The city treasurer shall be ex officio tax collector. He shall be at least thirty years of age and shall have been a qualified elector of the city for the three years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for four years and until his successor is elected and has qualified. Treasurer
and
collector

Sec. 98. The treasurer shall receive and keep all moneys that shall come to the city from taxation or otherwise and pay the same out on demands properly audited in the manner provided for in this charter or by law if not in conflict with this charter, and without such auditing he shall disburse no public funds whatever, except the principal and interest on the bonded indebtedness of the city when the same shall be payable.

Sec. 99. He shall keep an accurate account of all his receipts and disbursements under such rules and regulations as are provided for in this charter, by the report of the board of city accounting or as may be prescribed by ordinance.

Sec. 100. He shall receive no money into the city treasury unless accompanied by the certificate of the city auditor, provided for in article five, section 92 hereof. He shall issue receipts in duplicate to all persons paying money into the treasury, one of which receipts shall be forthwith deposited with the city auditor.

Sec. 101. He shall make such reports to the city auditor as have been prescribed by the board of city accounting. He shall make a monthly statement to the council of all his receipts and disbursements during the preceding month. He shall make such special reports from time to time as are required of him by the council or the mayor. On or before August first of each year, he shall make and deliver to the council a detailed report and itemized statement of all receipts and disbursements of the city treasury for the year ending June thirtieth of said year, and of each of its funds during such year and of the amount in each of said funds at the end thereof.

Sec. 102. Except as hereinafter provided, the treasurer shall not lend or use, nor shall he deposit any of the moneys received by him as such treasurer, or any part thereof, to or with any bank, banker, corporation or person, nor shall he pay out any part of such moneys nor allow the same to pass out of his personal custody, except as authorized by law or this charter. If the treasurer shall violate any of the provisions of this section he shall be deemed guilty of malfeasance in office, be suspended and removed from office as provided herein.

Sec. 103. The mayor, city attorney, city auditor, the finance committee of the council or any special committee appointed by the council, separately or collectively and with

Treasurer
and
collector

the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and such officers and committees shall also have the right to inspect and count all public moneys and securities under the treasurer's control or on special deposit elsewhere.

Sec. 104. The city treasurer and tax collector shall perform such other duties and exercise such other powers as may be required of or conferred upon him by the provisions of this charter, the report of the board of city accounting or by the ordinances of the city.

Sec. 105. The city treasurer shall be ex officio tax collector and as such tax collector he shall receive and collect all city taxes, general and special and other branches of the city's revenue not otherwise provided for by law, by this charter, or by ordinance. He shall keep proper books, showing all moneys collected by him as tax collector. He shall keep a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed and shall be at all proper times open to public inspection. He shall pay all moneys collected by him as tax collector into the city treasury monthly. He shall make monthly and annual reports to the council of all money collected or received by him.

Sec. 106. As long as and during such period as the regular city taxes may be assessed and collected by the county officers of Riverside county as herein provided for in article fifteen, section 209, the duties of the treasurer as such ex officio tax collector shall be deemed inoperative. Unless otherwise provided by ordinance or by law the treasurer shall collect all special assessments, liens or other special taxes.

Sec. 107. The mayor and council shall have power to pass an ordinance in accordance with the provisions of section 16½ of article eleven of the constitution of the State of California, or of any state law or laws passed in accordance with the provisions of said section 16½, and said ordinance shall provide for the depositing of all moneys belonging to the city in national banks or in banks organized under the laws of this state and shall provide rules and regulations therefor. They shall have power, from time to time, to fix the interest rate which shall be not less than two per cent. per annum, to be paid by such depositary banks, or they may provide for bids and cause such deposits to be made in such bank or banks offering to pay the highest rate of interest, subject to the provisions of said section 16½. They shall have power to alter the duties of the city treasurer when necessary and establish proper rules for his government. They shall have power to relieve the treasurer from all liability for funds after being so deposited, except that he shall still be liable for loss from demands which he may unlawfully allow or pay out of such funds so deposited.

Sec. 108. The mayor and council shall have power to take advantage of any existing law or any law that may hereafter be passed, providing for the receipt and disbursing of city funds by the county treasurer of Riverside county, and may thereupon by ordinance abolish the elective office of city treasurer and provide for the duties of tax collector and supersede provisions of this charter conflicting with such changes. And the mayor and council may, by ordinance, repeal the ordinances referred to in this and the last preceding section, and thereupon revive and renew the provisions of this charter relating to the city treasurer and city tax collector.

CHAPTER 5.

The City Attorney.

Section 109. The city attorney shall have been a qualified Attorney elector of the city for a period of three years next preceding the day of his appointment. He shall be at least thirty years of age. He shall have been duly admitted to practice his profession by the supreme court of the State of California; he shall have been actively engaged in the practice of his profession for a period of five years next preceding his appointment. He shall be appointed by the mayor, with the approval of the council.

Sec. 110. It shall be the duty of the city attorney to prosecute on behalf of the people all criminal cases arising from the violation of the provisions of this charter and of city ordinances, resolutions and regulations. It shall be his duty to attend all suits, matters and proceedings to which or in which the city or any officer thereof in his official capacity is a party or may be legally interested. Whenever any cause of action at law or in equity or by special proceedings exists in favor of the city, he shall notify in writing the mayor, council, board or officer having jurisdiction over such matter. He shall commence and maintain all suits and actions when directed so to do by resolution of the council or other board authorized herein to commence and maintain actions, or upon written request of any officer so authorized; and the council or such other board or officer so authorized, as the case may be, shall have control of all litigation so commenced and may employ other attorneys to assist the city attorney therein or to take charge thereof.

Sec. 111. He shall attend meetings of the council when so requested by the mayor or by the council, or as may be required by ordinance. He shall be the legal adviser of all city officers, boards and departments and shall give his advice and opinion in writing concerning any matter in which the city is interested when required by the mayor, council or other board or any committee thereof or by any officer or department of the city. When required in like manner, he shall draft any and all proposed ordinances, resolutions, amendments, laws, rules, contracts, bonds, deeds and other legal papers for the city.

Sec. 112. He shall approve by endorsement in writing thereon, the form of all official or other bonds required by this charter or by ordinance, resolution or order of the council, before the same are submitted to the council or mayor for final approval, and no such bond shall be approved by the mayor or council without such approval by the city attorney; *provided*, that the mayor shall approve the form of the city attorney's bond, if such there be. He shall approve in writing as to form, the drafts of all contracts before and after the same are approved by the council. He shall approve by endorsement in writing thereon, the form of all deeds of real property acquired or sold by or on behalf of said city.

Sec. 113. The city attorney shall have charge and custody of all legal papers pertaining to his office, which shall be arranged and indexed by him in such convenient and orderly manner as to be at all times readily accessible. He shall keep a complete docket and duplicate pleadings of all suits, actions or proceedings in which the city or any department or official thereof is interested, pending in any court or tribunal, upon which docket such appropriate entries shall be made as to show at all times the condition of each one of such cases. He shall also keep and record in a book to be provided for that purpose, the original or duplicate copies of all written opinions furnished by him to the city or to any department or official thereof, and shall make and preserve an index thereof.

Sec. 114. The city attorney shall present an annual report to the council, showing the business of his office for the past year, and shall present a report of all actions and proceedings before any court, board or commission, where the city is an interested party, and shall show what cases have been disposed of during the year and in what manner, and the condition of those remaining on the calendar, or still pending.

Sec. 115. He shall perform such other duties as may be required of him by the provisions of this charter.

CHAPTER 6.

City Engineer.

Engineer.

Section 116. The city engineer shall be at least thirty years of age and shall have had at least five years practical experience as a civil engineer. He shall be the head of the engineering department of the city with the power to employ and discharge all employees thereof. He shall be appointed by the mayor with the approval of the council.

Sec. 117. He shall perform such duties as the council may prescribe by ordinance.

CHAPTER 7.

Superintendent of Streets.

Street
superin-
tendent

Section 118. The superintendent of streets shall be at least thirty years of age, and shall have had at least two years'

experience in the building and maintaining of roads. He shall be the head of the street department of the city with the power to employ and discharge all employees thereof. He shall be appointed by the mayor with the approval of the council.

Sec. 119. He shall perform such duties as the council may prescribe by ordinance.

ARTICLE VI.

Department of Education.

Section 120. The school department of the city shall com- Education
prise all the territory that is now in the present school district or districts, or which may hereafter be annexed thereto for school purposes, and shall be known as "Riverside City School District," which shall succeed to all the obligations, property, rights and privileges of the present district or districts.

All territory included in the limits of the present city school district or districts, or that may hereafter be included within such limits, but not within the city limits, shall be deemed a part of said city for the purpose of holding general elections and other elections in so far as they are for the purpose of voting for members of the board of education, or upon other matters relating to the schools, and only for such purposes, and the qualified electors therein shall vote at such elections for the purposes above mentioned, said outside territory being deemed a part of said city for school purposes only.

The management and control of the schools and affairs and property of each school district shall be vested in one board hereby designated as the board of education, which shall consist of five (5) members who shall be qualified electors of said school district, and residing therein for at least two years next preceding their nomination, and shall serve without compensation. They shall be elected at the general municipal election at which elective municipal officers are elected, and hold office for a term of four years, and take office at the same time as such elective municipal officers.

After each regular municipal election the board shall organize by choosing one of its members as president. A majority of the board shall constitute a quorum, but the affirmative vote of three members shall be necessary to authorize the payment of public money, the election of superintendent, deputy superintendents, principals, teachers, and all officers and employees the board is authorized to select or appoint.

In case a vacancy should occur on the board of education, the remaining members of the board shall appoint a qualified person to fill such vacancy, but in case of tie vote the superintendent of schools of Riverside county shall have the casting vote. In either case the appointee shall serve the balance of the unexpired term for which he was appointed.

The powers and duties of the board of education are and shall be such as are now or shall hereinafter be provided by the laws of the State of California.

ARTICLE VII.

The Public Library.

Library

Section 121. The public library and reading room, known as the Riverside Public Library, is hereby continued in existence, and shall be free of access to all citizens of said city and the general public except as hereinafter provided, subject to such rules and regulations for the government and management thereof as may at any time be adopted by the board of trustees of said library, hereinafter provided.

Sec. 122. The public library and the reading rooms and branches connected therewith shall be under the control and management of a board of five trustees known as the board of trustees of the Riverside Public Library and by such name shall have perpetual succession and may sue and be sued in all courts and places and in all proceedings whatever in relation to, or concerning any property, real or personal, or any right vested in said board.

Sec. 123. Said trustees shall be appointed, and may be removed, by the mayor pursuant to the provisions of this charter. Each trustee shall be at least twenty-five years of age and shall have been a qualified elector of the city for a period of at least three years next preceding his appointment. Trustees serving at the time of the adoption of this charter shall continue in office until the expiration of their respective terms, and thereafter their successors shall hold office for four years and until their successors are appointed and have qualified. They shall serve without compensation.

Sec. 124. Said trustees shall organize annually on the second Monday in January, by the election of a president and a secretary from among their number who shall serve without compensation for a term of one year and until their successors are selected; *provided*, that either or both of said officers may at any time be removed from office and their places filled by the action of a majority of the whole board of trustees; *and further provided*, that the board may designate the librarian or any employee of the library as secretary, no additional salary being paid therefor.

Sec. 125. The board of trustees shall hold regular meetings at least once every month at such times and place as it may determine by resolution. Special meetings may be called by the president or by any two members; *provided*, that written notice is served as provided in this charter, and that no business shall be transacted at any special meeting except that mentioned in the call, unless five trustees shall consent thereto. Three trustees shall constitute a quorum for the transaction of business but a less number may adjourn from time to time.

Sec. 126. The secretary shall keep a record and full minutes in writing of all proceedings of said board and may certify to such proceedings or any portion thereof, under his hand, to be verified by seal, if a seal has been adopted and

provided by the board for that purpose. All accounts of property, money, receipts and expenditures shall be kept under the supervision of the auditor of said city. ^{Library}

Sec. 127. The board, by a majority vote of all its members to be recorded on its minutes with ayes and noes, shall have power:

1. To take charge of the public library, grounds, reading rooms and branches and of all real and personal property thereunto belonging or that may be acquired by loan, purchase, gift, devise or otherwise, when not inconsistent with the terms and conditions of the devise, gift or bequest;

2. To purchase or lease all necessary real property whereon to construct a library building or buildings; to construct, maintain, extend and repair such buildings; to lease appropriate rooms, building or buildings for such reading rooms, library or branches; to furnish and equip such rooms and buildings as may be necessary therefor, and to insure library property;

3. To determine the number of librarians, assistants, janitors and such other employees as may be necessary to be appointed for such library, reading rooms and branches; to appoint such employees and at its pleasure, remove them; to prescribe their powers, duties and hours of employment; to fix the salaries and wages of all such employees;

4. To make and enforce such by-laws, rules and regulations as may be necessary or expedient for its own guidance and for the administration, government and protection of such library, reading rooms, branches and all property belonging, loaned, devised, bequeathed or donated thereto;

5. To extend the privileges and use of such library, reading rooms and branches to persons residing outside of the city upon such terms and conditions as said board of trustees may from time to time prescribe; *provided*, that nonresident taxpayers of the city shall have the same privileges as residents of the city;

6. To exclude from the privileges of the library, reading rooms and branches any and all persons who shall wilfully violate the rules established by the board, any and all persons who shall conduct themselves in an offensive or improper manner in or about the library or branches thereof and any and all persons afflicted with contagious, infectious, dangerous or offensive disease; it shall be the duty of the librarian upon receipt of notice from the city health officer that contagious or communicable disease exists in any family or any house or building, to at once bar from all library privileges all members of such family or occupants of such building or house, and not to renew such privileges until official notice is received from said health officer that said disease no longer exists and that said premises have been properly fumigated;

7. To exercise and administer any trust declared or created for the benefit of such library, reading rooms or branches thereof and to receive by gift, devise or bequest and hold in

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trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided in said trust, dispose of the same for the benefit of such library;

8. If the payment into the city treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of such donation or bequest, the board of trustees of the public library shall provide for the safety and preservation of the same and the application thereof to the use of such library and reading rooms in accordance with the terms and conditions of such donation or bequest;

9. To provide memorial tablets and niches to perpetuate the memory of any person making donations or bequests to said library;

10. To purchase books, journals, maps, publications and other supplies and personal property for the use of said library;

11. To repair, sell, exchange or otherwise dispose of personal property;

12. It shall be the duty of the board to exclude from said library all books, papers and publications that it deems to be indecent, immoral, offensive or harmful, and it may, in its discretion, exclude all publications of a partisan or sectarian nature;

13. To borrow books from, lend books to and exchange the same with other libraries, upon such conditions and terms as said board may prescribe;

14. To establish and maintain, or discontinue, such branches of the public library or reading rooms, or both, as the growth of the city and convenience of the public may from time to time require; special rules and regulations for the government and opening of any or all such branches may be adopted and enforced at the option of said board;

15. To do and perform any and all other acts and things necessary or proper to fully carry out the intent of this charter in establishing and maintaining a public library and reading room;

16. To conduct a library school for training students in the science and art of library work under such rules and regulations as the board of trustees shall prescribe, and to issue diplomas or certificates to such students as shall complete the said course; said board shall fix the fees for students in said school on a basis designed to make the school self-sustaining, and when the board becomes satisfied at any time that it will not be financially self-supporting, it may discontinue the same;

17. To control and order the expenditure of all money at any time in the library fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the general provisions for the payment of demands on the city treasury, contained in article sixteen.

Sec. 128. The board of trustees shall annually, on or ^{Library.} before the third Tuesday of July, make a report to the council showing the condition of their trust for the year ending June thirtieth of that year; the various sums of money received from the library fund and from other sources; for what purposes such money has been expended, the amount so expended and the balance on hand; the number of books and periodicals on hand; the number added by purchase gift or otherwise during the year; the number lost or missing; the number of persons entitled to borrow books; the number of books circulated and the general character and kind of such books; the names of all employees and the salary paid to each; with such other information, statistics and suggestions as it may deem of general interest. The statement of financial receipts and disbursements shall be verified under oath by the secretary. The board shall, as specified in article fifteen, section 203, submit to the council a careful estimate of the amount of expenditure required for the coming fiscal year, specifying in detail the object thereof. A duplicate of said report and estimate shall be sent to the auditor.

Sec. 129. At the request of the board of trustees of the public library, as expressed in the annual estimate and budget of the board, the council shall in making the annual tax levy and as a part thereof, if the maintenance of the library is not otherwise provided for, levy a tax sufficient to maintain said library, reading rooms and branches, and for purchasing or leasing such real and personal property, books, papers, publications, furniture, fixtures, and erecting such buildings as may be necessary therefor; said levy to be in addition to other taxes, the levy of which is permitted in the municipality; *provided*, said levy for library purposes shall not be less than five cents, nor more than twenty cents on each hundred dollars of value of all real and personal property in the city as assessed for city purposes.

All money received for such library from any source, except as herein otherwise provided for, shall be deposited in the treasury of the city to the credit of the library fund and shall be kept separate and apart from all other moneys of the city, and shall be disbursed only for library purposes herein authorized and only upon the order of the board of trustees of the public library as hereinbefore provided.

Sec. 130. No indebtedness exceeding the funds available for library purposes during such year shall be incurred in any one year; *provided*, that this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the city of Riverside, in accordance with the provisions of this charter or of the general laws of the state, for the purpose of defraying the cost of such improvements; *and provided*, that the contracts for such improvements, the construction of the same and the allowing of demands in payment therefor shall be under the control of the board of

trustees of the public library, subject to the general provisions herein contained relating to the allowance of demands.

Sec. 131. Any person desiring to make donations of money, securities or other personal property or real estate, shall have the right to vest the title to such money, personal property or real estate so donated in the board of trustees of the Riverside Public Library, hereby created, to be owned, held and controlled by such board when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property, the board shall be held and considered to be a special trustee thereof for the city. No real property used for library purposes can be sold by the council or otherwise disposed of without the approval of four trustees of the public library.

Sec. 132. The council shall have power to appropriate and authorize the use, either in whole or part, of any real estate belonging to the city for the purpose of erecting and maintaining a building or buildings thereon to be used for the public library or branches thereof, and may appropriate the whole or any portion of any public building belonging to or used by the city, for such use.

Sec. 133. The council shall pass proper ordinances imposing suitable penalties for the punishment of persons committing any injury upon said library or the grounds or property thereof, and for injury to or failure to return or for unlawfully obtaining or detaining any book or publication or other property of said library.

ARTICLE VIII.

Department of Public Utilities.

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utilities.

Section 134. There is hereby created a department of public utilities which shall be under the control and management of a board of public utilities, hereinafter called the board, consisting of the mayor and four commissioners. These commissioners shall be appointed, and may be removed by the mayor pursuant to the provisions of this charter. Each commissioner shall be at least twenty-five years of age, and shall have been a qualified elector of the city for the three years next preceding the day of his appointment. Members of the board serving at the time of the adoption of this charter shall continue in office until the expiration of their respective terms, and thereafter their successors shall hold office for four years, and until their successors are appointed and have qualified. The mayor shall be the presiding officer of the board. The members shall serve without compensation. Unless otherwise provided by ordinance, the city clerk or his deputy, shall act as secretary of said board and keep the minutes and records thereof and shall, whenever required to do so, certify such proceedings under his hand, the same to be authenticated by seal if a seal is adopted and provided by said board for that purpose.

Sec. 135. The board shall hold regular meetings at least once in every month at such times and place as it may determine by resolution. Three members shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. Special meetings may be called pursuant to the provisions of section 46.

Sec. 136. The board shall have the exclusive control and management of all electric and other light and power works, gas works, water works, ice works or other systems of providing and distributing refrigerating means, materials and service, and all other public utilities that now belong to, or that may hereafter be acquired by the city; the acquisition, construction, extension, maintenance, operation and improvements of such works and systems; the management, rental, use, sale and distribution of electricity, light, power, gas, fuel, water, ice or other products, merchandise or service therefrom; the collection of the rates and payment for the same and the general charge thereof; by ordinance of the council, the board may be given charge of the fire and police telegraph and alarm systems, together with the charge and oversight and upkeep of any or all electrical equipment or lighting system of any public building or place owned by the city.

Sec. 137. The board may appoint, transfer, remove, discharge, suspend, or require bonds of superintendents, engineers, laborers and all other persons employed in or by said department or in connection therewith in whatever capacity, and may prescribe their duties, compensation and authority, except as otherwise provided herein for the city auditor, his deputies and clerks; *provided, however*, that all salaries and scale of wages must be first approved by the council by resolution.

Sec. 138. The rates to be charged for the use, rental and sale of electricity, light, power, heat, gas, water or for any other service supplied by such department for which it is practicable to establish fixed rates, shall be fixed by the board of public utilities annually, or oftener if desired, but must be approved by the council. Said rates should preferably, but not necessarily, yield a reasonable profit and interest on the investment of the city, but must not be less than the actual cost of providing such service or utility, including all repairs, maintenance, operating expenses and the depreciation hereinafter provided for in section 148 of this article, unless approved by two-thirds of all the qualified electors voting on such proposition at any election, *and further provided*, that the board shall have power by a vote of four members, approved by a vote of six members of the council, and by the mayor, when, in their judgment such would be for the best interests of the city as a whole, to make special and discriminating rates and contracts which may or may not be less than the said cost.

Sec. 139. The board shall have authority to purchase all machinery, material, fuel, merchandise and supplies for the use of the department, and such purchases may be made in

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the open market for the best advantage of the city, and bids shall not be required except at the option of the board, notwithstanding any other provision to the contrary contained in this charter elsewhere. The board is authorized to acquire and take by purchase, condemnation or otherwise, in the name of the city, any and all property, including water and water rights, situated within or without the limits of the city, that may be necessary or convenient for the construction, operation, maintenance or extension of any of the said works or public utilities, the consent of the council being first obtained by resolution.

Sec. 140. Said board shall have power to contract or to extend contracts for power, electric current, gas, fuel, or similar commodity; if said contracts or extensions are for a period exceeding one year and shorter than five years they shall require the approval of the council; if longer than five years they must, in addition, be ratified by a majority of the qualified voters voting on such proposition at any election, before they shall be binding on the city. The board may, however, subject to the approval of the council, make such contracts or make leases of machinery or apparatus for a longer term than five years if such contracts or leases provide for the acquisition by the city of the machinery or apparatus so leased, or provide for the acquisition of the machinery or apparatus producing the electric current, power, gas, or other product so contracted for by the city.

Sec. 141. The city, by said board, shall have the right to sell, lease, rent or furnish any of the commodities, merchandise or service herein provided for, to persons or corporations using the same outside of the city limits, provided the same does not interfere with the proper service of the inhabitants of the city, and any contracts must be subject to this provision, and contain a clause to that effect. The rates so charged shall be fixed by the board, but must be approved by the council.

Sec. 142. The city, by said board shall have power to purchase, acquire by leasing or renting, to sell, to rent or lease out, to install, repair and maintain every kind of electric current, power, fuel, heat, machinery apparatus, supplies and all other articles of merchandise necessary, convenient or profitable either for its own use in any of the public utilities operated by the city, or for the use of customers of the city wherever located. Such service to persons outside of the city shall be subject to the provisions of section 141. When the board deems it to be to the profit and best interests of the city, it may furnish, free of charge, or give away to its customers, under proper restrictions to be approved by resolution of the city council, apparatus, lamps, and other articles intended to consume or make use of electricity, gas, power or other commodities furnished by the department.

Sec. 143. The board shall have entire charge of the system of street lighting; *provided*, that before any extensions of same are made, the approval of the council shall be necessary.

The rate to be charged the city for street lighting shall be determined by the board and approved by the council, but must not be less than the actual cost of same. Bills for same shall be rendered monthly and approved in the same manner as other demands. The auditor shall then credit the electric fund and charge the proper fund with the said amount. Light, power and other items and supplies furnished other departments of the city shall be treated in like manner. ^{Public utilities}

Sec. 144. The board shall have power, by a resolution adopted by a majority of all its members and recorded at length on the minutes with the ayes and noes, to make and enforce all such reasonable regulations, rules and by-laws as may be necessary for its government, for the administration of the department and for the exercise of the powers conferred by this article. In the event that electric transmission lines have been paid for, in whole or in part, by persons or corporations other than the city, the board may require persons desiring to connect with said lines, to pay a proper proportion of such cost before being allowed to make such connection, and the said payment may be repaid pro rata to the persons originally paying for such lines.

Sec. 145. The city auditor, as provided in section 95, shall have entire charge and control of all records, books, documents and accounts relating to property and the receipts and expenditures and all accounts of purchases and sales of the department. His department shall also attend to the correspondence of the board or of the superintendent, but this shall be under the control and direction of the board. The board shall allow out of each utility fund the wages of the deputies and clerks employed in that department, which wages shall be fixed by resolution of the council.

The auditor shall annually make an inventory of all property belonging to each utility and shall keep this record posted up to date. A record shall be kept of all property sold, lost, destroyed, worn out or discarded, and a record of all connections and the number of lamps in use. The auditor shall accurately apportion all income and expenditures so that regular operating expenses, repairs, betterments, extensions, replacements, depreciation, cost of operation, power and fuel, the income from various sources, and the net income and real value of the plant can always accurately be told. The board and superintendent shall so conduct the department that this can be done and the auditor is instructed and given power to see that this provision is complied with.

Sec. 146. All money received by the board from the collection of rates or otherwise shall be paid over to the treasurer of the city, daily, unless otherwise provided by ordinance, to the credit of each utility fund, which shall be kept separate and apart from all other moneys of the city, and shall only be drawn from said funds by demands previously approved by a vote of three members of the board taken with the ayes and noes, and spread on the minutes, and the action of said

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board endorsed on said demands and signed by the mayor as president of the board and by the secretary thereof. All demands must be approved by the superintendent or managing head of the department and by the auditor or his deputy before being presented to the board. In case of emergency the council may transfer money from the general fund to the respective utility funds. Any moneys raised by issuing the bonds of the city for the use of the department of public utilities shall be expended and controlled by said board. Money may be temporarily transferred from the utility funds or either of them, to the general fund by the council, but only with the consent of the board of public utilities, and such money must be returned to the respective utility fund from which it was transferred by the first day of the following May.

Sec. 147. None of the money in any utility fund shall be apportioned and used for any purpose or purposes other than for the following:

1. For the necessary expenses of conducting each utility, operating the same and making all current and ordinary extensions, betterments and repairs;

2. For the extraordinary improvement of and betterment to the plant, property, equipment and system of supply and distribution of each utility including purchase of necessary lands, rights and other properties;

3. Any unused balance in the fund of any utility, after deducting for the depreciation sinking fund as provided in section 148, may with the approval of both the board and the council, be used for payment of principal and interest of any bonds of such utility outstanding;

4. After all expenditures have been made that are required in the first, second, and third subdivisions of this section, the profit, if any there be, remaining in the fund of any utility at the end of the fiscal year, from the operation of such utility for such year, may, with the consent of both the council and the board, be transferred, in whole or in part, into the general fund.

Sec. 148. At the end of each fiscal year the auditor shall take the total value of property belonging to each utility as obtained from the inventory and property record; he shall deduct not less than two per cent therefrom, which shall represent the estimated depreciation of the plants and systems of each utility for the year. Said per cent shall thereupon be transferred from each utility fund to the credit of its depreciation sinking fund. He shall then charge to such sinking fund and credit to its respective utility fund the amount expended during the year in actual replacements of wornout machinery and plant, but must not include therein amounts expended in betterments, extensions, changes and repairs. The balance remaining in the depreciation sinking fund shall then be invested by the treasurer, subject to the approval of the council, in United States, state, school or municipal bonds, or deposited in banks organized under the

laws of California, or national charter at interest, and the interest thereon shall accrue to said fund. If the per cent deducted from any utility fund in any one year shall not be sufficient to offset the expenditures for said actual replacements for such year as above specified, then sufficient bonds from the depreciation sinking fund shall be converted into cash, or cash withdrawn from said banks, and said cash transferred to the utility fund to make up such deficiency; but this shall be done only on the recommendation of the auditor and approved by the said board and the council. The depreciation sinking fund of each utility shall otherwise remain inviolate except as authorized by a two-thirds vote of the qualified electors voting on such proposition at any election; *provided*, that the said board by a four-fifths vote of all the members, approved by the council by a vote of six-sevenths of all the members, and by the mayor, shall have the power to instruct the treasurer and auditor to convert sufficient of said bonds into cash or withdraw said deposits, and thereupon to temporarily transfer the proceeds and to use same for betterments and extensions of said utility, or to acquire any other public utility elsewhere provided for in this charter, but must not use the same for repairs or operating expenses. Said temporary transfers must be repaid to the respective sinking fund from which any such transfer was made, in annual installments not less than ten in number, with five per cent interest on same, computed semiannually, and the auditor is authorized and instructed to make such transfer and the council must provide the funds therefor if the balances in such fund be insufficient. Annual reports in detail must be made by the auditor and the treasurer of all increments, changes, conversions, investments, interest, loans from and repayments to said depreciation sinking funds. The auditor shall report to the board the rate of depreciation he deems wise and necessary to charge each public utility each fiscal year, with his reasons therefor, and the board may, if not entirely satisfied or if it has any doubt, take other advice and may change the per cent recommended by the auditor and substitute and charge a different per cent, and the responsibility shall rest with the board. If the money in each or either public utility fund be insufficient to provide the amount of the depreciation charge respectively, the auditor shall create a deficit in either or each of said funds and if said deficit be not balanced at the time the next annual tax levy is made, the council must, by levy or otherwise, provide the money to balance the said fund. Said per cent shall not be less than two per cent unless approved by a majority of the electors voting on such proposition at any election.

Sec. 149. The board shall present to the council a monthly report segregated as to each utility operated by it, showing expenditures for operating expenses, fuel, power, wages, repairs, replacements, betterments, and extensions; also all income and net profit itemized into proper classes, and also an

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annual report showing in addition to these items the nature and condition of the property under their control with such information and suggestions as it may deem of general interest. If funds be needed for extensions, improvements, repairs or other expenditures, too great to be paid out of the estimated current income of the department, the board shall, as provided in section 203, article fifteen, make an itemized statement of the same to the council and the council may make such proper tax levy to provide such funds, and said taxes shall, when collected, be credited to the particular utility fund entitled thereto. Duplicates of all reports shall be filed in the auditor's office.

Sec. 150. It shall be the duty of the council to pass such ordinances as may be necessary to enforce the rules and regulations made by the said board.

Sec. 151. The board shall possess such other powers and perform such other duties as may be necessary to carry any of the powers and duties prescribed in this article into full force and effect, or as may be elsewhere prescribed by this charter or by ordinance.

Sec. 152. It is understood that at the time of the adoption of this charter, the electric and water departments are the only public utilities operated by the city. In case any other public utility shall hereafter be acquired and pass under the control and management of the board of public utilities, the said board shall create separate departments therefor, and such departments shall each be subject to all of the provisions of this article as far as they can be made applicable, and the accounts thereof shall be kept entirely separate each from the other, and separate and appropriate funds shall be established for each.

Sec. 153. No public utility once acquired and operated by the city shall, nor shall the control of same or the products therefrom, ever be sold, leased, abandoned or otherwise disposed of to any person or corporation except such proposition is approved by a two-thirds vote of all the qualified electors voting on such proposition at any election at which said proposition shall be legally submitted; *provided*, that said prohibition shall not be construed to prevent the ordinary sale of electricity, gas, water, power, service, merchandise, supplies, materials and unused or abandoned machinery or apparatus to the customers of the city in the regular course of business.

ARTICLE IX.

Health Department.

Health
department.

Section 154. The board of health shall consist of five members, three of whom shall be appointed by the mayor; each of the three thus appointed shall be at least thirty years of age, and shall have been a qualified elector of the city for a period of three years next preceding his appointment, two of whom shall be practicing physicians, and shall have practiced their

profession for at least five years next preceding their appointment. The mayor and the city engineer shall be the other two members of the board. Those members serving at the time of the adoption of this charter shall continue in office until the expiration of their respective terms, and thereafter their successors shall hold office for four years, and until their successors are appointed and have qualified.

Sec. 155. Three of the members of the board shall constitute a quorum for the transaction of business.

Sec. 156. The board shall annually, or as the need may arise, appoint one of its members, who is a practicing physician, as secretary of the board. The secretary shall be ex officio health officer of the city.

Sec. 157. Regular meetings of the board shall be held once a month. Special meetings may be called by the mayor, by two members of the board, or by the health officer, pursuant to the provisions of section 46.

Sec. 158. The board shall have power to appoint and remove at pleasure a regularly certified physician to serve as city physician, who may or may not be the health officer.

Sec. 159. The health officer and city physician shall receive such compensation as may be fixed by the council. The other members of the board shall act without compensation.

Sec. 160. The board of health shall have such other powers and perform such other duties as may be prescribed by ordinance.

Sec. 161. The council may by ordinance consolidate the city health department with a district, a county, a state or a federal unit. During the life of the consolidation the city board of health may be suspended.

ARTICLE X.

Park Department.

Section 162. There shall be a board of park commissioners, ^{Park} _{department.} consisting of five members, who shall be appointed, and may be removed, by the mayor pursuant to the provisions of this charter. They shall serve without compensation. Members of the board serving at the time of the adoption of this charter shall continue in office until the expiration of their respective terms, and thereafter their successors shall hold office for four years, and until their successors are appointed and have qualified.

Sec. 163. The board shall elect a president who shall hold office during its pleasure. Unless otherwise provided by ordinance the city clerk, or any person assigned by him, shall act as secretary of the board and keep the minutes thereof. It shall hold regular meetings at least once each month, at such time and place as it may determine; and special meetings may be called by its president or two members of the board at any time as provided in section 46; its meetings shall be public; three members shall constitute a quorum for the transaction

of business; it may adopt rules for its proceedings and shall cause a record of such proceedings to be kept by its secretary under its direction.

Sec. 164. The board shall have the exclusive control of all lands and real property which may be acquired, set apart or dedicated for the use of the public as parks or playgrounds within the city limits, and of any boulevard that may be acquired, dedicated or constructed as a portion of the park system of the city and of such parking spaces as may be placed under its supervision by ordinance. The board shall have authority to purchase all articles and materials for and have all work and labor performed upon all public property under its jurisdiction, and to that end may appoint, remove, discharge or suspend superintendents, laborers and all other persons employed upon the same. The board shall have the authority to establish rules and regulations for the use and government of such public property under its jurisdiction, and shall have the right to prohibit the use of the drives in any of said parks or playgrounds or the said boulevards for heavy traffic or other purposes which may be injurious to them, and shall render such other services and perform such other duties as may be prescribed by ordinance.

Sec. 165. The board shall make such monthly and annual reports to the council of expenditures and other matters as may be required by the council. They shall annually submit an itemized estimate of the money needed for the work of the board during the ensuing year. The council shall in its discretion levy a tax for such purposes and when collected it shall be paid into the "Park fund," and be paid out only for park purposes and for other work coming under the control of the board.

ARTICLE XI.

Judicial Department.

Judicial
department

Section 166. The judicial power of the city shall be vested in a police court consisting of one police judge. He shall have been a qualified elector of the said city for the two years next preceding his appointment and shall be an attorney duly admitted to practice before the supreme court of the state. He shall be appointed by the mayor, pursuant to the provisions of this charter.

Sec. 167. The police judge shall have the power of examining magistrates and may commit offenders for trial in the proper court; also to administer and certify oaths and affirmations.

Sec. 168. The police court shall have exclusive jurisdiction of criminal proceedings for violation of the city ordinances; and of all civil actions and proceedings arising out of a violation of such ordinances; and for the collection of any license tax required by any ordinance, except such actions and proceedings as, on account of the amount involved, are within the jurisdiction of other courts under the provisions of the constitution of the state.

Sec. 169. The police court shall have jurisdiction concurrently with the justices' courts of all criminal actions and proceedings, arising within the corporate limits of the city and which might be tried in said justices' courts.

Sec. 170. Proceedings in criminal actions triable in such courts shall be in conformity with the provisions of part two, title eleven, chapter one of the Penal Code of this state.

Sec. 171. The rules of practice and mode of procedure in the police court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of the county from all judgments of said police court in like manner and with like effect as in cases of appeal from justices' courts; *provided*, that in actions in said court when process is to be served outside of the county of Riverside, the process shall have attached to it a certificate of the city clerk under his official seal, that the person issuing the same was acting police judge at the date of the process.

Sec. 172. The judge of the police court shall keep a record of the proceedings of the police court in all matters and cases before said court.

Sec. 173. All fines, penalties and forfeitures collected by said police court shall be the property of the city and shall be promptly deposited in the city treasury for the use of the said city.

Sec. 174. The city shall furnish for said court a suitable court room and office and the necessary dockets and all blanks and other books, papers and stationery necessary in the transaction of its business, and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days.

Sec. 175. In the absence, or upon the disqualification or disability of the judge of said police court, any qualified justice of the peace of Riverside county at the request of said police judge may preside in his place as judge of said police court with all the powers, authority and jurisdiction of the duly qualified judge thereof.

Sec. 176. The council shall have power to prescribe by ordinance, additional duties and powers for the police judge.

ARTICLE XII.

Police Department.

Section 177. The police department of the city of Riverside shall consist of a chief of police and such other officers and policemen as shall, from time to time, be fixed and determined by the council. Police
department

Sec 178. The chief of police shall be at least thirty years of age and a citizen of the United States. He shall be appointed to his office by the mayor with the approval of the council.

Sec. 179. The chief of police shall enforce the execution of all the laws and ordinances within the jurisdiction of the city; and for the suppression of any riot, public tumult, disturbance of the

peace or resistance against the law or public authorities in the lawful exercise of their functions. He shall have the powers that are now or may be hereafter conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers and watchmen in the city of Riverside, and every citizen shall also lend aid when required for the arrest of offenders in maintenance of public order. He shall and is hereby authorized to execute and return all processes issued and directed to him by the police court or judge or other legal authority of said city, and it shall be his duty to prosecute before the police judge all breaches or violations of or non-compliance with any city ordinance or law within the jurisdiction of the police judge which has come to his knowledge. Unless otherwise provided by ordinance, he shall receive from the auditor all licenses and collect the same and at the expiration of any month shall pay to the treasurer all funds of the city collected by him during said month. He shall, upon payment of the money, file with the treasurer a statement of the money so collected and an affidavit stating that the money so paid is all the funds that he has collected or received during the preceding month. He shall have charge of the city prison and prisoners and of any chain gang which may be established by the council. He shall devote his entire time to the discharge of the duties of his office, and subject to such rules and regulations as the council may prescribe, shall have control of the police force. He shall have power to suspend or remove any member of the police force for disobedience of any lawful order, for the violation of rules and regulations of the department, for inefficiency, for the betterment of the police department, or for conduct unbecoming a member of the police force. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city or by law or the provisions of this charter.

Sec. 180. The policemen of the department shall be appointed by the chief of police, and such policemen shall hold office subject to removal by the chief of police as provided in section 179.

Sec. 181. The council, subject to the provisions of this charter, shall have the power to organize the police department and make all necessary rules and regulations for its efficient administration, ordain penalties for violations thereof, establish the number of its members and the amount of their salaries, including that of the chief of police, and do all other acts necessary to the efficient equipment and operation of the police department of the city.

ARTICLE XIII.

Fire Department.

Fire
department.

Section 182. The fire department of the city of Riverside shall consist of a chief and such number of officers and men of the department as the council shall from time to time, fix and determine.

Sec. 183. The chief of the fire department shall be a citizen of the United States and at least thirty years of age. He shall be appointed by the mayor.

Sec. 184. The chief of the fire department shall, subject to such rules and regulations as the council may prescribe, have entire control of the department. He shall have power to suspend or remove any member of the fire department for disobedience of any lawful order, for the violation of rules and regulations of the department, and for neglect of duty, for inefficiency, or for conduct unbecoming a member of the force. He shall be charged with the especial duty of superintending the extinguishment of fires that endanger the municipality or destroy its property and he shall take measures to guard and protect all property imperiled thereby. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city.

Sec. 185. The council, subject to the provisions of this charter, shall have power to organize the fire department and change the same, make all necessary rules and regulations for its efficient administration, ordain penalties for violations thereof, establish the number of its members and the amount of their salaries including that of the chief of the fire department, and do all other acts necessary to the efficient equipment and operation of the fire department of the city.

ARTICLE XIV.

Elections.

Section 186. Elections to be held in said city for the purpose of electing the officers thereof and for all other purposes, are of three kinds: Elections

1. General municipal elections;
2. Special elections;
3. Primary elections.

Sec. 187. General municipal elections shall be held in the city as follows: The first election shall be held on the third Tuesday in November, nineteen hundred and twenty-nine; the second election shall be held on the third Tuesday in November, nineteen hundred thirty-two. Said elections shall be held on the third Tuesday of November every two years thereafter; *provided*, that the council may by ordinance provide that any general election may be consolidated with the state election held in the same year and in such case the said general municipal election shall be held at the same time and place and together with said state election within the limits of the city, in accordance with the provisions of any general law of the state providing for such consolidation.

The mayor shall be elected at large at the first general municipal election. The successor to the mayor shall be elected at the second municipal election, and every four years thereafter. The city clerk, city auditor and city treasurer shall be elected at large at the second general municipal election and every four years thereafter.

Elections.

One member of the council from each of the third, fourth, sixth and seventh wards of the city shall be elected by the electors of said wards, and two members of the board of education shall be elected by the electors at large at the first general municipal election.

One member of the council from each of the first, second and fifth wards of the city shall be elected by the electors of said wards, and three members of the board of education shall be elected at large at the second general municipal election and every four years thereafter. The successors of the members of the council from the third, fourth, sixth and seventh wards and of two members of the board of education shall be elected at the third general municipal election and every four years thereafter. Every officer shall hold office until his successor is elected or appointed, and has qualified.

Sec. 188. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, take office and enter upon the discharge of their duties at ten o'clock a.m., of the first Monday in January next succeeding their election, or if said day falls on a holiday, then upon the day following.

Sec. 189. Special elections shall be held for such purposes and at such times as the council may determine, or at such times as are elsewhere provided in this charter, except that no special election shall be held less than thirty days after the passage of an ordinance calling the same. All special elections shall be held and conducted, except as to the date thereof, and the result thereof be made known and declared in the same manner as herein provided for other elections.

Sec. 190. The provisions of the general law of the state governing municipal elections, where the same are held separate from the general state elections, are hereby adopted as the law governing city elections, and the provisions of the general laws of the state governing elections for state and county officers shall govern city elections in matters for which no provision is made in this charter, and the council and the city clerk respectively shall exercise the powers and perform the duties conferred on, or imposed by, such laws or boards of supervisors and county clerks concerning elections; *provided*, that where this charter makes provision relating to any matters contained in such general laws, the said charter provisions shall govern.

The elections for members of the board of education held in the territory embraced in the Riverside city school district lying outside the city limits shall be held in accordance with the election provisions of this charter, except that the number of election officers and the form of the ballot may be as is required by the general school laws of the state for school elections.

Sec. 191. All candidates for city offices shall be nominated at a primary election to be held on the third Tuesday in September next preceding each general municipal election, as

provided for in the direct primary law of the State of California as now in force, or as may hereafter be amended; *provided, however*, that the council may by ordinance provide that any primary election may be consolidated with the state election held in the same year, and in such case the said primary election shall be held at the same time and place and together with said state election within the limits of the city, in accordance with the provision of any general law of the state providing for such consolidation. Elections.

Sec. 192. When candidates for any office are nominated as specified in section 191, it is hereby provided and directed that no party name or designation shall appear on the certificates or ballots and that the names of the candidates for each office shall be arranged alphabetically on said ballot.

Sec. 193. The conduct and carrying on of all city elections shall be under the control of the council and the council shall, by ordinance, order the holding of all elections, and provide for the necessary notice and the giving thereof, unless a city election is combined with a state election according to law and the provisions of this charter.

Sec. 194. Each ward of this city shall constitute at least one municipal election precinct, but the council may divide any ward into two or more election precincts for the purpose of any city election and may change and alter and consolidate such precincts; *provided*, the same is not done within thirty days previous to an election; *and provided, further*, that no precinct shall in any case embrace parts of any two or more wards.

Sec. 195. At each city election each of the election officers shall receive not to exceed the sum of five dollars for his services.

Sec. 196. The council shall have power to submit to the electors of said city at any election any question required to be so submitted by the constitution, law, this charter or by ordinance; *provided*, that in case the question is required by said constitution, law, charter or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted unless otherwise provided herein.

Sec. 197. Subject to the provisions of this charter, all elective and appointive officials of the city of Riverside serving in office at the time of the adoption of this charter, shall continue in office for the term for which they were elected or appointed and until their successors shall have been elected or appointed and have qualified.

Sec. 198. The election returns from each municipal election precinct shall be filed with the city clerk, who shall immediately place them in the safe or vault in the city clerk's office, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the council. After having been canvassed they shall be sealed up by the city clerk for twelve months and no

person shall have access to them, except on the order of a court of general jurisdiction.

Sec. 199. On the first Tuesday after any election and at their usual time and place of meeting, the council shall meet and canvass the returns and declare the result.

Sec. 200. After the result of an election is declared or when an appointment is made, the city clerk under his hand and official seal shall issue a certificate thereof and serve the same by depositing such certificate with the postage prepaid, in the United States post office in Riverside, addressed to the person elected or appointed, and such person must, within ten days after receiving such certificate, file his official bond, if a bond is required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the city clerk.

Sec. 201. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition to be printed and he shall enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter at least ten days prior to the election, but the council may order such ordinances or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballot as first above provided.

ARTICLE XV.

Revenue and Taxation.

Revenue and
taxation.

Section 202. All taxes, licenses, fines, penalties and all moneys received from any source shall constitute the revenue of the city and shall be collected and paid into the city treasury.

Sec. 203. On or before the third Tuesday in July of each year, unless a different time is fixed by ordinance, the several heads of each department, office, board and commission shall submit to the council an estimate in writing of the amount of expenditure, specified in detail, and stating the object thereof, required in the respective department, office, board and commission during the ensuing fiscal year. Duplicates of these estimates shall be submitted to the auditor.

Sec. 204. On or before the fourth Tuesday in July of each year, unless a different time is fixed by ordinance, the auditor shall prepare and transmit to the mayor and council an estimate of the probable financial necessities of the municipal government for the fiscal year, stating the amount required to meet the interest and principal on all bonded or funded indebtedness of the city, and all special assessments, together with the amount needed for the salaries and probable

wants of all the departments of the municipal government in detail, showing specifically the necessities of each fund in the treasury. The estimate shall also show what amount of income and revenue is likely to be collected from fines, licenses and all other sources of revenue, exclusive of taxes upon property, and what amount will probably be required to be levied and raised by taxation in order to meet the necessities of each specific fund for such fiscal year. ^{Revenue and taxation.}

Sec. 205. The council shall have the power and it shall be their duty to fix by ordinance the amount of money necessary to be raised by taxation upon the taxable property of the city, as a revenue to carry on the various departments of such city for the current fiscal year, not to exceed the limit fixed by this charter, or by vote of the electors, and to pay the bonded or other indebtedness of said city. The council shall meet for such purpose and shall so ascertain and fix said amount on the first Tuesday in August in any year when provision has been made by ordinance for the assessment and collection of the city taxes by the county assessor and county tax collector, and in any other year at such time as may be fixed by ordinance.

Sec. 206. During such time as the assessment and collection of city taxes shall be made by the proper officers of said city, the council shall meet at their usual place of holding meetings at ten o'clock a.m. on the second Monday of August of each year, unless a different time is fixed by ordinance, and sit as the board of equalization, and shall continue in session by adjournment from day to day until all the returns of the assessor have been rectified and the assessment equalized. They shall have power to hear complaints and to correct, modify or strike out any assessment made by the assessor, and may, of their own motion, raise or lower any assessment upon notice to the parties whose assessment is to be changed. The corrected list for each tax shall be the assessment roll of said tax for said year. It shall be certified by the city clerk, who shall act as clerk for the board of equalization, as being the assessment roll for said tax and shall be the assessment roll upon which such tax is to be levied in said year.

Sec. 207. The mayor and council shall have power and it shall be their duty, unless the city taxes are assessed and collected as provided in section 209 of this article, to provide by ordinance a system for the assessment, levy and collection of all city taxes and for the sale of property for delinquent taxes, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this state with reference to assessment, levy and collection of state and county taxes and sale of property for delinquent taxes, except as to the times of such assessment, levy and collection and except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed from and after the date of assessment.

Revenue and
taxation.

Sec. 208. If there shall be no ordinance in force availing the city of the privilege of having its taxes assessed and collected by the officers of the county, the city clerk shall be ex officio tax collector; and they shall perform respectively the duties and have all the powers prescribed by law or ordinance for assessors and tax collectors. While the city avails itself of the privilege of having its taxes assessed or collected by the county officers, the offices of city assessor and city tax collector shall not exist. The taxes so levied and collected shall be paid by the proper county officers to the city treasurer and be apportioned by the city auditor to the several specific funds.

Sec. 209. The mayor and council shall, during the month of January in any year after the adoption of this charter, pass an ordinance electing to avail the city of Riverside of the provisions relating to the making of assessments and collection of taxes by the assessor and tax collector of the county of Riverside, pursuant to the provisions of an act of the Legislature of the State of California entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporation," approved March 27, 1895, and amendments thereto; *provided*, that act be then in force, and shall cause a certified copy of such ordinance to be filed with the auditor, assessor and tax collector of said county of Riverside. If said act shall be amended or some other law be substituted instead, providing for the assessment and collection of city taxes by county officers, any ordinance passed therefor by the mayor and council shall conform to the provisions of such amended act or such law in order to avail the city of the privilege of having its taxes assessed and collected by such county officers.

Sec. 210. On the first Tuesday of September in any year when provision has been made by ordinance for the assessment and collection of the city taxes by the county assessor and county tax collector, the council shall fix the rate of taxes for such year as provided in section 4 of said act of the Legislature referred to in section 209 of this article, and shall immediately thereafter transmit to the county auditor of said county of Riverside a statement of such rate as fixed by said council.

Sec. 211. No money from bond, interest or sinking funds of the city shall be transferred to other funds, except as provided herein, until the necessity for which such bond, interest or sinking funds were created no longer exists. Ordinances providing for the levying of the taxes mentioned in this article shall not be subject to the provisions of the referendum referred to in section 233, of article twenty-one.

The council shall not have power to levy a general tax greater than one dollar and thirty-five cents on each one hundred dollars of the assessed valuation of all property within said city. This limit is exclusive of all taxes for the payment of the principal and interest of the bonded indebtedness of the city, all district taxes, special taxes, special assessments and all taxes for library or school purposes. This limit may be changed at any time by an ordinance adopted by a majority vote of all the electors voting on such question at any general or special election and such ordinance may originate in the council or may be proposed by initiative petition.

ARTICLE XVI.

Claims and Demands.

Section 212. Bonds and interest coupons shall be paid by the treasurer and demands shall not be necessary therefor. Claims and demands

Sec. 213. All other payments from the treasury must be made only on demands as herein provided, and every demand must specify each date, item and value, be verified under oath and must be approved by the head of the department authorizing, or the person having knowledge of same, and by a majority of all the members of any board over such department.

Sec. 214. All demands on the library fund, or any public utility fund, must be approved by a majority vote of all the members of the board of trustees of the Riverside public library or the board of public utilities respectively, and approved by the auditor. The approval of the mayor and council shall not be necessary, but the mayor may disapprove any such demand and such demand shall be then paid only if approved, as provided in section 216 of said article.

Sec. 215. All demands except those referred to in section 214 of this article must be approved by a majority vote of all the members of the council, by the mayor and by the auditor.

Sec. 216. The council may approve any demand over the disapproval of any head of a department by a majority vote of all the members. The council may approve any demand over the disapproval of the mayor by a vote of six of its members, and any board specified in section 214 may approve any demand over the disapproval of the mayor by a vote of four of its members. Every such demand must be voted on separately, the aye and no vote taken by roll call and recorded. The reason for any disapproval must be attached to the demand.

Sec. 217. Regular monthly pay-roll demands, when approved by the head of the department, may be paid prior to the approval by the board over such department.

Sec. 218. Salaries of elective officers, except those of members of the council, shall not require demands.

Sec. 219. The auditor shall designate the fund out of which any demand shall be paid. His disapproval shall be

final, subject to the review of the courts. No demand can be paid by the treasurer unless audited and approved as herein provided. If there are no funds to pay any demand on presentation, the treasurer shall register such demand and thereafter, if there be funds legally applicable to pay such demand, it shall be paid in the order of registration at the rate of five per cent per annum.

Sec. 220. The system of accounting and forms relating to demands and their approval and payment prescribed by the board of city accounting under the former charter of the city of Riverside, shall continue in force until changed by ordinance.

Sec. 221. No suit shall be brought on any claim for money or damages against the city of Riverside or any officer or board of the city, until a demand for the same has been presented, as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter period of time is otherwise provided by law, all claims for damages against the city of an officer or board of the city, must be presented within three months after the occurrence from which the claimed damages arose, and all other claims or demands shall be presented within three months after the last item of the account or claim accrued. Nor shall suit be brought against said city, or any board or officer thereof, upon any claim or demand that has been in whole approved and audited as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to writ of mandamus or other proceeding against the council, or any board or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

Sec. 222. All said claims or demands, except those provided for in section 214 of this charter, shall be presented to the mayor and common council for allowance. All claims or demands mentioned in section 214 of this charter must be presented to the board of directors of the Riverside public library or the board of public utilities respectively for allowance and must be approved by the auditor.

ARTICLE XVII.

Bonded Indebtedness.

Bonded
indebted-
ness.

Section 223. Bonds of the city of Riverside may be issued under the provisions of the general laws of the state relating to the incurring of bonded indebtedness subject to the following provisions which shall take precedence over the provisions in such general laws relating to similar matters:

1. Bonds may be issued by the city to defray expenditures for any purpose for which any of the funds of the city may be lawfully expended.

2. Funds from the sale of bonds issued for school, library or public utility purposes shall be under the exclusive control of, and shall be expended only on demands approved by the board of education, the board of trustees of the Riverside public library or the board of public utilities, respectively.

3. The city may issue bonds for a term of years less than forty years, said bonds shall be serial and shall be payable in equal annual installments and the length of said term shall be determined and stated in the ordinances passed by the council submitting the question of incurring said indebtedness and issuing said bonds, to be voted on at an election and said election may be either a special or a general municipal election.

ARTICLE XVIII.

Contracts.

Section 224. The city of Riverside shall not be bound by any contract unless the council shall have first caused notice to be published in a daily newspaper printed and published in the city of Riverside, inviting proposals, and thereafter shall have let said contract to the lowest responsible bidder furnishing adequate security for its performance, satisfactory to the council; *provided*, that the council may reject any and all bids; *and provided*, that any such contract shall be made in writing, and approved and signed as provided in article three, chapter one, section 10; *and provided further*, that the approval, as to form of such contract, by the city attorney, as required by section 112 of article five of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; but the council may by resolution authorize any officer, committee or agent of the city to bind the city for the payment of a sum of money not exceeding one thousand dollars without a contract in writing and without any previous publication of notice inviting proposals; *provided*, that contracts made by other boards authorized by this charter to make contracts, shall not be subject to the provisions of this section. Contracts.

Sec. 225. The council shall not have the power to make any contract or lease or to extend any existing contract or lease for a longer period than five years unless said contract, lease or extension be approved and ratified by a majority of the qualified electors of the city voting on such question at any election; *provided*, that a lease, contract or extension for a longer period shall be valid without such approval if said lease or contract provides for the acquisition by the city, at the end of such period, of the real or personal property so leased or contracted for, but such contract, lease or extension shall nevertheless be subject to the provisions of the referendum herein provided.

Sec. 226. The council shall annually, at some regular meeting held during the month of June, fix the rate to be paid for official advertising and for job printing for the year following,

from July first to June thirtieth. Such advertising and job printing may, thereafter during said year, be procured by the council or by any board, officer or employee legally authorized, but in no case shall the price paid exceed, though it may be less than the rate so fixed by the council. At the same price, preference shall be given on orders for job printing to printing establishments located in the city of Riverside, but this shall not be construed as preventing such work being done outside of the city if a lower price, considering quality of work, can be thus obtained.

Sec. 227. The council may by ordinance create the position or office of city purchasing agent and shall prescribe the duties and fix the compensation therefor. Such position or office may be filled by one of the officers or employees of the city so designated, or a new and separate office or position may be created. The council may provide that all or any designated portion of the purchases and contracts under the jurisdiction of the council must be made by said purchasing agent under rules prescribed by the council; and with the consent of other boards herein given the power to make purchases and contracts, the council may provide that all or a portion of such purchases and contracts may be made by said agent, under similar or different rules. The council may provide that the purchasing agent may make all or any portion of the purchases of the city in the open market at the best prices obtainable and to the best advantage of the city, subject nevertheless to the provisions of section 224 of this article or of any other provisions of this charter requiring such advertisement for bids and shall take precedence of the provisions in section 226 of this article relating to job printing.

ARTICLE XIX.

Streets and Sewers.

Streets and
sewers

Section 228. Except as provided herein and unless otherwise provided by ordinance, the general law of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places and sidewalks including the construction of sewers and providing for the laying out, opening, extending, widening, straightening or closing up in whole or in part of any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and to provide for the payment of such bonds; and providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within city limits, and other acts of the Legislature of this state of a similar nature, or for the making of any public improvement,

now in force, or which may hereafter be adopted by said Legislature, is hereby made a part of this charter, and shall govern the council in such matters; *provided*, the council is hereby given power to enact ordinances providing for, and having the effect as long as such ordinances shall remain in force, of repealing all, any, or any portion of any such general laws, as far as the same shall relate to the city of Riverside, and substituting in place thereof other measures, provisions and regulations, relating to similar matters; *and provided*, the council is hereby given power to enact ordinances providing other and different measures, provisions and regulations relating to any, all or any portion of the matters covered in such general laws, and in any proceedings relating to any of said matters to decide and provide in the ordinance ordering or initiating said proceedings, whether said proceedings or work shall be conducted under said general laws, under said general laws as amended by said ordinances, or entirely under said ordinances. Upon the repeal of any such ordinance, the general laws may be resorted to, as theretofore; *provided*, said law be still in force in the state.

Sec. 229. The council shall have power to cause an estimate to be made and a bid submitted on behalf of the city by the city engineer and the superintendent of streets on any work provided for in this article. Said bid shall be in regular form but no bond, certified check or other deposit or security shall be required of the city. The contract for said work may be awarded to the city if the bid of said city is the lowest, or to the next highest responsible bidder at the option of the council. No bond shall be required of the city, but the contract shall be signed in regular form. The superintendent of streets shall have charge of the execution of any such contract and careful records of cost must be kept and reported to the council at the completion of such work. Assessments for such work shall be collected as designated by the council.

Sec. 230. In all proceedings under the general laws of the state the city engineer and the superintendent of streets respectively, shall perform the same duties as prescribed in said laws.

ARTICLE XX.

Franchises.

Section 231. The council shall have power by ordinance to ^{Franchises} designate the terms, conditions and duration of all franchises; *provided*, that no exclusive franchise shall ever be granted.

ARTICLE XXI.

The Initiative.

Section 232. Any proposed ordinance may be submitted to the council by a petition signed by qualified and registered ^{Initiative} electors of the city equal in number to the percentage herein-

Initiative

after required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving street and number. One of the signers of each of such papers shall make oath before an officer qualified to administer oaths, that the statements therein made are true and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the day of filing such petition the city clerk shall examine and from the great register and certificates of registration, ascertain whether or not said petition is signed by the requisite number of qualified and registered electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination.

If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay.

If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number to ten per cent of the entire vote cast for all candidates for mayor at the last preceding general municipal election, the council must either pass such ordinance without alteration or submit the same to the electorate at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to fifteen per cent of said vote and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within sixty days from the filing of such petition.

The ballots used when voting upon such proposed ordinance shall contain the words: "For the ordinance"; (stating the general nature of the ordinance) and "Against the ordinance," (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition or which shall be adopted by a vote of the people, can not be repealed or amended except by a vote of the people obtained in like manner.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this sec-

tion; *provided*, that there shall not be held under this section of the charter more than one special election in any period of twelve months.

The Referendum.

Section 233. No action providing for the sale or lease of any city property exceeding one thousand dollars in value and no ordinance passed by the council (except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a vote of six members of the council and approved by the mayor or the unanimous vote of the council over the mayor's disapproval, but no grant of any franchise shall be construed to be an urgency matter), and no action made subject to the referendum by this charter shall go into effect before thirty days from the time of its approval by the mayor or the time of its passage over his veto, as the case may be; and if during said thirty days, a petition signed by electors of the city equal in number to at least ten per cent of the entire vote cast for all candidates for mayor at the last preceding city election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance and if the same is not entirely repealed, the council shall submit the ordinance proposed, to the vote of the electors of the city either at the next general municipal election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of the first section of this article (The initiative) and shall be examined and certified by the clerk in all respects as therein provided. If the provisions of two or more measures approved and adopted at the same election under the provisions of this charter, conflict, then the measure receiving the highest affirmative vote shall control.

The Recall.

Section 234. The holder of any elective office may be removed or recalled at any time by the electors qualified to vote for a successor to such incumbent; *provided*, such elective officer has held his office at least six months. The procedure to effect such removal or recall shall be as follows:

The petition demanding the election of a successor to the person sought to be removed shall be filed with the city clerk, which petition shall be signed by qualified voters equal in number to at least twenty-five per cent (25%) of the entire vote cast for all candidates for such office at the last preceding

Recall

regular municipal election at which such officer was voted for, and shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in no wise effect the validity of the election and proceedings held thereunder. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving street and number. Each separate paper shall have attached thereto an affidavit made by a qualified elector and sworn to before an officer, competent to administer oaths, stating that the affiant circulated that particular paper and saw written the signatures appended thereto; and that, according to the best information and belief of the affiant, each is the genuine signature of the person whose name purports to be thereunto subscribed and is that of a qualified elector. Within ten days from the date of filing such petition, the clerk shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be supplemented within ten days from the date of such certificate by the filing of additional papers, duplicates of the original petition except as to the names signed. The clerk shall, within ten days after such supplementing papers are filed, make like examination of the supplementing petition and if his certificate shall show that all the names to such petition, including the supplemental papers, are still insufficient, no action shall be taken thereon, but the petition shall remain on file as a public record; and the failure to secure sufficient names shall be without prejudice to the filing later of an entirely new petition to the same effect. If necessary the council shall allow the clerk extra help for the purpose of such examination. In case the clerk is the officer sought to be recalled, the duties herein provided to be performed by him shall be performed by some other person designated by the council for that purpose. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon cause a special election to be held within not less than thirty-five nor more than forty days after the passage of an ordinance calling such election, to determine whether the voters will recall such officer; *provided*, that if a regular municipal election is to occur within sixty days from the date of the filing of the petition with the council, the council may, in its discretion, submit such recall at such regular municipal election. If a vacancy occurs in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose the removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials. Nominations for any office under such recall election shall be

made by petition in the manner prescribed by section 1188 of the Political Code; except that no party affiliation of candidate, signer or verification deputy shall be given, nor shall the election as a convention delegate or participation in a primary election be any bar to signing such petition. Upon the sample ballot there shall be printed in not more than two hundred words, the reasons set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words, the officer may justify his course in office. There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines with a blank space at the right of each, in which the voter shall indicate by stamping a cross (X) his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No" said incumbent shall continue in said office. If a majority shall vote "Yes" said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

If any special election be ordered, held and conducted it shall be ordered, held and conducted (except as to date thereof) and the result be made known and declared, in the same manner as herein provided for other elections.

ARTICLE XXII.

Miscellaneous Provisions.

Section 235. The word "city" wherever it occurs in this charter, means the city of Riverside, county of Riverside, State of California; and every commissioner, commission, department, board, officer or employee, wherever mentioned in this charter, means a commissioner, commission, board, officer or employee, as the case may be, of the city of Riverside. The word "street" as used in this charter shall include "streets," "lanes," "alleys," "courts," "places," and "sidewalks." Definitions.

Whenever used in this charter, the singular shall include the plural, the plural shall include the singular, the masculine shall include the feminine, the feminine shall include the masculine, and wherever the word "person" is used it shall include the artificial as well as natural persons.

Fiscal year Sec. 236. The fiscal year mentioned in this charter shall commence with the first day of July and end with the thirtieth day of June following.

Effect of charter. Sec. 237. All city ordinances, resolutions and other regulations now in force and not inconsistent herewith shall be and remain in force after this charter takes effect, until changed or repealed by the proper authority; and all rights vested under any former act or regulation, when this takes effect, shall not be lost or impaired or discharged thereby. And all contracts of the city or any of its departments or officers, in progress, begun or in existence at the time of the taking effect of this charter and not inconsistent therewith, are hereby preserved and shall continue to be valid and the same shall be enforced, continued or completed in all respects as though vested or begun hereunder.

Pending business Sec. 238. No business of, or pending before any officer or department of the city at the time this charter takes effect, shall be discontinued or abandoned by reason thereof, but the same may be carried on and completed by or before the proper officer or department herein provided for.

Effective date. Sec. 239. This charter shall go into force and effect for all purposes on the first day of July, 1929.

CERTIFICATE.

Certificate. WHEREAS, the city of Riverside, a city containing a population of more than three thousand five hundred inhabitants, did on the twenty-ninth day of June, in the year of our Lord, nineteen hundred and twenty-eight, at a special election under and in accordance with the provisions of section 8, article eleven, of the constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare and propose a charter for said city;

Be it known, that in pursuance of said provisions of the constitution, the said board of freeholders has prepared and does propose the foregoing articles signed in duplicate, as and for the charter of the said city of Riverside; and hereby fixes the fifteenth day of March, 1929, as the date for holding a special election to submit this charter to the electors of the city of Riverside for adoption.

In witness whereof, we have hereunto set our hands at the city of Riverside, county of Riverside, in the State of Cali-

fornia, this twenty-sixth day of December, in the year of our Lord, nineteen hundred and twenty-eight.

Signed :

LYMAN EVANS, President.
 JOHN F. BACKSTRAND.
 E. M. BONNETT, SR.
 CHARLES E. BROUSE.
 WALTER C. DAVISON.
 J. R. ELLIOTT.
 MIGUEL ESTUDILLO.
 S. C. EVANS.
 OSCAR FORD.
 GEORGE A. FRENCH.
 JONAS E. KILLIAN.
 ARTHUR G. PAUL.
 HIRAM P. WHITEHEAD.
 F. P. YOUNGLOVE.
 BELLE H. ELLIS, Secretary.

CERTIFICATION.

City of Riverside,
 County of Riverside,
 State of California. } ss.

I, G. Albert Mills, the duly elected, qualified and acting clerk of the city of Riverside, county of Riverside, State of California, hereby certify that the foregoing is a full, true and correct copy of the proposed charter of the said city of Riverside, prepared and proposed by a duly qualified board of fifteen freeholders, duly elected on the twenty-ninth day of June, 1928; that copies of the said charter were duly filed with the clerk of the said city of Riverside on the twenty-seventh day of December, 1928, said copies being signed by all of the members of said board of freeholders; that thereafter, within the period prescribed by law, the said proposed charter was duly published in two daily newspapers of general circulation in the said city of Riverside; that said charter was submitted to the qualified electors of said city at a special municipal election held on Friday, the fifteenth day of March, 1929, the date of the said election having been fixed by the said board of freeholders, the said date being not less than sixty days from the completion of the publication of such charter, as required by law; and that at such election a majority of the qualified electors of said city of Riverside voting thereat duly ratified the same; and I further certify that at all of the times herein mentioned the said city of Riverside contained a population of more than three thousand five hundred inhabitants.

Certification.

In witness whereof, I have hereunto set my hand and affixed the corporate seal of the city of Riverside, county of Riverside, State of California, this eighteenth day of March, 1929.

[SEAL]

G. ALBERT MILLS,
City Clerk of the City of Riverside.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the said city to be affixed this nineteenth day of March, 1929.

JOSEPH S. LONG,
Mayor of the City of Riverside.

[SEAL]

G. ALBERT MILLS,
City Clerk of the City of Riverside.

AND WHEREAS, said charter has been submitted to the Legislature of the State of California for approval or rejection, without alteration or amendment, in accordance with section 8 of article eleven of the constitution of the State of California; now, therefore, be it

Ratification
by the
Legislature

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein; that said charter as presented to, adopted and ratified by said city of Riverside, and as hereinabove fully set forth, be, and the same is hereby, approved as a whole as and for the charter of the city of Riverside, county of Riverside, State of California.

CHAPTER 34.

Senate Joint Resolution No. 7—Relative to memorializing and petitioning the President of the United States and congress to support congressional action and administrative leadership toward securing the benefits of tariff protection to all American farm producers, regardless of commodity, and petitioning for the restoration of adequate tariffs on imports of agriculture products from the Philippine Islands.

[Filed with Secretary of State April 10, 1929.]

Preamble.

WHEREAS, The encouragement and protection of the growth of agriculture products in the United States, and of the production of agriculture products, in interest of agriculture and as a measure of economic stability and defense, has been an important feature of our tariff policy; and

WHEREAS, A continuation of such policy is highly important from the standpoint of agriculture and as a defense against the dangers inherent in a condition of dependence on foreign supplies of agriculture products; and

WHEREAS, From the time the Philippine Islands were ceded to the United States, by treaty of peace April 11, 1899, until the passage of the so-called Philippine act of March 8, 1902, sugar and other products of the Philippine Islands entering our ports were assessed the same rate of duty as like products coming from other countries; and

WHEREAS, The act of March 8, 1902, provided that upon all articles the growth of the Philippine Islands coming into the United States from such islands there should be levied, collected, and paid only seventy-five per cent of the rate of duty upon like articles imported from other countries; and

WHEREAS, The tariff act of August 5, 1909, the Payne-Aldrich act, provided that all articles, the growth or product of the Philippine Islands, should be admitted into the United States free of duty, except rice and a specified amount of tobacco and cigars, and except in any fiscal year sugar in excess of three hundred thousand gross tons; and

WHEREAS, The fact that congress saw fit to levy the full rate of duty on Philippine products entering the United States from the time of the acquisition of the islands in 1899 until the passage of the act of 1902, and by the passage of the latter act continued to levy such duty to the extent of seventy-five per cent of the rates levied against other countries, is conclusive evidence that congress intended to protect American farmers from competition with cheaply produced products of Philippine soil; and

WHEREAS, There is now pending in congress an act for tariff revision; now therefore be it

Resolved by the Assembly and the Senate of the State of California, jointly, That we, the members of the Legislature of the State of California, urge and support congressional action and administrative leadership toward securing the benefits of tariff protection to all American farm producers, regardless of commodity, and also on those commodities that are competitors, but not necessarily produced in the United States, and for restoration of adequate tariffs on imports of agriculture products from the Philippine Islands; and be it further

Resolved, That the chief clerk of the Assembly be and he is hereby directed to send copies of this resolution to the President of the United States and to each member of the senate and house of representatives of the United States.

CHAPTER 35.

Senate Concurrent Resolution No. 20—Providing for the appointment of a committee on tax investigation.

[Filed with Secretary of State April 23, 1929.]

WHEREAS, In view of the submission of the final report of the California Tax Commission and the commission's several

recommendations contained therein, it appears necessary and advisable that a thorough study be made of said report and of the entire system of local and general taxation of the state and the relative burden borne by all property in proportion to its value and that recommendations be made to the Legislature at its forty-ninth biennial session with reference to the recommendations contained in said report and for any other changes, modifications and amendments to the existing provisions of law and the state constitution, if any are deemed necessary or advisable; and

WHEREAS, It is extremely important that opportunity be given the citizens and taxpayers of the State of California to express their views, opinions, suggestions and recommendations in regard to any or all proposed new methods of taxation and also as to the existing systems or methods of taxation as compared to the new methods proposed in said report, or otherwise, or any changes or modifications deemed necessary or advisable with reference thereto; and

WHEREAS, Said report and the executive message by which it was transmitted to this Legislature recommend that a careful study and investigation of the question of taxation be made by the Legislature; and

WHEREAS, Irrespective of whether there may or may not be a continuance of a statutory tax commission, it is necessary and advisable to secure well considered yet speedy and prompt action by the next Legislature on a comprehensive program of taxation; therefore be it

Legislative
committee
on taxation.

Resolved by the Senate of the State of California, the Assembly concurring, That a committee of eight members, consisting of four members of the Assembly, one of whom shall be the speaker of the Assembly, the other three to be appointed by the speaker, and four members of the Senate to be appointed by the president of the Senate, be appointed to make a study of said report and the recommendations therein contained and of the tax problems of the state and of the counties, municipalities and political subdivisions of this state and to make such recommendations to the Legislature of the State of California at the forty-ninth session thereof, with reference to any and all of the matters herein referred to, as it may deem proper and advisable; and, be it further

Organiza-
tion.

Resolved, That said committee shall proceed to organize by the election of one of its members as chairman and one of its members as vice chairman and by the election of a secretary, and shall proceed with said investigation in such a manner as may be determined by said committee; and, be it further

Hearings.

Resolved, That said committee is hereby authorized to hold public hearings at any place in the State of California, after reasonable announcements thereof have been given to the public at which hearings the people shall have the opportunity to present their views to the committee with reference to any suggested method of taxation; and, be it further

Resolved, That said committee shall in addition to other things herein provided investigate the provisions of the constitution of the State of California and the statutes of the state and the ordinances of counties and municipalities, which may bear upon taxes and revenues, and shall determine as nearly as possible the burden of taxes now borne or paid pursuant to each and all of such provisions by the various classes of property in proportion to the value of such respective classes; and, be it further

Investigation.

Resolved, That said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters herein referred to, and is hereby authorized and empowered to require the production of books, agreements, documents, records, accounts and papers of every kind; to issue subpoenas, to compel the attendance of witnesses, and to procure testimony and so far as practicable, have material testimony reported so that it may be used by the Legislature. Each member of said committee is hereby authorized to administer oaths; and all the provisions of article eight of chapter eight, title one, part three of the Political Code of the State of California relating to the attendance and assemblage of witnesses before the Legislature and committees, shall apply to the committee appointed under this resolution and it shall be the duty of all state, county, municipal and political subdivision officers to furnish such reports and testimony, upon request of said committee and as may be pertinent to the purposes herein set forth; and, be it further

Powers.

Resolved, That it shall be the duty of said committee to submit its report covering all of the provisions herein made, and particularly its findings on questions of necessary revenue and on the relative burden of taxes borne by the several classes of property in the state, including taxes of the state, counties, municipalities and political subdivisions, to make its recommendations of changes in present laws or provisions of the constitution of this state which will correct any inequalities, if such may be found, and further to report on such other matters as in its judgment may bear upon any of the problems covered by the provisions of this resolution, and make public its findings and conclusions by filing a copy thereof with the governor of the State of California as a public document not earlier than November 15, 1930, and not later than December 1, 1930, and also to submit its report to the Legislature of the State of California during the first week of the forty-ninth session thereof; and, be it further

Report

Resolved, That the sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the respective contingent funds of the Senate and Assembly, which may have heretofore or may hereafter be appropriated for the contingent expenses of the Senate and Assembly by this session of the Legislature, said sum to be payable one-half from the contingent fund of the

Appropriation

Senate and one-half from the contingent fund of the Assembly, but not exceeding the sum of fifty thousand dollars in all, for the purpose of paying the expenses incurred by the joint committee herein designated, under the authority hereof, and for the purposes herein set forth, and said payments shall be disbursed from time to time by controller's warrants to be drawn against such contingent funds upon the written orders of the chairman of said joint committee herein provided for.

CHAPTER 36.

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California, an amendment to the constitution of said state, by adding to article four thereof, a new section to be numbered 31a, relating to the indemnification of owners of live stock.

[Filed with Secretary of State April 23, 1929]

Proposed
constitu-
tional
amend-
ment

Resolved, by the Senate, the Assembly concurring, That the Legislature of the State of California, at its forty-eighth regular session, commencing on the seventh of January, 1929, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California, that the constitution of said state be amended by adding to article four thereof, a new section to be numbered 31a and to read as follows:

Indemnifica-
tion of
live stock
owners

Sec. 31a. No provision of this constitution shall be construed as a limitation upon the power of the Legislature to provide by general law, from public moneys or funds, for the indemnification of the owners of live stock taken, slaughtered or otherwise disposed of pursuant to law to prevent the spread of a contagious or infectious disease; *provided*, the amount paid in any case for such animal or animals shall not exceed the value of such animal or animals.

CHAPTER 37.

Assembly Concurrent Resolution No. 32—Approving the charter of the city of Redwood City, county of San Mateo, State of California, voted on and ratified by the qualified electors of said city of Redwood City at a special municipal election held therein on the ninth day of April, 1929.

[Filed with Secretary of State April 30, 1929]

Redwood
City,
city charter

WHEREAS, The city of Redwood City, county of San Mateo, State of California, now is and was at all time herein referred to a city containing a population of more than three thousand

five hundred (3500) inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

WHEREAS, Said city of Redwood City at all time mentioned herein was and now is a city of the sixth (6th) class, organized and existing under the laws of the State of California; and

WHEREAS, Proceedings having been had for the proposal, adoption and ratification of a charter for said city or Redwood City, as set out in the certificate of the mayor and city clerk of the city of Redwood city; and

WHEREAS, The mayor and city clerk of said city of Redwood City have certified as follows:

City of Redwood City }
County of San Mateo } ss.
State of California }

We, the undersigned, H. A. Beeger, mayor of the city of Redwood City, county of San Mateo, State of California, and W. A. Price, clerk of said city, do hereby certify and declare as follows: Certificate

That the city of Redwood City, in the county of San Mateo, State of California, now is and was at all time herein referred to a city containing a population of more than three thousand five hundred (3500) inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States. That said city of Redwood City at all time mentioned herein was and now is a city of the sixth (6th) class, organized and existing under the laws of the State of California.

That pursuant to the provisions of section eight (8), article eleven (XI), of the constitution of the State of California, the council of the city of Redwood City, said council being then and there the legislative body of said city, did by unanimous vote of all its members on the twenty-second day of October, 1928, duly pass an ordinance calling a special election to be held in the city of Redwood City on the fifteenth day of November, 1928, for the purpose of electing a board of freeholders to frame, prepare and propose a charter for the city of Redwood City; that at said special election held on said fifteenth day of November, 1928, a board of fifteen freeholders, all of whom were electors of said city of Redwood City, and had been such electors for more than five years next preceding their election, and eligible as candidates under said election, were elected by the qualified electors of said city of Redwood City as such board of freeholders, which said board, within due and legal time, pursuant to section eight (8), of article eleven (XI) of the constitution of the State of California, duly prepared and proposed a charter for the said city of Redwood City, and did, on the seventh day of February, 1929, file said proposed charter in the office of the city clerk of said city of Redwood City, and did, prior to the filing of said

Certificate

charter, fix Tuesday, the ninth day of April, 1929, as the day and date on which said charter should be submitted to the electors of said city, which said Tuesday, the ninth day of April, 1929, was designated on said charter as the day and date upon which an election should be held in said city of Redwood City, at which election said proposed charter should be submitted to the electors of said city for their ratification.

That said proposed charter was duly signed by all of the members of said board of freeholders on the sixth day of February, 1929, in the manner following, to wit:

Whereas, the city of Redwood City is a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under authority of the congress of the United States; and

Whereas, on the fifteenth day of November, 1928, at a special election duly held on that day under and in accordance with the provisions of section 8 of article eleven of the constitution of the State of California, the electors of said city did choose and did elect Philip Edmond Brand, C. E. Choate, Walter T. Kellogg, C. G. Lambert, A. S. Liguori, Percy E. Long, Nelle L. Miramontes, George W. McNulty, Edw. H. Sampson, Thomas Tuite, C. M. Doxsee, Henry Witte, M. E. Ryan, Mrs. A. S. Kalenborn and Paul A. McCarthy, who are all electors of said city and eligible as candidates under such election as a board of fifteen freeholders to prepare and propose a charter for the government of said city; and

Whereas, the result of said election was duly declared by the legislative body, to wit, the board of trustees of said city, on the nineteenth day of November, 1928, and the said electors thereafter duly qualified as such freeholders in accordance with law; and

Whereas, the period of one hundred twenty days since the result of said election was declared has not expired:

Now, therefore, in pursuance of the said provisions of the constitution of the State of California, after the result of said election was so declared, the said board of freeholders has prepared and does now propose the foregoing charter as and for the charter of the city of Redwood City.

And the said board of freeholders does hereby fix and designate Tuesday, the ninth day of April, 1929, as the date for holding a special municipal election in said city, at which the said proposed charter shall be submitted to the electors of said city for their ratification and adoption.

In witness whereof, the undersigned freeholders hereunto set our hands at the city of Redwood City, in the State of California, this sixth day of February, 1929.

M. E. RYAN,
President of the Board of Freeholders.

MRS. A. S. KALENBORN,
Secretary of said Board.

A. S. LIGUORI
NELLE L. MIRAMONTES
THOMAS TUIITE
EDW. H. SAMPSON
WALTER T. KELOGG
HENRY WITTE
PAUL A. MCCARTHY
C. M. DOXSEE

PHILIP EDMOND BRAND
C. E. CHOATE
M. E. RYAN
C. G. LAMBERT
GEORGE W. McNULTY
PERCY E. LONG
MRS. A. S. KALENBORN

That thereupon said city council of the city of Redwood City duly caused said charter to be submitted to the electors of said city for ratification at a special election held on Tuesday, the ninth day of April, 1929, and did, within fifteen days after the filing of said charter in the office of said city clerk, cause the same to be published once, on the seventh day of February, 1929, in the Redwood City Tribune, a daily newspaper of general circulation printed and published in said city, there being no official newspaper in said city, and caused copies of said charter to be printed in convenient pamphlet form, and until the date fixed for the election on said charter advertised in the Redwood City Standard, a newspaper of general circulation in said city, that said copies of said charter could be had at the office of said city clerk upon application therefor; that said special election was duly and regularly held on said Tuesday, April 9, 1929.

That at said special election so held on Tuesday, April 9, 1929, a majority of the qualified electors voting thereat voted in favor of said proposed charter, and the said city council of said city did, in time, form and manner required by law, duly canvass the returns of said special election and declare the result thereof, and found, determined and declared that a majority of the electors voting at said special election had voted for and ratified said charter.

That said charter so prepared, proposed and ratified as herein set forth is as follows, to wit:

PROPOSED CHARTER FOR THE CITY OF REDWOOD CITY, COUNTY OF
SAN MATEO, STATE OF CALIFORNIA.

BOUNDARIES, POWERS, ELECTIONS.

Sec. 1. NAME: The municipal corporation now existing and known as "Redwood City" shall remain and continue a body Corporate entity.

politic and corporate, as at present, in fact and in law, by the name of the "City of Redwood City" and by such name shall have perpetual succession.

Boundaries

Sec. 2. BOUNDARIES: The boundaries of Redwood City shall continue as now established until changed as authorized by law.

Powers
of city

Sec. 3. POWERS: Redwood City, by and through its council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants which are not prohibited by the constitution and which it would be competent for this charter to set forth particularly or specifically; including all lawful powers conferred upon the city by the former charter not inconsistent with the provisions hereof; *provided*, that where the general laws of the state provide a procedure for the carrying out and enforcement of any rights or powers belonging to the city, said procedure shall control and be followed unless a different procedure shall have been provided in this charter or by ordinance. All powers of the city whether expressed or implied, shall be exercised in the manner prescribed by this charter or, if not prescribed herein, then in the manner provided by ordinance or resolution of the council.

Without in any way or to any extent limiting or curtailing the powers herein conferred or mentioned, and for the purpose only of removing all doubt concerning the exercise of powers herein expressly mentioned, Redwood City shall have power:

1. To pass ordinances not in conflict with the constitution of the State of California or the United States of America.

2. To contract for supplying the city with water for municipal purposes or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, wells, or other works necessary, proper or convenient for supplying water for the use of such city or the inhabitants thereof and for irrigating purposes therein.

3. To establish, build, and repair bridges; to acquire by purchase or otherwise lands for squares, parks, playgrounds, and other places within said city and to improve, equip, and maintain the same; to establish, lay out, alter, keep open, improve, and repair streets, sidewalks, alleys, tunnels, rights of way and other public highways and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel, and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks, cross walks, or any other improvements necessary therein or in any part thereof; to cause to be planted, set out, and cultivated shade trees therein; and generally to manage and control all such highways, tunnels, streets, rights of way and places; and in the exercise of the powers herein granted to expend in their discretion the ordinary annual income and revenue of the municipality or such portion thereof as they deem proper in the payment of the costs and expenses of the whole or any part of such work or improvements.

4. To acquire property required for the opening and laying out of any street, alley, lane or tunnel and to pay the cost and expense incurred in the acquisition thereof out of the general funds of said city.

Powers
of city

5. To construct, establish and maintain drains, storm drains, and sewers.

6. To provide fire engines and all other necessary and proper apparatus for the prevention and extinguishment of fires.

7. To impose and collect an annual license on every dog owned or harbored within the limits of the city and to fix the rate of the license tax thereon and to provide for the collection of the same by suit or otherwise.

8. To license all and every kind of business, occupation, and profession authorized by law and transacted and/or carried on in said city and to fix the rate of the license tax thereon and to provide for the collection of the same by suit or otherwise.

9. To improve the streams, creeks, or waterfront within said city, or without said city and necessary or convenient for the use of the inhabitants thereof; to widen, straighten and deepen the channels thereof and to remove obstructions therefrom, to acquire and improve public mooring places, wharves, warehouses, steam or electric railways, or spur tracks.

10. To erect and maintain buildings for municipal purposes and to acquire and maintain cemeteries situated within or without the limits of said city.

11. To erect and maintain buildings for hospital purposes, whether within or without the limits of said city.

12. To acquire, own, construct, maintain and operate bus lines, street railways, telephone and telegraph lines, gas and other works for light, power, and heat; public libraries, museums, gymnasiums, airports and other public utilities within and without the city limits, and to grant franchises for the construction of public utilities as they may deem proper, the laying of railroad tracks and the running of cars thereon, and the laying of gas and water pipe in the public streets, and to permit the construction and maintenance of telegraph and telephone lines therein.

13. To impose fines, penalties and forfeitures for any and all violations of ordinances; and for any breach or violation of an ordinance to fix the penalty by fine or imprisonment or both, but no such fine shall exceed five hundred dollars nor the term of imprisonment exceed six months.

14. To establish and maintain fire limits and regulate building and construction of buildings within said city.

15. To regulate advertising by signs, billboards, banners, placards, posters, or pictures on any street, sidewalk, or private property, or upon any buildings, poles, or fences thereof.

16. To issue subpoenas for the attendance of witnesses or the production of books or documents for the purpose of producing evidence or testimony in any action or proceeding

Powers
of city

or matter pending before said council, which subpoenas must be signed by the mayor of said city and attested by the clerk, and may be served in the same manner as subpoenas are served in civil actions under the laws of the State of California, and a failure to comply with said subpoena may be punished in the same manner by the judge of the superior court of the county as in the case of a witness subpoenaed to appear and give evidence in the trial of a civil action before said superior court.

17. To do and perform any and all other acts and things necessary, proper, or convenient to carry out the provisions of this charter or of any of the laws, rules, or regulations adopted in pursuance thereof or any of the general laws of the State of California under which this charter gives said council the power to act or proceed.

18. To purchase, contract for the purchase of, and otherwise acquire, receive, hold, control, sell, convey, exchange, lease and otherwise deal with and dispose of real and personal property for the common benefit of the municipality, both within and without the corporate limits of said city.

No sale of real property shall be authorized by the city council, except by ordinance passed by the affirmative vote of five-sevenths ($\frac{5}{7}$) of all the members thereof, and no lease of property of the city shall be made, excepting by ordinance, nor for a longer period than ten (10) years, excepting that a sewer farm of the municipality and all waters and sewage used or discharged thereon, and real property on the water-front may be leased for a period not exceeding twenty-five (25) years.

Before any lease may be made of any city property public notice stating explicitly the time and the conditions of such proposed lease shall be given at least once a week for two weeks in a newspaper and such lease shall be made to the highest responsible bidder only at public auction or upon sealed bids to the city council.

Before any sale of city property may be made an appraisal of said property by a competent appraiser shall be made by order of the council and public notice thereof containing a legal description of such property shall be given at least once a week for four weeks in a newspaper and such sale shall be made to the highest bidder only at public auction or upon sealed bids to the council, and for not less than ninety per cent of such appraised value.

19. To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisance, or otherwise; to prevent the erection or maintenance of insecure or unsafe buildings, walls, chimneys, stacks, or other structures, and to provide for their summary abatement or destruction.

Sec. 4. NOMINATIONS AND ELECTIONS: General municipal elections shall be held in said city on the second Monday in April of each even-numbered year under and pursuant to the provisions of the general laws of the State of California governing nominations and elections in the cities of the sixth class, so far as the same may be applicable, and except as herein otherwise provided. The first election in said city under this charter shall be held on the eighth Tuesday following ratification hereof by the Legislature of this state, for the purpose of electing two additional councilmen. The councilman so elected by the highest vote shall hold office until the third Monday of April, 1932, and the other councilman shall hold office until the third Monday of April, 1930.

Nominations
and
elections

All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections, and shall be held substantially as in this charter provided for general municipal elections; *provided, however,* that special elections to authorize any municipal or local public improvement, or the levy of assessments therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the state relative thereto under which any such proceeding is instituted by the council, in case such general law provides for the procedure and manner of holding elections thereunder.

Sec. 5. CANVASS OF RETURNS: The council of said city shall meet at its usual meeting place on the first Monday after any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any.

Sec. 6. INITIATIVE, REFERENDUM AND RECALL: Ordinances may be initiated, or the referendum exercised on ordinances passed by the council, under and in accordance with the constitution and general laws of the state, and any elective officer may be recalled from office under and in pursuance of the provisions of the constitution and general laws; *provided, however,* that if a minority of the council are sought to be recalled no candidate or candidates shall be elected to fill the place or places of any officer sought to be recalled, but in case of such recall such office shall be deemed vacant and shall be filled by appointment like other vacancies in elective offices; *provided, further,* that should a majority, or more, of the council be sought to be recalled, the general provisions of the state law applicable to recall of officers shall apply. Petitions for exercising the initiative, referendum, or recall, may be circulated or deposited for signatures in not less than three public places in the city, to be designated by the council. Notice of the deposit thereof shall be given by publication three or more times in one or more newspapers published and circulated in said city. The council shall provide by ordinance the detailed procedure for carrying out the provisions of this section.

Initiative,
referendum
and recall

LEGISLATION.

Elective
officers

Sec. 7. ELECTIVE OFFICERS: The elective officers of Redwood City shall be seven councilmen, who shall be elected from the city at large at a general municipal election therein.

Eligibility

Sec. 8. ELIGIBILITY OF ELECTIVE OFFICERS: No person shall be eligible for election to, or to hold any elective office of said city, unless he shall have been a resident and elector thereof for at least three years next preceding his election thereto, or his appointment to fill a vacancy therein.

Council.

Sec. 9. THE COUNCIL: The council shall be comprised of seven councilmen, including the mayor, and shall be the legislative body of the city, each of the members of which, including the mayor, shall have the right to vote upon all questions before it.

Councilmen shall be elected at each general municipal election and shall hold office for the term of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. The councilmen in office at the time of this charter taking effect shall continue in office until the end of the terms for which they were respectively elected.

Any vacancy occurring in the council shall be filled by appointment by the remaining councilmen; but in the event that said remaining councilmen fail to fill such vacancy by appointment within 60 days after vacancy occurs, they must immediately cause an election to be held to fill such vacancy; *provided, however*, that any person appointed to fill such vacancy shall hold office only until the next regular election, at which date a person shall be elected to serve for the remainder of such unexpired term. In case a member of the council is absent from the city for a period of ninety days, unless by permission of the council, his office shall by the council be declared vacant and the same filled as in the case of other vacancies.

The councilmen shall receive as compensation twenty dollars per month.

No councilman shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the city, except as a member of any board, commission, or committee thereof, of which he is constituted such member by general law or by this charter.

Sec. 10. POWERS OF COUNCIL: All powers granted to and vested in Redwood City by law or by provisions of this charter shall, except as herein otherwise provided be exercised by the council, to be designated the "Council of Redwood City." The council shall be the governing body of the city and, subject to the express limitations of this charter, shall be vested with all the powers necessary or convenient for a complete and adequate system of municipal government, consistent with the constitution of the state, including all powers now or hereafter granted by general law to councils or boards of trustees of municipalities.

Sec. 11. **MEETINGS OF THE COUNCIL:** The council shall provide by ordinance for the time and place of holding its meetings and the manner in which its special meetings may be called; *provided, however,* that there shall be at least two regular meetings in each month. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes. All legislative sessions of the council, whether regular or special, shall be open to the public. Meetings

Sec. 12. **QUORUM:** A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of, or action upon, pending business in like manner. Attendance at meetings of absent members of the council may be compelled in such manner and under such penalties as may be prescribed by ordinance. Quorum

Sec. 13. **CONDUCT OF MEETINGS:** The council shall determine its own rules of procedure, and may punish its members or other persons present at any meeting for disorderly conduct. Procedure

Sec. 14. **THE MAYOR:** The council shall choose one of their number to serve as president of the council, and to be known as mayor. His term as mayor shall be two years. The mayor shall be the executive head of the city. In the name and on behalf of the city he shall sign all legal instruments and documents to which the city is a party except where otherwise provided herein or by general law or ordinance. He shall represent the city in all ceremonial functions of a patriotic or social character when it appears desirable that the city be officially represented thereat, and shall, consistent with the provision thereof, possess such other powers and perform such duties as may be prescribed by this charter, by law, by ordinance, or by resolution of the council. Mayor

The mayor shall have a contingent fund of two hundred and fifty dollars (\$250.00) a year, for which he need produce no vouchers.

In case of riot, insurrection, or extraordinary emergency, he shall assume general control of the city government and all of its branches, and shall be responsible for the suppression of disorders and the restoration of normal conditions. During the temporary absence or disability of the mayor, the council shall choose one of its members to act as mayor pro tempore.

Sec. 15. **LEGISLATION:** The council shall act in legislative matters by ordinance or resolution only. Other action of the council, unless herein otherwise provided, may be taken by resolution, motion or order. Ordinances
and
resolutions

The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the council. Upon the request of any members of the council the ayes and noes shall be taken and recorded upon any vote. All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made.

No ordinance or resolution shall be passed without receiving the affirmative votes of at least a majority of the members of the council present.

Each ordinance shall be headed by a brief title which shall be indicative of the purport thereof. It shall be numbered when adopted.

The ordaining clause of all ordinances adopted by the council shall be "The Council of Redwood City do ordain as follows:" The ordaining clause of all ordinances passed by the vote of the electors of the city, through the exercise of the initiative shall be, "The People of Redwood City do ordain as follows:"

No ordinance shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular meeting, nor until its publication at least once in the official newspaper of the city at least three days before its adoption; *provided, however*, that ordinances calling elections and ordinances carrying out the provisions of elections need not be published prior to adoption. In case of an ordinance being amended before its final adoption, and after its publication, it shall in like manner be republished in full as amended at least one day before its adoption as amended; *provided, however*, that where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinances need not be given a first reading or a republication as corrected.

Except as otherwise provided by general law, or this charter, no action providing for the appropriation or expenditure of public money, in any amount over five hundred dollars, or for the acquisition, sale, lease, incumbrancing, or disposition of, any real property of the city, or any interest therein, or for the levying of any tax or assessment, or the granting of any franchise, or for the establishing or changing fire limits, or business or residential zones, or the imposing of any penalty, shall be taken except by ordinance.

No ordinance or portion thereof shall be repealed except by ordinance. No ordinance shall be revised, re-enacted, or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted according to the method provided in this section for the enactment of ordinances, and such revision, re-enactment, amendment or addition, shall be done by ordinance only.

All ordinances shall be signed by the mayor and attested by and filed with the city clerk.

Ordinances,
etc., when
effective

Sec. 16. WHEN ORDINANCE EFFECTIVE: Except as otherwise provided herein every ordinance and every measure passed by the council granting any franchise or privilege shall go into effect at the expiration of thirty days after its final passage, unless otherwise provided in said ordinance or measures. But ordinances declared by the council to be neces-

sary as emergency measures for the immediate preservation of public peace, health, or safety, containing a statement of the reasons for their urgency and passed by five-sevenths vote of the whole council, ordinances ordering or otherwise relating to elections, and ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments, may go into effect at the will of the council.

Sec. 17. CITY PLANNING COMMISSION: There shall be a city planning commission consisting of the mayor as an ex officio member without vote except in case of a tie; the city attorney; the city engineer; and six citizens to be appointed by the council to serve for six years each, without compensation.

This commission shall be governed by the general laws of the state relating to planning commissions and shall have and exercise all powers and duties which are now or may hereafter be granted to or imposed upon said commission or department by state law, and such additional powers and duties as may be granted or imposed by ordinance.

The members of the present city planning commission in office at the time of this charter taking effect shall continue in office until the end of the terms for which they have been respectively appointed.

Sec. 18. PUBLIC LIBRARY: The public library of the city shall be managed under and in accordance with the provisions of the general laws of the state relating to public libraries. The salaries and compensations of all officers and employes appointed by the board of library trustees shall be paid out of the moneys received by the city from the special levy for the maintenance and support of a public library.

The members of the present board of library trustees in office at the time of this charter taking effect shall continue in office until the end of the terms for which they have been respectively appointed.

ADMINISTRATION.

Sec. 21. OFFICERS AND BOARDS: The administrative officers and boards shall be city manager, city clerk, city engineer, chief of police, chief of fire department, health officer, city assessor, city collector, city auditor, city treasurer, and such other officers and boards or commissions as may be hereafter established.

Excepting city manager, city attorney, city auditor, and city treasurer, each of said officers and their assistants, deputies, clerks, and employes shall be appointed by the city manager, and shall hold office or position at his pleasure; *provided, however*, that the appointment of the city clerk and the health officer shall be subject to the approval of the city council. The compensation of all officers and employes excepting members of the council shall be provided by ordinance of the council.

The city manager, city attorney, city auditor, and city treasurer, shall be appointed by the council, and the removal of any of them shall be only on a five-sevenths vote of the whole of such council.

Consolidation of offices

Sec. 22. CONSOLIDATION OF OFFICES: More than one office and the powers and duties thereof may be consolidated under a single officer by ordinance of the council, or by order of the city manager; *provided*, that the office of city manager shall not be abolished. Additional powers, functions, and duties may be assigned by ordinance to any office, board, or commission hereby established.

The council may abolish or change any office established by ordinance, and may prescribe, distribute, and consolidate the functions and duties of offices so established.

Rules and regulations

Sec. 23. DEPARTMENT RULES: Each department head shall have power to prescribe and enforce reasonable rules and regulations not inconsistent with this charter or ordinances of the city, or general laws of the state, for the conduct of the employes of the department of which he is in charge, for the distribution and transaction of its business, and for the records and property under his control.

Official bonds

Sec. 24. OFFICIAL BONDS: The council shall determine which officers shall give bonds for the faithful performance of their official duties and fix the amount of such bonds. Such officers, before entering upon their duties, shall execute bonds to the city in the penal sum required, which bonds shall include other offices of which they may be *ex officio* incumbent. Said bonds shall be approved by the council and filed with the city clerk. That of the city clerk shall be filed with the mayor. The premium of such bonds shall be paid by the city.

Oath of office

Sec. 25. OATH OF OFFICE: Each officer or member of a board or commission shall take the constitutional oath of office and subscribe thereto before entering upon his official duties. Such oaths shall be filed with the clerk. The oath of the city clerk shall be filed with the mayor.

Powers and duties of city manager

Sec. 26. CITY MANAGER: The city manager shall be the administrative head of the city government. He shall be chosen by the council without regard to political consideration and solely with reference to his executive and administrative qualifications. No one shall be eligible for appointment thereto who has not served as city manager, or as an assistant, or deputy thereof for at least one year.

Residence shall not be a qualification for his appointment; but promptly thereafter, he shall become and thereafter remain an actual resident of the city.

The powers and duties of the city manager shall be as follows:

(a) To see that all ordinances are enforced.

(b) To appoint, except as otherwise provided, all administrative officers, subordinate officers, employes, and remove the same, except as otherwise provided, and have general supervision and control over the same.

(c) To exercise general supervision over all privately owned public utilities operating within the city.

(d) To see that the provisions of all franchises, permits, and privileges granted by the city are fully observed and to report to the council any violation thereof.

(e) To act as purchasing agent for the city. When so acting he shall give preference to local merchants, quality and price being equal.

(f) To attend all meetings of the council, unless excused therefrom by the council or the mayor.

(g) To examine, or cause to be examined, without notice, the conduct of any officer or employee of the city.

(h) To keep the council advised as to the needs of the city.

(i) To devote his entire time to the interests of the city.

(j) To have general supervision of all the public parks and playgrounds.

(k) To appoint such advisory officers and boards as he may deem desirable, with the growth of the city, to advise and assist him in his work; *provided*, such officers and boards shall not receive any compensation.

(l) To make such recommendations to the council or board of equalization regarding the assessment roll as he may deem advisable.

(m) To possess such other powers and to perform such additional duties as are or may be prescribed by this charter or by ordinance.

(n) From time to time, in order to facilitate the prompt, economical and efficient dispatch of city business, to assign assistants, deputies, and employees from any office or department of the city government to perform such work or services in connection with any other office or department thereof, or to work in more than one of said offices or departments.

The city manager and such other officers of the city as may be designated by vote of the council shall be entitled to seats with the council, but shall have no vote therein. The city manager shall have the right to take part in the discussion of all matters coming before the council.

In case of the absence or disability of the city manager, the council may designate as city manager pro tem. some qualified person to perform the duties of the office temporarily.

Sec. 27. NO INTERFERENCE BETWEEN COUNCIL AND CITY MANAGER: No member of the council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the city manager in the making of any appointment or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for city manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to city offices or employments. Any violation of the foregoing provisions of this section shall constitute a misdemeanor and shall work a forfeiture of the office of the offending member of the

Relations
between
council and
manager

council, who may be removed therefrom by the council or by any court of competent jurisdiction.

No persons related to the city manager by blood or by marriage shall be eligible for employment.

Engineer

Sec. 28. CITY ENGINEER: The city engineer shall also be street superintendent, until such time as the council may direct a separate officer to act as street superintendent. Residence shall not be a qualification of the city engineer at the time of his appointment.

As city engineer he shall be the custodian of, and responsible for, all maps, plans, profiles, field notes, and other records, and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indices thereof.

He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the city clerk. All maps, plans, profiles, field notes, estimates, and other memoranda of surveys and other professional work made or done by him or under his direction or control as city engineer during his term of office shall be the property of the city.

He shall have supervision over all public work relating to the grading, paving, cleaning, lighting, watering, and repairing of streets, the building of sewers and the disposal of sewage, garbage, and rubbish, also all other matters of an engineering character. He shall, at the time of his appointment, have been a practicing engineer for a period of at least three years.

All other things being equal, an engineer who has had special training or experience in municipal engineering shall be appointed to this office, if practicable.

The street superintendent shall perform such duties as may be prescribed, now or hereafter, by ordinance or general laws of the state. Nothing herein contained shall prevent the city manager himself from acting as ex officio city engineer and street superintendent and filling such offices as herein provided.

Chief of police.

Sec. 29. CHIEF OF POLICE: The chief of police shall be the head of the police department, and shall have all the powers that are now, or may hereafter be conferred upon sheriffs and other peace officers by the laws of the state. It shall be his duty to preserve the public peace, and to suppress riots, tumults, and disturbances.

His orders shall be promptly executed by the police officers of the city, and every citizen shall lend him aid when requested for the arrest of offenders, the maintenance of public order, or the protection of life and property.

He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty, to arrest persons violating any law of the United States or the state or ordinance of the city. He shall have such other powers and duties appertaining to his office

as may be prescribed by the council or rules of the police department.

He shall appoint and remove all subordinates in the department, make rules and regulations for the management of the department, and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this charter and subject to the approval of the city manager.

Sec. 30. CHIEF OF FIRE DEPARTMENT: The chief of the fire department shall be the head of the fire department, and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby.

He shall appoint and remove all subordinates in the department and make rules and regulations for the government thereof, subject to the approval of the city manager.

During the fire the chief of the fire department shall be in supreme authority over the territory involved therein, and all persons in the immediate vicinity of said fire, including policemen, shall be subject to his orders.

Sec. 31. HEALTH OFFICER: The health officer shall be a ^{Health officer.} person who has been licensed in the practice of medicine in the State of California, or who has received special training, or who has had practical experience in public health work. He shall exercise general supervision over the health and cleanliness of the city, and take all necessary measures for the preservation and promotion thereof.

He shall enforce all laws, ordinances and regulations relative to the preservation and improvement of the public health, including those for the prevention of disease, the suppression of insanitary conditions, and the inspection and supervision of the production, transportation, storage, and sale of food stuffs.

Sec. 32. CITY CLERK: The city clerk shall be clerk of the ^{Clerk.} council and of the board of equalization and shall attend all meetings and shall keep in separate books full and true records of all the proceedings of each of said bodies. He shall keep a book marked "ordinances", into which he shall copy or insert all ordinances, with his certificate annexed to said copy, stating that it is a true and full record thereof, and that such ordinance has been fully published.

Said record copy, with such certificate, shall be prima facie evidence of the contents of such ordinance and of the passage and publication thereof. The clerk shall also keep an index to the minutes of the council and to said ordinance book.

The city clerk shall be the custodian of the city seal, and shall affix the same to all official certificates made by him, and to all papers when directed by the council to attest or execute the same.

He shall have power to administer oaths and affirmations, to take affidavits, and to certify the same. He shall have such other powers and perform such other duties as may be provided by this charter or by statute or by ordinance or order of the city manager.

Auditor

Sec. 33. CITY AUDITOR: When deemed necessary by the council, it may appoint a city auditor. Prior to such appointment, the duties of the city auditor may be performed by such other officer as may be designated by the council.

The auditor shall have general control of all accounting for the city; he shall receive and preserve in his office all account books, vouchers, documents, and papers relating to accounts and contracts of the city, its revenues, disbursements, and other financial affairs.

He shall keep an account of all moneys received and paid out by or through any other office, commission, or department. He shall prepare and submit to the council and city manager, as early as possible each month, and not later than the tenth day thereof, duplicate summary statements of all revenue and expense for the preceding month, detailed as to appropriations and funds, in such manner as to show the exact financial condition of the city and each office, department, and division thereof, as of the last day of the preceding month. The city clerk shall furnish the city auditor with copies of all ordinances, resolutions, and orders of the council making appropriations or authorizing expenditures of money for any purpose. He shall perform such other duties as may be prescribed by the general laws or by ordinance of the council.

Treasurer.

Sec. 34. CITY TREASURER: There shall be a city treasurer, who shall be appointed by the city council. It shall be his duty to receive and safely keep all moneys and securities belonging to the city and coming into his hands, and to pay out the same only on warrants signed by the proper officers, except the principal and interest due on bonds of the city, including improvement bonds thereof.

The treasurer shall deposit, with a responsible banking institution to be designated by the city council, all funds coming into his possession, and shall obtain from such banking institution bonds or other collateral as security therefor, as provided by law. All interest on money so deposited shall accrue to the benefit of the city.

Assessor

Sec. 35. CITY ASSESSOR: There shall be a city assessor. As soon after the first Monday of March of each year as practicable, he shall assess all taxable property within the city as of 12.00 o'clock noon on such day; he shall prepare all special assessments for public improvements, and give notice of such assessment to property owners. He shall verify the assessment list by his oath and deposit the same with the city clerk on or before the first Monday in August of the year in which such list is made.

He shall possess such other powers and perform such other duties as may be prescribed by the council by ordinance, or by the city manager.

The council may have a scientific appraisal and assessment of property made every five years or at other periods. The city council may also jointly agree with the county board of

supervisors for a joint scientific appraisal for the use of the county and of the city, in which case the city shall not pay more than one-half of the total expense of such joint appraisal.

Sec. 36. **CITY COLLECTOR:** There shall be a city collector, ^{Collector} who shall collect and turn over to the treasurer, as herein provided, all taxes assessed by the city through its council, city assessor, or otherwise, and collect all license fees. He shall have such other powers and perform such other duties as the council by ordinance, or the city manager, may require.

Sec. 37. **POLICE COURT:** The judicial power of the city shall be vested in a police court, which court is hereby established. ^{Police court} The police court shall have jurisdiction concurrently with the justice's court, of all actions and proceedings, civil and criminal, arising within the corporate limits of the city and which might be tried in such justice's court.

Said police court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said city, of all actions founded upon any obligation created by any ordinance thereof, and of all prosecutions for the violation of any such ordinance. In all civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city is not more than fifty dollars, the trial must be by the court. In civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city is over fifty dollars, the defendant is, upon his demand, entitled to a jury.

PROCEDURE. Except as in this charter otherwise provided, the rules and practice and mode of the proceeding in said police court shall be the same as are, or may be, prescribed by law for justice's courts in like cases; and appeals may be taken to the superior court from all judgments of said police court in like manner and with like effect as in cases of appeals from justice's courts.

Sec. 38. **POLICE JUDGE:** There shall be a police judge ^{Police judge.} appointed by the city manager. He shall be judge of the police court. He shall be a qualified elector of Redwood City at the time of his appointment, and shall be an attorney at law admitted to practice in the Supreme Court of the State of California, or a person who is a justice of the peace. The same person shall not hold at the same time the offices of police judge and city attorney.

Sec. 39. **DUTY, FINES, ETC.:** The police judge shall have ^{Same, duties, etc.} all powers and perform the duties of a magistrate and may administer and certify oaths and affirmations and take and certify acknowledgments. All fines, fees, forfeitures, and costs collected by him, whether prosecuted for a violation of state law or of a city ordinance, shall be paid into the city treasury within twenty-four hours from and after the receipt thereof. He shall make such periodical reports as the city manager may require.

Disqualifi-
cation.

Sec. 40. DISQUALIFICATION: In all cases in which the police judge is disqualified according to law, or in cases of sickness or inability to act, he may call upon any justice of the peace, residing in the county of San Mateo, to act in his stead.

Dockets.

Sec. 41. COURT DOCKETS: The police judge shall keep a record of the proceedings of the police court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases. All records, files, and other property, of the city recorder's court under the preceding government of the city, shall be the records, files, and property of the police court of said city created by this charter.

Juvenile
offenders.

Sec. 42. TRIALS OF MINORS, PAROLE: The council shall have power to provide by ordinance for the separate detention and trial of, and a probation system for, juvenile offenders, against municipal ordinances and also all juvenile offenders in all cases of other offenses of which this court has jurisdiction. The police judge may in his discretion, upon good cause shown, grant a parole during good behavior to any person convicted in this court; *provided*, that said parole so granted may be revoked at any time by the judge within six months after the granting of the same and the sentence imposed against such person shall thereupon be carried into execution.

Pending pro-
ceedings.

Sec. 43. CONTINUITY WITH FORMER COURT: All actions and proceedings pending and undetermined in the city or recorder's court under said preceding government shall be proceeded with, heard, tried, and determined in said police court herein established, before the judge thereof, as if such action or proceeding had been originally commenced therein.

Attorney.

Sec. 44. CITY ATTORNEY: There shall be a city attorney appointed by the council. He shall be an attorney admitted to practice in the supreme court of the State of California, and shall have been in actual practice in the state for at least three years next preceding his appointment.

The city attorney shall be the legal adviser of the council and all other city officials. He shall draft all ordinances, resolutions, contracts, or other legal documents or proceedings required by the council or other officials, except as may be otherwise provided and shall perform such other legal services from time to time as the council may require. He shall attend all meetings of the council and of the city planning commission, unless excused therefrom by the council, the mayor, or the chairman of the planning commission, as the case may be.

It shall be the duty of the city attorney to give advice in writing, when so requested, to the council, the city manager, or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the city may be a party; to prosecute for all offenses against the ordinances of the city, and for such offenses against the laws of the state as may be required by law.

In addition to the duties imposed upon the city attorney by this charter or required of him by ordinance or resolution of

the council, he shall perform any duties imposed upon the chief legal officer of municipalities by law.

Sec. 45. PUBLIC SERVICE DEPARTMENT: There shall be a public service department which shall have control of the construction, operation, and maintenance of all public utilities now or hereafter owned and operated by the city, and of the funds derived therefrom.

Public
service
department

There shall be a superintendent of this department appointed by the city manager. He shall appoint all subordinates in his department, subject to the approval of the city manager, and he may remove the same, make rules and regulations for the management of the department, and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this charter.

The treasurer shall keep the funds of each utility separate. Any funds exceeding fifteen per cent (15%) of the book value of any utility may be invested in state, county or municipal bonds, or be transferred to the general fund of the city.

The books of each utility shall be kept in accordance with the state regulations governing the accounting of public utilities, and a report in detail shall be made to the council monthly.

The public service department shall control the generation, purchase, distribution and sale of electric energy, water, gas and any other utility owned, operated, or distributed by the city.

Sec. 46. FRANCHISES: Every franchise or privilege to construct, maintain, or operate any railroad, or other means of transportation in or over any street or highway, or to lay pipes or conduits, or erect poles or wires or other structures in or across any street or highway for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter belonging to the city, shall be granted under and in pursuance of the provisions of the general laws of the state relating to the granting of franchises; *provided*, no new franchise or the renewal of an existing franchise shall be granted except upon condition that at least two per cent (2%) of the gross annual receipts derived from the use of such franchise shall be paid to the city. In all cases the applicant for a franchise shall advance the cost of advertising same.

Franchises

Every such franchise shall require the grantee thereof to agree to a joint use of its property by others whenever practicable, and nothing herein shall be construed as prohibiting the council from requiring other conditions not inconsistent with the constitution or general laws. No franchise or privilege so granted shall be sold, leased, assigned, or otherwise alienated without the express consent of the council given by ordinance and subject to referendum.

FINANCES.

Budget.

Sec. 51. BUDGET: Not later than June first, the city manager shall submit to the council a proposed budget for the public service department, and a proposed budget for all other departments to be known as the general budget. Said budget shall include estimates of the revenues and expenditures of the city departments for the ensuing year. These estimates shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the manager. The classification of the estimates of expenditures shall be as nearly uniform as possible for all departments and shall give in parallel columns the following information:

(a) A detailed estimate of the expense of conducting each department as submitted by the department.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Expenditures for corresponding items for the current fiscal year plus an estimate of expenditures necessary to complete the current fiscal year.

(d) Amount and description of supplies and material on hand at the date of the preparation of the invoice.

(e) Increase or decrease of requests compared with the corresponding appropriations for the current year.

(f) Such other information as is required by the council or that the city manager may deem advisable to submit.

Sufficient copies of such budgets shall be prepared and submitted so that there may be copies on file in the city clerk's office for inspection by the public, unless the council shall publish the same in the official newspaper. The council shall have power to revise, correct, or modify said proposed budget in any particular.

Fiscal year

Sec. 52. FISCAL YEAR: The fiscal year of the city shall commence on the first day of July of each year, or at such other time as may be fixed by ordinance.

Taxation

Sec. 53. TAXATION: Except as otherwise herein provided the council shall, by ordinance provide a system for the assessment, equalization, levy, and collection of taxes, which, as nearly as may be, shall conform to the system provided by the general laws of the state: *provided*, that all sales for delinquent taxes shall be made to the city of Redwood City. Should the council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate of the current year.

Board of equalization

Sec. 54. BOARD OF EQUALIZATION: The council shall meet at its usual meeting place on the second Monday in August of each year, at ten o'clock a.m., and sit as a board of equalization, and shall continue in session by adjournment from day to day until all returns of the assessor have been rectified and assessments equalized. The board of equalization shall have power to hear complaints, to take testimony under oath, and to correct, modify, strike out, or raise any assessment,

provided that notice shall first be given to any one whose assessment is proposed to be raised, excepting in case of a uniform increase in the assessed valuation of the property of the entire city.

Sec. 55. ANNUAL TAX LEVY: The council must finally ^{Tax levies} adopt, not later than its first regular meeting in September, an ordinance levying upon the assessed valuation of all property in the city, a rate of taxation sufficient to raise the amounts estimated to be required in the annual budgets and as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue. The council shall then deliver the assessment roll to the auditor, who shall thereupon compute and carry out the amount of the tax so levied on each parcel of property contained in the assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

Sec. 56. LIMIT OF TAX LEVY: The tax levy authorized by ^{Limitations} the council to meet the municipal expenses for each fiscal year shall not exceed the rate of one dollar on each one hundred dollars of the assessed valuation of the real and personal property within the city, except as in this charter otherwise provided. The moneys collected from such levy shall be placed in the general fund of the city, and may be apportioned as determined by the council.

The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended; *provided*, that no increase over said limit, except as herein prescribed, shall be made in any fiscal year, unless authorized by ordinance adopted by the vote of the electors of the city.

Sec. 57. SPECIAL TAX LEVY: The council shall have the ^{Special taxes} power to levy and collect taxes in addition to the taxes herein or by general law authorized to be levied and collected in an amount sufficient to pay the bonded indebtedness of said city and also in an amount sufficient to pay any delinquency for bonds issued under the improvement bond act of 1915 of the State of California and for the additional following purposes and not to exceed the following rates, to wit:

(a) For the acquisition and construction of permanent improvements, real property, public buildings, and structures, and public offices, including equipping and furnishing of the same, at the rate of not more than five cents on each \$100 of assessed valuation during any one fiscal year; *provided, however*, that said amount of five cents may be increased by a vote of the electors of said city.

Sec. 58. TAX LIENS: All taxes and assessments levied, ^{Taxes of taxes and assessments} together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday

in March at 12 o'clock noon of each year, and may be enforced by actions to foreclose such liens in any court of competent jurisdiction, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due and delinquent thereon, the same shall be sold to the city in like case and manner, and with like effect and right of redemption as may be struck off and sold to the state when offered for sale for county taxes; and the council shall have power to provide by ordinance for the procedure to be followed in such sales to the city and redemption thereafter.

City funds

Sec. 59. **PAYMENT OF CITY MONEYS:** Money shall be drawn from the treasury only on warrants as herein prescribed. Every demand against the city, from whatever source, excepting the public library, when approved by the city manager, and when allowed by the council, shall be signed by the mayor; and a warrant prepared by the city clerk, numbered the same as the demand, shall be issued and signed by the mayor and city clerk or such other officers as the council may designate; *provided, however*, that whenever prescribed by the city council such demand shall be approved by the city auditor who shall satisfy himself that the money is legally due and its payment authorized by law. No demand shall be allowed, approved, audited, or paid unless it shall specify each item of the claim and the date thereof; *provided, however*, that warrants for salaries of officers and employees shall be allowed by the auditor and paid regularly semimonthly, from the treasury without the necessity of any demand therefor or approval thereof as in this section prescribed for other claims.

Accounts and reports

Sec. 60. **UNIFORM ACCOUNTS AND REPORTS:** The city manager shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse city moneys. Whenever an act shall be passed by the Legislature of the state providing for uniform municipal accounts or reports, the city council may elect to conform thereto.

Reserve account

Sec. 61. **GENERAL RESERVE ACCOUNT:** The council shall maintain a permanent revolving account, to be known as the general reserve account, for the purpose of keeping the payment of the running expenses of the city on a cash basis. Said account shall be maintained in an amount sufficient to meet all legal demands against the treasury for the first four months or other necessary period of each fiscal year prior to the collection of taxes. The council shall have power to transfer from the general reserve account to any other account or fund such sum or sums as may be required for the purpose of placing such account or fund, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all moneys so transferred from the general reserve account be returned thereto on or before the end of the fiscal year

in which said transfers are made; *provided*, that in any fiscal year in which the total balance in said general reserve account exceeds thirty per cent of the total amount of the general budget for that year, the council may appropriate such excess for any city purpose without returning the same.

Sec. 62. **SURPLUS RETURNED TO GENERAL FUND:** At the close of each fiscal year, if all demands against each fund have been paid or satisfied, and all disputed or contested demands fully determined, the council shall direct the treasurer to transfer all surplus moneys to the general fund, except such surplus moneys as may be in the several interest and sinking funds and in such other funds the disposition of whose surplus moneys is otherwise provided for. Surplus

Sec. 63. **DAILY DEPOSITS OF MONEY:** All moneys received from taxes, licenses, fees, fines, penalties, and forfeitures, and all moneys which may be collected or received by any officer of the city in his official capacity, or from any department of the city for the performance of any official duty, and all moneys accruing to the city from any source, and all moneys directed by law or by this charter to be paid or deposited in the treasury, shall be paid into the treasury daily. Deposits

Sec. 64. **MONTHLY REPORTS:** On the first day of each month every officer authorized by law to charge any fee, commission, percentage, allowance, or compensation, must make a written report to the auditor of all moneys received by him during the preceding month. Reports

Sec. 65. **BORROWING MONEY BY THE CITY:** The city may borrow money for any municipal purposes by the issue and sale of bonds authorized by ordinance pledging the credit of the city or the property or revenue of any public utility owned by the city. Every ordinance authorizing a bond issue, except ordinances authorizing such bond issues as are specified in section 66 of this charter, shall be passed only by a two-thirds majority vote of the electors voting thereon at a regular or special election. No bond shall be issued on the credit of the city which will increase the bonded indebtedness thereof beyond fifteen per cent (15%) of the assessed valuation of property in the city subject to direct taxation as shown by the last preceding valuation for city taxes; but bonds issued for the construction, acquisition, extension, or improvement of any income producing utility owned by the city shall be deemed to increase the bonded indebtedness of the city only to the extent that such utility is not self-supporting. Every issue of bonds shall be payable within a term of years not to exceed the estimated period of usefulness of the property or improvement for which issued, and in no case to exceed twenty (20) years. The council of said city is also authorized to proceed under any general law of the State of California now in effect or hereafter to be enacted with reference to bonding said city and creating a bonded indebtedness thereon. Bonded indebtedness.

Sec. 66. **BORROWING MONEY ON SHORT TERM NOTES:** Bonds or notes issued in anticipation of the collection of special Anticipation warrants, bonds, etc.

assessments, and bonds, notes, or registered warrants on the treasury, issued in anticipation of the collection of taxes, may be authorized by the city council by ordinance and shall not be deemed the creation of debt within the meaning of section 65 of this charter. Bonds, notes, or registered warrants on the treasury issued in anticipation of the collection of the taxes of any fiscal year shall be issued only during the first four months of such fiscal year, and each such bond, note, or warrant shall specify that it is payable solely out of the revenues of the fiscal year in which issued, and before the close of such year, and shall not bear a higher rate of interest than five (5) per cent per annum, and the total amount of such bonds, notes, or warrants, authorized and issued in any fiscal year shall not, in the aggregate, be more than twenty-five (25) per cent of the total appropriations of the city for such year.

Contracts

Sec. 67. **CONTRACTS:** Any public work or improvement costing more than five hundred dollars (\$500) shall be executed by contract, except where a specific work or improvements is authorized by the city council based on detailed estimates submitted by the department authorized to execute such work or improvement directly. All such contracts for more than five hundred dollars (\$500) shall be awarded to the lowest responsible bidder, after public advertisement and competition as may be prescribed by ordinance, but the city council shall have the power to reject any and all bids, and advertise again. All advertisements as to contracts shall contain a reservation of the foregoing right. All contracts entered into by the city shall be signed by the city manager and any other officer or officers of the city as the council may by ordinance provide.

Rejection
of bids

Sec. 68. **CITY MAY PERFORM ITS OWN WORK ETC.:** If the city council shall reject all bids, it may, in lieu of advertising for new bids, determine and declare by a five-sevenths ($\frac{5}{7}$) vote of all its members that the work in question may be more economically or satisfactorily performed by day labor, or the materials or labor purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the provisions of section 67 hereof; and

Extraordi-
nary ex-
penditures

Provided, that, in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster the council may, by resolution passed by a vote of five-sevenths ($\frac{5}{7}$) of all its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed, without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any sum required in such emergency, on hand in the city treasury and available for such purpose.

Sec. 69. PROVISIONS TO BE INSERTED IN ALL CONTRACTS: Form of contracts.
 Every contract for work to be performed within the State of California at the expense of the city or paid for out of moneys deposited in the treasury, whether such work is to be done within or outside the corporate limits of Redwood City, and whether such work be done directly by or under such contract duly awarded, or indirectly by or under subcontract, subpartnership, day labor, station work, piece work, or any other arrangement whatsoever, must provide:

(1) That, in the performance of the contract, eight hours shall be the maximum hours of labor on any calendar day, and that the minimum wages or compensation of persons performing labor in the execution of such contract, subcontract, subpartnership, day labor, station work, piece work, or other arrangement, shall be the prevailing scale of wages recognized in the community for like work;

(2) That any person performing labor in the execution of such contract shall be a citizen of the United States or have declared his intention of becoming such;

(3) That preference in the performance of labor under such contract or other arrangement shall be given to persons who shall have actually resided in Redwood City and shall have so resided for the period of one year next preceding the date of their engagement to perform labor thereunder. The foregoing provisions designated (1), (2), and (3) must also apply to persons performing labor in the commissary or other auxiliary department of labor conducted in the course of the execution of such contract or any part thereof; and the said provisions shall also apply in any work done for or by Redwood City or by any officer, board or commission thereof, when such work is to be done at the expense of Redwood City or paid for out of moneys deposited in the treasury. Any contract for work to be performed under the provisions of this section which does not comply with the provisions thereof shall be null and void, and any officer who shall sign the same shall be deemed guilty of misfeasance and, upon proof of such misfeasance, shall be removed from office.

MISCELLANEOUS.

Sec. 71. GENERAL LAWS APPLICABLE: All general laws of the state applicable to municipal corporations, including those relating to "Municipal affairs." now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted, shall be applicable to the city. General laws, when applicable to city.

Sec. 72. DEFINITIONS: Whenever in this charter the word "city" occurs, it means Redwood City; and every department, board, or officer, whenever either is mentioned, means a department, board, or officer, as the case may be, of Redwood City. Whenever in this charter, the word "state" occurs, it means the State of California. Whenever the term "general laws" is used herein, it means general laws of this state. Definitions

Vacancies.

Sec. 73. OFFICE VACATED: If any officer of the city shall remove from the city, or absent himself therefrom for more than thirty days consecutively without the permission of the council, or if he shall fail to qualify by taking the oath of office and filing his official bond, whenever such bond is required, within fifteen days from the time his certificate of election or appointment is mailed or delivered to him, or if he shall resign, or if he shall be convicted of felony, or if he shall be adjudged insane, or if he shall cease to discharge the duties of his office (other than that of member of the council) for two consecutive months, unless prevented by sickness, his office shall be vacant.

Public
improve-
ments

Sec. 74. STREETS AND OTHER PUBLIC IMPROVEMENTS UNDER GENERAL LAWS: The improvement, widening, extending, opening and closing of streets or rights of way owned by said city or in which said city has an easement, whether within or without the limits thereof, and the planting of trees thereon, and the making of any other improvements authorized by the laws of the state may be done and assessments therefor may be levied in conformity with and under the authority conferred by the general laws of the state now in effect or which may hereafter be enacted; *provided, however*, that the council may by ordinance adopt a procedure for the improvement of streets, alleys, rights of way or other public places, the laying of pipe and conduits and the removal from buildings, lots, and grounds and the sidewalks opposite thereto, of dirt, rubbish, weeds and other rank growth and materials which may injure or endanger neighboring property or the health or welfare of the inhabitants of said city, and for making and enforcing assessments against the property benefited or affected thereby or from which such removal is made for the cost of such improvements or removal, and may make such assessments a lien on such property superior to all other claims or liens thereon except state, county, and municipal taxes, but no such ordinance shall prevent or limit the council from proceeding under any of the general laws of the state now in effect or which may be hereafter enacted, referring to said purposes. It is the intention of this charter to permit the council of said city to proceed in all matters referred to in this section under the general laws of the state now in effect or hereafter to be enacted.

City
property.

Sec. 75. BOOKS AND RECORDS TO SUCCESSORS: All officers and boards shall deliver to their successors all papers, books, documents, records, archives, and other properties pertaining to their respective offices or departments, in their possession or under their control.

Qualifica-
tions of
city officers
and
employees

Sec. 76. CITIZENSHIP AND RESIDENCE: All officers, clerks, and assistants of the city and departments thereof, except such as may be employed for special purposes, must be citizens of the United States and residents of Redwood City during their period of employment.

Sec. 77. OFFICERS SHALL HAVE NO PERSONAL INTEREST IN PUBLIC CONTRACTS: No member of the council, or of any board, and no officer or employee of the city shall be or become directly or indirectly interested in any contract, work, or business, or in the sale of any article, the expense, price or consideration of which is payable from the city treasury, nor shall either or any of them receive any gratuity or advantage from any contract or persons furnishing labor or material for the same: and any contract with the city in which any such officer or employe is or becomes interested shall be declared void by the council. Interest in contracts

Sec. 78. NO PAYMENT FOR OFFICE: No officer or employe of the city shall give or promise to give to any person any portion of his compensation, or any money or thing of value in consideration of having been, or of being nominated, appointed, voted for, or elected to any office or employment. Payment for office.

Sec. 79. NO CONTRIBUTIONS FOR EMPLOYMENT: No officer or employe shall accept any donation or gratuity in money, or other thing of value, either directly or indirectly, from any subordinate or employe, or from any one under his charge, or from any candidate or applicant for any position as employe or subordinate in any department of the city. Contributions from employes

Sec. 80. NO FAVORITISM IN PUBLIC CONTRACTS: No officer or employe of the city shall aid or assist a bidder in securing a contract to furnish labor, or material or supplies at a higher price or rate than that proposed by any other bidder, or shall favor one bidder over another, giving or withholding information, or shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received. Contracts

Sec. 81. FORFEITURE OF OFFICE FOR FRAUD: Every officer who shall wilfully approve, allow, or pay any demand on the treasury not authorized by law, shall be liable to the city individually and on his official bond, for the amount of the demand so approved, allowed, or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the city. Fraud in office.

Sec. 82. DISPOSITION OF PUBLIC MONEYS: All city officials and employes empowered to collect money for fees, permits, licenses, inspection, services, taxes, or other municipal charges, shall collect the same promptly at the time they become due, turn them into the city treasury daily, obtain a receipt therefor, and report the same to the city auditor weekly. All such moneys and all fines or pecuniary penalties or forfeitures which may accrue to the city, and all funds which may remain in the possession of the city unclaimed after a period of one year from the date when due and payable, shall be credited to the General Fund of the city, and shall be applicable to Disposition of city funds

any purpose to which the council may appropriate them, and the council shall appropriate from this fund whatever sum may be necessary to pay valid claims of more than one year's standing.

City records

Sec. 83. PUBLIC RECORDS: All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

Copies of records

Sec. 84. COPIES OF RECORDS: Copies or extracts, duly certified, from said books and records open for inspection shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of fifty (50) cents for certifying

Effect of charter

Sec. 85. OLD ORDINANCES IN EFFECT: All ordinances and resolutions in force at the time this charter takes effect, and not inconsistent therewith, shall continue in full force until amended or repealed.

Terms of office

Sec. 86. CONTINUING OFFICERS AND EMPLOYEES: Except as otherwise provided herein, the term of all elective officers and of all appointive officers elected or appointed under the form of government preceding this charter shall terminate upon the ratification of this charter by the Legislature of this state; the incumbents of such offices shall thereafter hold their respective offices until removed therefrom by the council or the commission, board, or officer to whom the power of removal of such officer is hereby committed. All deputies, police officers, firemen, and other employees of the city at the time of this charter becoming effective shall continue in their respective offices or positions of employment, subject to removal and the control thereof by the city manager as herein provided.

Vested rights and executory contracts.

Sec. 87. CONTINUANCE OF CONTRACTS: All vested rights of the city shall continue and shall not in any manner be affected by the adoption of this charter, nor shall any right, liability, pending suit, or prosecution, either in behalf of or against the city, be affected by the adoption of this charter, unless otherwise herein expressly provided. All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws.

Claims for damages

Sec. 88. CLAIMS FOR DAMAGES: All claims for damages against the city must be in writing and filed with the city clerk within six months after the occurrence from which the damages arose; all such claims shall be verified by at least

one of the claimants, or by some one for and on behalf of such claimant or claimants. All claims so filed with the clerk shall be presented by him to the council for allowance at their next regular meeting, and unless said board shall act thereon within four weeks thereafter, such claim shall be deemed to be disallowed and rejected by said board. No legal action shall be instituted against the city based on any claim for damages, unless a claim for such damages has been first filed as herein provided and the same disallowed or rejected in whole or in part by the council.

Sec. 89. OFFICIAL SEAL: The official seal of the city prescribed therefor under the form of government preceding this charter shall continue to be the official seal of the city hereunder; provided that the word "town" in said seal shall be changed to "city." Official seal

Sec. 90. OFFICIAL ADVERTISING: The council shall advertise annually for the submission of sealed proposals or bids from all newspapers of general circulation in the city, for the publication of all ordinances and other legal notices and matters required to be published. The newspaper to which such contract is awarded shall be known and designated as the "official newspaper." The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character. Official newspaper

Contracts for advertising shall be awarded to the lowest responsible bidder. If there are two or more lowest bids for advertising, the council shall award the contract to the newspaper having the largest paid circulation.

Sec. 91. OFFICIAL PUBLICITY ON ELECTION MATTERS: The city clerk, at least fifteen (15) days before any election, shall cause to be printed and mailed to each elector qualified to vote thereon, a sample ballot, together with an official publicity pamphlet containing the full text of every ordinance or charter amendment submitted, with their respective ballot titles, together with arguments for or against such ordinance or charter amendment which may have been filed with the city clerk not less than twenty (20) days before such election. Such arguments shall be signed by the person, persons, or officers, or organizations authorized to submit and sign the same, who shall deposit with the city clerk at the time of filing a sum of money sufficient to cover the proportionate cost of the printing and paper for the space taken, but no more. The text of every ordinance or charter amendment shall also be displayed at the polling booths in such elections; *provided, further*, that the validity of an ordinance or charter amendment approved by the electors shall not be questioned because of errors or irregularities in such mailing, distribution, or display. Sample ballots

Sec. 92. AMENDMENT OF CHARTER: This charter may be amended in accordance with the provisions of section 8, article eleven, of the constitution of the State of California, or any amendment thereof or provision substituted therefor. Amendment of charter

First elec-
tion under
charter.

Sec. 93. **FIRST ELECTION:** The present council shall provide for the holding of the first election of officers under this charter and shall canvass the votes and declare the results thereof.

Constitu-
tionality

Sec. 94. **PARTIAL INVALIDITY EFFECT:** If any section or part of a section of this charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

City
manager

Sec. 95. **CITY MANAGER OUT OF POLITICS:** Neither the city manager, nor any person in the employ of the city shall take any active part in securing, or shall contribute money toward the nomination or election of any candidate for a municipal office.

Effective
date of
charter.

Sec. 96. **CHARTER EFFECTIVE:** For the purpose of electing two (2) additional councilmen, as herein provided, this charter shall go into effect upon its approval by the Legislature. For all other purposes it shall go into full force and effect from and after the seating of the council of seven (7) herein provided for. Within ninety days after the qualification of such two additional councilmen, the council shall appoint a city manager, as herein provided.

Attestation

Whereas, the city of Redwood City is a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under authority of the Congress of the United States; and

Whereas, on the fifteenth day of November, 1928, at a special election duly held on that day under and in accordance with the provisions of section 8 of article eleven of the constitution of the State of California, the electors of said city did choose and elect Philip Edmond Brand, C. E. Choate, Walter T. Kellogg, C. G. Lambert, A. S. Liguori, Percy E. Long, Nelle L. Miramontes, George W. McNulty, Edw. H. Sampson, Thomas Tuite, C. M. Doxsee, Henry Witte, M. E. Ryan, Mrs. A. S. Kalenborn and Paul A. McCarthy, who are all electors of said city and eligible as candidates under such election as a board of fifteen freeholders to prepare and propose a charter for the government of said city; and

Whereas, the result of said election was duly declared by the legislative body, to wit, the board of trustees of said city, on the nineteenth day of November, 1928, and the said electors thereafter duly qualified as such freeholders in accordance with law; and

Whereas, the period of 120 days since the result of said election was declared has not expired:

Now therefore, in pursuance of the said provisions of the constitution of the State of California, after the result of said election was so declared, the said board of freeholders has prepared and does now propose the foregoing charter as and for the charter of the city of Redwood City.

And the said board of freeholders does hereby fix and designate Tuesday, the ninth day of April, 1929, as the date for holding a special municipal election in said city, at which the said proposed charter shall be submitted to the electors of said city for their ratification and adoption.

In witness whereof, the undersigned freeholders hereunto set our hands at the city of Redwood City, in the State of California, this sixth day of February, 1929.

M. E. RYAN,

President of the Board of Freeholders.

MRS. A. S. KALENBORN,
Secretary of said board.

NELLE L. MIRAMONTES
THOMAS TUIITE
EDW. H. SAMPSON
WALTER T. KELLOGG
HENRY WITTE
PAUL A. MCCARTHY
C. M. DOXSEE

MRS. A. S. KALENBORN
PHILIP EDMOND BRAND
C. E. CHOATE
M. E. RYAN
C. G. LAMBERT
GEORGE W. MCNULTY
PERCY E. LONG

I, W. A. Price, city clerk of the city of Redwood City, ^{Certificate.} county of San Mateo, State of California, hereby certify that the foregoing is a full, true and correct statement of the proceedings relating to the ratification of said charter by the qualified electors of said city of Redwood City and that the charter as above set forth, is a full, true and correct copy as the same was prepared, proposed and ratified.

In witness whereof, I have hereunto set my hand and the seal of the city of Redwood City this fifteenth day of April, 1929.

[SEAL]

W. A. PRICE,

City Clerk of the City of Redwood City, County of San Mateo, State of California.

In witness whereof, we have hereunto set our hands and caused the seal of said city of Redwood City to be affixed hereto this fifteenth day of April, 1929.

H. A. BEEGER,

Mayor of the City of Redwood City.

W. A. PRICE,

City Clerk of the City of Redwood City.

WHEREAS, Said proposed charter of the city of Redwood City, county of San Mateo, State of California, has been submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of section 8 of article eleven of the constitution of the State of California; now, therefore, be it

Ratification
by the
Legislature

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said charter of the city of Redwood City, as proposed to, and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for the charter of the city of Redwood City.

CHAPTER 38.

Assembly Concurrent Resolution No. 40—Approving an amendment to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a nominaling municipal election held therein on the sixteenth day of April, 1929.

[Filed with Secretary of State April 30, 1929.]

Oakland city
charter
amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of a certain amendment hereinafter set forth to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, as set out in the certificate of the vice president of the council and mayor pro tempore of the city of Oakland and the city clerk of said city, as follows, to wit:

State of California }
County of Alameda } ss.
City of Oakland }

We, the undersigned, William H. Parker, vice president of the council and mayor pro tempore of the city of Oakland, State of California, and Frank C. Merritt, city clerk of said city, do hereby certify and declare as follows:

Certificate.

That the city of Oakland a municipal corporation in the county of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, and is now, organized, existing, and acting under a freeholders' charter, adopted under and by virtue of section 8 of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on the seventeenth day of April, 1923, and approved by the Legislature of the State of California, by concurrent resolution filed with the secretary of state on the fifteenth day of February, 1911 (statutes of 1911, p. 1551.);

That in pursuance of section 8 of article eleven of the constitution of the State of California, on its own motion, the council

of the city of Oakland, being the legislative body of said city, by and in pursuance of resolution No. 43926 N.S., passed by the said council on the first day of March, 1929, and by and in pursuance of resolution No. 44080 N.S., passed by said council on the twenty-sixth day of March, 1929, duly submitted to the qualified electors of said city of Oakland a certain proposal for the amendment of the charter of said city, to be voted on by said qualified electors at the nominating municipal election held in said city on the sixteenth day of April, 1929, which said proposal was and is in words and figures following, to wit:

That section number 128 $\frac{1}{2}$ of said charter be amended to read as follows:

Section amended

Section 128 $\frac{1}{2}$. Every contract for work to be performed within the State of California at the expense of the city or paid for out of moneys deposited in the treasury, whether such work is to be done within or outside the limits of the city, and whether such work be done directly by or under such contract duly awarded, or indirectly by or under subcontract, subpartnership, day labor, station work, piecework or any other arrangement whatsoever must provide:

Contracts and labor upon city works.

(1) That in every contract for the performance of labor, that eight hours shall constitute a day's work; that the contractor and all subcontractors under him shall pay their employees on said work a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons, firms or corporations under similar employment in the city of Oakland.

(2) That any person performing labor in the execution of such contract shall be a citizen of the United States or have declared his intention of becoming such;

(3) That preference in the performance of labor under such contract or other arrangement shall be given to persons who shall have actually resided in the city and shall have so resided for the period of one year next preceding the date of their engagement to perform labor thereunder.

The foregoing provisions designated (1), (2) and (3) must also apply to persons performing labor in the commissary or other auxiliary department of labor conducted in the course of the execution of such contract or any part thereof; and the said provisions shall also apply to any work done for or by the city, or any officer, board or commission thereof, when such work is to be done at the expense of the city or paid for out of moneys deposited in the treasury. Any contract for work to be performed under the provisions of this article which does not comply with the provisions thereof, shall be null and void, and any officer who shall sign the same shall be deemed guilty of misfeasance and upon proof of such misfeasance shall be removed from office.

That such proposed amendment was published and advertised in accordance with the provisions of section 8 of article eleven of the constitution of the State of California, and in

Certificate (cont'd)

Certificate
(cont'd)

accordance with the provisions of the charter of the city of Oakland, in the "Oakland Tribune," a daily newspaper of general circulation published in said city of Oakland and the official paper and newspaper of said city.

That copy of said proposed amendment was printed in convenient pamphlet form, and until the date fixed for the election hereinafter described, and as required by law, an advertisement was published in said "Oakland Tribune"; that such copy could be had upon application therefor at the office of the city clerk of the city of Oakland.

That such copy could be had upon application therefor at the office of said city clerk until the date fixed for the election hereinafter described.

That the council of the city of Oakland, the legislative body of said city, by its resolution No. 44080 N.S., passed on the twenty-sixth day of March, 1929, did order the holding of the nominating municipal election in said city of Oakland on the sixteenth day of April, 1929, said day being at least forty days after the completion of advertising of said proposed amendment in said official paper of said city, and not more than sixty days after the completion of such advertising, and did provide in said resolution for the submission of the proposed amendment to the charter to the qualified electors of said city for their ratification at such election.

That said election was duly called and held on the sixteenth day of April, 1929, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the proposed amendment to the charter of the city of Oakland hereinabove set forth.

That the returns of said election were in accordance with the law in such cases made and provided duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers, thereunto duly and properly authorized, that a majority of the qualified electors of said city voting thereon had voted for and ratified said proposed amendment to said charter hereinabove set forth.

And we further certify that we have compared the foregoing proposed and ratified amendment to the charter of the city of Oakland with the original proposal submitting the same to the electors of said city at an election held on the sixteenth day of April, 1929, and find that the foregoing is a full, true and correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said city of Oakland to be affixed hereto, this twentieth day of April, 1929.

WM. H. PARKER,

Vice president and mayor pro tempore
of the council of the city of Oakland.

[SEAL]

FRANK C. MERRITT,

City clerk of the city of Oakland.

WHEREAS, Said proposed amendment so ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration in accordance with section 8 of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, A majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the city of Oakland as proposed to and adopted and ratified by the electors of said city and as hereinbefore fully set forth be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to, and as a part of the charter of said city of Oakland.

Ratification
by the
Legislature

CHAPTER 39.

Assembly Joint Resolution No. 13—Relative to the California State Fair and the Western States Exposition.

[Filed with Secretary of State May 4, 1929.]

WHEREAS, The seventy-fifth anniversary of the state fair of California is to be celebrated at Sacramento between the dates of August 31 and September 9, 1929, both dates inclusive, and

Preamble.

WHEREAS, Said annual state fair is to be held at Sacramento between said dates in conjunction with the Western States Exposition, now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That President Herbert Hoover and Mrs. Hoover be, and they are, hereby invited and most respectfully urged to attend the California State Fair and Western States Exposition at Sacramento, upon some convenient date or dates during the continuance thereof, and, be it further

Invitation
to attend
state fair

Resolved, That a suitably engrossed copy of this resolution be delivered to President and Mrs. Hoover and to each senator and representative in congress from California.

CHAPTER 40.

Assembly Concurrent Resolution No. 36—Relative to adjournment.

[Filed with Secretary of State May 4, 1929.]

Resolved by the Assembly, the Senate concurring, That the forty-eighth session of the Legislature of the State of California shall adjourn sine die at three o'clock p.m., Wednesday, May 15, 1929.

Final
adjourn-
ment.

CHAPTER 41.

Assembly Concurrent Resolution No. 39—Approving four certain amendments to the charter of the city of Pacific Grove, California.

[Filed with Secretary of State May 4, 1929]

Pacific Grove
city charter
amendments

WHEREAS, Proceedings have been duly had and taken for the proposal, submission, adoption and ratification, of certain amendments, hereinafter set forth, to the charter of the city of Pacific Grove, a municipal corporation in the county of Monterey, State of California, as set out in the certificate of the mayor and city clerk of said city of Pacific Grove, to wit:

State of California }
County of Monterey } ss.
City of Pacific Grove }

Certificate of Ratification of Four Proposed Amendments to the Charter of the City of Pacific Grove.

Certificate
of adoption
by electors.

We, the undersigned, John P. Pryor, mayor of the city of Pacific Grove, in the county of Monterey, State of California, and W. G. Stubbs, city clerk of said city, do hereby certify as follows, to wit:

That the city of Pacific Grove in said county and state now is and at all times herein mentioned has been a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the twenty-second day of April, 1927, and is now organized, existing and acting, as a municipal corporation of said state under a freeholders' charter adopted by virtue of and pursuant to the provisions of section 8 of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city, at an election duly held therein for that purpose on the ninth day of April, 1927, and approved by the Legislature of the State of California on said twenty-second day of April, 1927; and that said charter has never been amended;

That the council of said city of Pacific Grove, to wit, the legislative body thereof, in pursuance of said section 8 of said article eleven of the constitution of said city, on its own motion by and pursuant to resolution No. 3084 of said council, passed on the twenty-first day of February, 1929, and by and pursuant to resolution No. 3085 of said council, passed on the twenty-eighth day of February, 1929, duly submitted to the qualified electors of the said city of Pacific Grove eight certain proposals for the amendment of the charter of said city to be voted on by said qualified electors at a general municipal election held in said city, pursuant to the charter thereof and the general laws of the State of California, on the eighth day of April, 1929;

That said eight proposed amendments were and each of them was on said twenty-second day of February, 1929, duly published in the "Grove at High Tide," a weekly newspaper of general circulation printed, published and circulated in said city of Pacific Grove, the official newspaper of said city, and also designated for said purpose by said council;

That said proposed amendments were printed in convenient pamphlet form, and on the twenty-second day of February, 1929, and each week thereafter to the date of said election, to wit, the eighth day of April, 1929, a notice was published in said "Grove at High Tide," that copies of said pamphlet could be obtained by application therefor at the office of the city clerk of said city at the city hall thereof;

That said city council by said resolution No. 3084 and said resolution No. 3085 did order and direct that said amendments be voted upon at the general municipal election to be held in said city on April 8, 1929;

That said general municipal election was held in said city of Pacific Grove on said eighth day of April, 1929, which said day was more than forty days and less than sixty days after said proposals of amendments to the charter of the said city of Pacific Grove had been published once in said "Grove at High Tide," as aforesaid, and during the pending forty-eighth regular session of the Legislature of the State of California;

That at such general municipal election held as aforesaid on said eighth day of April, 1929, a majority of the qualified voters of said city of Pacific Grove voting thereon, voted in favor of four of said proposals of amendments to the charter of the city of Pacific Grove, and duly ratified the same, and that said proposals of amendments so ratified as aforesaid were and are proposed amendments number 4, number 6, number 7 and number 8;

That all other amendments so proposed and submitted at said election received less than the majority of the votes of the qualified voters voting thereon and were rejected;

That the council of said city of Pacific Grove, after duly and regularly canvassing the returns of said municipal election at the time and in the manner and form prescribed by law and the charter of said city, duly found, determined and declared, that a majority of the qualified voters of the city of Pacific Grove voting thereon had voted for and ratified the proposals of amendments to the charter of said city number 4, number 6, number 7 and number 8;

That said proposals of amendments to the charter of the city of Pacific Grove ratified by the electors of said city, as aforesaid, are in the words and figures as follows, to wit:

Proposed Amendment No. 4. That section 18 of said charter be amended so as to read as follows: Amendments adopted.

"Section 18. Ordinances. The enacting clause of all ordinances passed by the council shall read as follows: "The Council of the City of Pacific Grove do ordain as follows:" Ordinances
The enacting clause of all ordinances passed by the vote of

the electors of the city through the exercise of the initiative or referendum shall be 'The people of the City of Pacific Grove do ordain as follows:'

The affirmative vote of a majority of the council shall be necessary to adopt any ordinances, resolutions or claims against the city, which vote shall be taken by ayes and noes and entered upon the record, and upon the request of any member of the council the ayes and noes shall be taken and recorded upon any vote.

No ordinance shall be passed by the council on the day of its introduction nor within five days thereafter, nor at any other time other than at a regular meeting, nor until its publication at least once in the official newspaper of the city at least three days before its adoption, provided, any ordinance declared by the council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and if passed by a five-sevenths vote shall become effective immediately.

A proposed ordinance may be amended or modified between the time of its introduction and the time of the final passage, providing its general scope and original purpose are retained. No ordinance or portion thereof shall be repealed, revised or amended except by ordinance, and all ordinances shall be signed by the mayor and attested by the city clerk. Except as provided by general law or by this charter no action providing for any specific public improvement or for the expenditure or appropriation of public moneys in an amount over five hundred (\$500) dollars or for the acquisition, lease, sale, encumbrancing, or disposition of the real property of the city or any interest therein, or for the levying of any tax or assessment or for the granting of any franchise or for the establishment or changing of fire limits, or business, residence or other use zones, or for the imposing of any penalty, shall be taken except by ordinance:

Resolutions.

Provided, however, that materials and supplies, equipment, furniture and fixtures, may be leased or purchased by said city and public moneys expended therefor in excess of five hundred (\$500) dollars by resolution of said council inviting sealed proposals through notice published by the city clerk in the official newspaper at least once, five days or more prior to the time fixed in said resolution for the public opening and declaring of such bids."

Proposed Amendment No. 6. That section 26 of said charter be amended so as to read as follows:

Attorney.

"Section 26. City Attorney. There shall be a city attorney appointed by the council. He shall be an attorney at law, admitted to the bar of the supreme court of this state, and one who has been in actual practice in the state, for at least three years next preceding his appointment. All other things being equal, an attorney who has had special training for this office or experience in municipal corporation law shall be appointed

to this office, if practicable. The city attorney shall be legal adviser of the council and all other city officials. He shall prosecute all violations of city ordinances, and shall draft all ordinances, resolutions, contracts or other legal documents or proceedings required by the council, or other officials, except as may be otherwise provided, and shall perform such legal services from time to time as the council may require, and shall attend all meetings of the council unless excused therefrom by four members thereof or by the mayor. The salary of the city attorney shall be fixed by ordinance.

When from any cause the city attorney is unable to perform the duties of his office, he may, with the consent of the council, appoint some other qualified attorney to act temporarily in his place; whenever, in the judgment of the council, the interests of the city require it, assistant counsel may be employed. The city attorney shall deliver all books, records, papers, documents and personal property of every description, under his control, owned by the city to his successors in office, and shall possess such other powers, and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance."

Proposed Amendment No. 7. That section 57 of said charter be amended so as to read as follows:

"Section 57. Street Improvements. Proceedings for all public improvements which are to be paid for by assessment upon private property, shall be according to the general laws of the state, provided, however, that prior to the institution of any such proceeding, the council shall adopt a preliminary resolution of intention describing the work or improvement proposed briefly and in general terms and shall therein fix a time for the hearing of protests against such work or improvement or any portion thereof, at which hearing the record owners of real property proposed to be assessed for said improvement will be heard by said council. Such resolution shall be published at least once in the official newspaper of said city at least five (5) days prior to the time so fixed for such hearing. If, at the time fixed for the hearing of protests, the record owners of a majority of the frontage of the real property to be assessed for such improvement, should a frontage assessment be proposed, or the owners of a majority of the area of the property in the proposed assessment district, should such district be proposed to pay for such improvement, protest against the same, or any portion thereof, then the said improvement or such portion thereof so protested by such majority shall not be made for a period of one year next thereafter; provided, further, that should a petition in writing be presented to said council at the time so fixed for such hearing, designating the type of paving, or of other improvement, or the character of materials desired to be used for the proposed improvement, which petition is signed by the record owners of a majority of the property fronting on such improvement, should a frontage assessment be proposed, or the record

Street im-
provements.

owners of a majority of the area of the property, should a district improvement be so proposed, the said council shall be bound in any improvement proceedings following, to order the work done in accordance with the provisions of such petition.

Should no such majority protests be made as hereinabove provided, at the time fixed for hearing objections, the said council may proceed with said work or improvement pursuant to general laws of the State of California relevant thereto."

Proposed Amendment No. 8. That section 59 of said charter be amended so as to read as follows:

Planning
commission

"Section 59. City Planning Commission. A city planning commission may be created by ordinance pursuant to the general laws of the State of California and in such case said city planning commission shall be vested with all the powers and shall discharge the duties as prescribed by such general laws."

That the foregoing is the true, full and correct copy of said proposals of amendments to the charter of the city of Pacific Grove, and ratified by the electors of said city, as aforesaid, on file in the office of the city clerk of said city.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the city of Pacific Grove to be hereunto affixed, on the twentieth day of April, A. D., 1929.

JOHN P. PRYOR,

Mayor of the City of Pacific Grove.

W. G. STUBBS,

City Clerk of the City of Pacific Grove.

[SEAL]

and,

WHEREAS, The said proposed amendments so ratified as hereinabove set forth, have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration, in accordance with section 8 of article eleven of the constitution of the State of California; now, therefore be it

Ratification
by the
Legislature

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting for the adoption of this resolution and concurring therein, That the said four proposed amendments to the said charter of the city of Pacific Grove, hereinbefore in said certificate set forth, and as proposed to, adopted and ratified by the electors of said city, as aforesaid, be and the same are, and each is, hereby approved as a whole without amendment or alteration, for and as amendments to, and as a part of, the charter of said city of Pacific Grove.

CHAPTER 42.

Senate Joint Resolution Number 11—Relating to the working condition of unclassified civil service employees in veterans' hospitals.

[Filed with Secretary of State May 4, 1929.]

WHEREAS, There are located in California veterans' hospitals; and Preamble.

WHEREAS, The unclassified civil service employees in such hospitals receive less compensation than those employed in a similar capacity in state or private institutions in the state; and

WHEREAS, Bills were introduced and passed both houses of congress, increasing the compensation of classified employees in veterans' hospitals; now therefore be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of California earnestly petitions congress to enact legislation which will give to the unclassified civil service employees in veterans' hospitals, a compensation for their services equal to that received by those employed in like occupations in state and private institutions in this state; and be it further Compensation to employees in federal veterans' hospitals

Resolved, That the secretary of state send a copy of this resolution under the great seal of the State of California to the President and Vice President of the United States and to each of the senators and congressmen representing California in the congress of the United States.

CHAPTER 43.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California, an amendment to the constitution of said state, by adding to article thirteen thereof, a new section to be numbered 1½, relating to the taxation of hospitals and sanatoriums conducted not for private profit.

[Filed with Secretary of State May 4, 1929.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the seventh day of January, A. D. 1929, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California, that the constitution of said state be amended by adding to article thirteen thereof, a new section to be numbered 1½ and to read as follows: Proposed constitutional amendment

Sec. 1½. Any hospital or sanatorium, charitable or otherwise, within the State of California, not organized or conducted for private profit, shall take and hold exempt from taxation, its Exemption of hospitals from taxation.

property and income, when such property and income are used exclusively for hospital or sanatorium purposes. The Legislature shall prescribe the method of determining from time to time the tax exempt status of all hospitals and sanatoriums.

CHAPTER 44.

Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section 19 of article five thereof, relating to the compensation of executive officers.

[Filed with Secretary of State May 4, 1929.]

Proposed
constitu-
tional
amendment.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its forty-eighth regular session commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 19 of article five of the constitution be amended to read as follows:

Sec. 19. The governor and lieutenant governor shall, at stated times during their continuance in office, receive for their services a compensation of ten thousand dollars and four thousand dollars per annum, respectively. The secretary of state, controller, treasurer, attorney general, surveyor general and superintendent of public instruction shall, at stated times during their continuance in office, severally receive such compensation as is or shall be provided by law. The compensation of the officers herein mentioned shall be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office, and they shall not receive for their own use any fees or perquisites for the performance of any official duty. The Legislature may, in its discretion, abolish the office of surveyor general.

CHAPTER 45.

Assembly Joint Resolution No. 8—Relative to memorializing congress for federal aid in the construction of a breakwater in Trinidad harbor at or near the city of Trinidad, California.

[Filed with Secretary of State May 7, 1929.]

Preamble.

WHEREAS, The development of harbor facilities, deep water harbors, and ports of refuge on the long coast line of California is of vital importance to the welfare of the state and the nation; and

WHEREAS, Such facilities and ports are necessary to water-borne commerce which is rapidly increasing on the Pacific coast; and

WHEREAS, Natural harbors along more than seven hundred fifty miles of California coast line are limited to a few in number as compared to the Atlantic seaboard, and development of these harbors is extremely important to the ever-increasing productivity of the state; and

WHEREAS, The city of Trinidad, California, is now seeking federal assistance in the construction of a breakwater in Trinidad bay for the development and improvement of a deep water harbor which will serve as an outlet for the commerce and industry that will follow the development of northwestern California with its millions of dollars worth of untouched and undeveloped natural resources; and

WHEREAS, Improvements made in Trinidad harbor would facilitate the shipping of commerce to and from the tributary territory; now, therefore, be it

Resolved by the Assembly and the Senate, jointly, That the Legislature of the State of California joins with the city of Trinidad in respectfully urging and requesting federal assistance in this important project, and the adoption by the congress of the United States of appropriate legislation for the appropriation of the requisite funds to aid in the construction of said proposed breakwater; and be it further

Petition to congress for federal aid in construction of breakwater

Resolved, That the chief clerk of the Assembly be and he is hereby directed to transmit copies of these resolutions to the President of the United States, to the secretary of war of the United States, the secretary of the navy of the United States, and to each of the members of the senate and house of representatives.

CHAPTER 46.

Assembly Concurrent Resolution No. 37—Approving a certain amendment to the charter of the city of San Luis Obispo, ratified by the qualified electors of said city at a general municipal election held on the first day of April, 1929.

[Filed with Secretary of State May 7 1929]

WHEREAS, The city of San Luis Obispo in the county of San Luis Obispo, State of California, is now and was at all times herein mentioned a city containing a population of more than three thousand five hundred inhabitants ascertained by the last census taken under authority of the congress of the United States, and is now organized and acting under a freeholders' charter adopted under and by virtue of section 8 of article eleven of the constitution, which charter was duly ratified on the twelfth day of September, 1910, approved and ratified by the Legislature of the State of California by concurrent resolution filed with the secretary of state February 23, 1911, and

Preamble

WHEREAS, Proceedings have been duly had and taken for the proposal, submission, adoption and ratification of a certain amendment to the charter of the city of San Luis Obispo as set out in the certificate of the mayor and city clerk of said city of San Luis Obispo, to wit:

San Luis
Obispo city
charter
amendments
Certificate
of adoption
by the
electors

Certificate of adoption by the qualified electors of the city of San Luis Obispo at the general municipal election held therein on the first day of April, 1929, of an amendment to the charter of the city of San Luis Obispo, State of California.

State of California,
County of San Luis Obispo, } ss.
City of San Luis Obispo.

We, L. F. Sinsheimer, mayor of the city of San Luis Obispo, and Callie M. John, city clerk of the city of San Luis Obispo, do hereby certify as follows:

That said city of San Luis Obispo, in the county of San Luis Obispo, State of California, is now, and was at all times herein mentioned, a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States; and,

That said city of San Luis Obispo is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of section 8, article eleven, of the constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the twelfth day of September, 1910, and approved by the Legislature of the State of California, by concurrent resolution, filed with the secretary of state, February 23, 1911 (statutes 1911, page 1698); and,

That, pursuant to the provisions of section 8 of article eleven of the constitution of the State of California, the legislative body of said city, namely: The city council of said city did, on its own motion and pursuant to the provisions of section 8 of article eleven of the constitution of the State of California, duly propose to the electors of said city of San Luis Obispo an amendment to the charter of said city and ordered that said amendment be submitted to said electors of said city at the general municipal election to be held in said city on the first day of April, 1929; and,

That said proposed amendment was, on the nineteenth day of February, 1929, duly published in the Daily Telegram, a daily newspaper of general circulation published in said city of San Luis Obispo, and the newspaper designated by said city council for that purpose;

That said proposed amendment was printed in convenient pamphlet form, and from the nineteenth day of February, 1929, to the first day of April, 1929, both inclusive, a notice

was published in said Daily Telegram that such copies could be had upon application therefor at the office of the city clerk of said city; and,

That said city council did, by an election proclamation and resolution which was duly adopted on the twelfth day of March, 1929, order the holding of the general municipal election and consolidated charter amendment election in said city of San Luis Obispo, on the first day of April, 1929, which date was more than forty days and less than sixty days after the completion of the publication of said proposal of amendment to the charter of the city of San Luis Obispo, as aforesaid, and which election proclamation and resolution was published at least ten successive days prior to said election, in the Daily Telegram, a newspaper of general circulation printed and published in said city; and,

That said general municipal election was held in said city of San Luis Obispo on said first day of April, 1929, which election was held after the six months next preceding a regular session of the Legislature of the State of California and before the adjournment of that session;

That at such general municipal election, held as aforesaid, a majority of the qualified voters of said city of San Luis Obispo, voting thereon, voted in favor of said proposal of amendment to the charter of the city of San Luis Obispo, and duly ratified the same;

That said proposal of amendment to the charter of the city of San Luis Obispo so ratified, as aforesaid, was and is amendment numbered five; and

That the city council of said city of San Luis Obispo, after duly and regularly canvassing the returns of said general municipal election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters, voted in favor of and ratified said proposal of amendment to the charter of the city of San Luis Obispo known as charter amendment numbered five; and,

That said proposal of amendment to the charter of the city of San Luis Obispo ratified by the electors of said city, as aforesaid, is in words and figures as follows, to wit:

Charter Amendment No. 5.

Section 54 of article nine of the charter of the city of San Luis Obispo is hereby amended so that the same shall be and read as follows: Text of amendment

Sec. 54. LIMIT OF TAX LEVY. The tax levy authorized by the council for any one year for all municipal purposes, other than for the payment of principal or interest on any bonds of the city, or for school purposes, shall not exceed eighty-five cents on each one hundred dollars worth of taxable property in said city, except as herein provided. The council may, Limit of tax levy

however, in any year, by ordinance adopted not later than the first Tuesday in September, levy in addition to the rate in this section above authorized, a tax of not to exceed fifteen cents on each one hundred dollars worth of taxable property in said city which shall be collected at the same time and manner as other taxes levied by said city, the proceeds of which said tax shall belong and be paid to a fund designated as the improvement fund of said city and shall be expended only for public improvements and betterments in said city.

Certificate
(cont'd)

That the foregoing is a full, true and correct copy of said proposal of amendment to the charter of the city of San Luis Obispo, ratified by the electors of said city, as aforesaid, on file in the office of the city clerk of said city of San Luis Obispo.

In witness whereof, L. F. Sinsheimer, mayor, and Callie M. John, city clerk, respectively of said city of San Luis Obispo, have hereunto set their hands and caused the corporate seal of the city of San Luis Obispo to be thereunto duly affixed, on the second day of April, 1929.

(Signed) L. F. SINSHEIMER,

Mayor of the City of San Luis Obispo.

(Signed) CALLIE M. JOHN,

City Clerk of the City of San Luis Obispo.

and,

WHEREAS, The said proposed amendment so ratified as hereinabove set forth is now duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration, in accordance with section 8, article eleven of the constitution of the State of California; now, therefore, be it

Ratification
by the
Legislature.

Resolved by the Assembly, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendment to the said charter of the city of San Luis Obispo herein set forth as presented to and ratified by the qualified electors of said city be, and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to, and as part of the charter of said city of San Luis Obispo.

CHAPTER 47.

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by adding to article thirteen thereof a new section to be numbered section 1c, relative to revenue and taxation.

[Filed with Secretary of State May 10, 1929.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California in regular session commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the constitution of the State of California be amended by adding to article thirteen thereof a new section to be numbered section 1c and to read as follows:

Proposed constitutional amendment.

Sec. 1c. The Legislature shall provide for the collection, by the department of the state charged with responsibility of registering motor vehicles, of a tax on motor vehicles and trailers as defined by law, in lieu of all personal property taxes thereon and shall establish the basis and method of fixing the amount of said tax including the establishment of a minimum and maximum tax; *provided, however,* that nothing in this section shall be construed to apply to properties taxed under the provisions of sections 14 and 15 or of subdivision one of section 16 of this article; *provided, further,* that if taxation upon all personal property is subsequently abolished by vote of the people of the State of California the tax authorized by this section shall without further action be abolished.

Tax on motor vehicles in lieu of personal property taxes

All moneys collected as taxes on motor vehicles and trailers in lieu of personal property taxes thereon shall be credited to a special fund to be known as the "County motor vehicle tax fund" and no other moneys shall be so credited; not less than 95 per cent of the moneys credited to said fund shall be paid at least once each year by the state to the respective county or city and county from which motor vehicles and trailers are registered, under any act providing for the registration of motor vehicles by the state, to be distributed between such county, or city and county, and such political subdivisions as may exist within each county, or city and county, as may be prescribed by law. Nothing in this section shall be construed to apply in any way to or affect the fixing, collection or distribution of any fee for registration now or hereafter fixed, collected and distributed under the provisions of the California vehicle act. The Legislature shall pass all laws necessary to carry out the provisions of this section and the acts of the forty-ninth session of the Legislature passed pursuant to this section shall be effective immediately upon their passage. The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may change the method or rate of any tax fixed under this section.

Disposition of revenues

CHAPTER 48.

Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the constitution of said state by adding a new section thereto to be known as and numbered section 19 of article thirteen, relating to revenue and taxation.

[Filed with Secretary of State May 10, 1929.]

Proposed
constitu-
tional
amendment.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the seventh day of January, 1929, two-thirds of the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that a new section to be known as and numbered section 19 be added to article thirteen of the constitution of this state and to read as follows:

State con-
tribution to
county and
municipal
firemen's
pension and
insurance
funds, etc

19. Notwithstanding any other provision of this constitution the Legislature shall biennially set aside and provide for the distribution among the various firemen's pension, relief, health, life and accident insurance funds of any county, city and county, municipality or other political subdivision of a sum not to exceed one-half the revenues accruing from the taxation of premiums of fire insurance companies and associations for fire insurance premiums under the provision of subdivision (b) of section 14 of this article. The manner and amount of the moneys distributed under this section shall be determined by the Legislature but must be based upon the proportion that each particular pension, relief, health, life and accident insurance fund bears to the aggregate of all such funds existing in the state at the time the biennial distribution is made; *provided, however,* that the Legislature may provide for the distribution of a portion of such fund to counties, cities and counties, municipalities or other political subdivisions maintaining a paid or volunteer fire department where no provision has been made for the creation of a pension, relief, health, life or accident insurance fund in such political subdivision.

The Legislature shall enact all laws necessary to carry out the provisions of this section and may grant authority to local boards and commissions to use and apply any moneys distributed under the provisions of this section for the procuring of firemen's relief, health, life and accident insurance and for the payment of pensions of firemen.

CHAPTER 49.

Senate Concurrent Resolution No. 22—Relating to radio interference by electrical transmission lines and other electrical equipment.

[Filed with Secretary of State May 10, 1929.]

WHEREAS, Radio broadcast reception is subject to interference by high voltage transmission lines and other electrical equipment; and Preamble

WHEREAS, Under the laws of this state the operation of the lines, plants, or systems of electrical, telephone and telegraph corporations are subject to control and regulation by the railroad commission of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the railroad commission of the State of California be and it is hereby requested and directed to make a complete study of the interference with radio broadcast reception in the State of California caused by the operation of high voltage transmission lines and other electrical lines, equipment and devices, and shall report its investigation, conclusion and recommendation for eliminating or mitigating such radio interference in a report which it shall file with the governor of the State of California not later than December 1, 1930. Investigation of radio reception interference

CHAPTER 50.

Senate Concurrent Resolution No. 27—Relative to convention of Spanish war veterans for 1931.

[Filed with Secretary of State May 10, 1929.]

WHEREAS, There are at the present time more Spanish war veterans living in California than in any other state of the Union, and Preamble

WHEREAS, Such number of veterans is made up of former citizens of other states, comprising nearly every state in the Union, and

WHEREAS, The 1929 national convention of the United Spanish War Veterans is to meet in the city of Denver, Colorado, in the month of September of this year, and

WHEREAS, It is the desire of the members of this organization that the 1931 convention be held in California; therefore, be it

Resolved, That the Legislature of the State of California hereby directs the secretary of state to extend to the United Spanish War Veterans, through their commander-in-chief, William L. Grayson, an invitation to hold the 1931 convention of their organization within the State of California. Invitation to United Spanish War Veterans

CHAPTER 51.

Assembly Joint Resolution No. 10—Relative to memorializing congress to increase the pension of Eda B. Funston, widow of Major General Frederick Funston.

[Filed with Secretary of State May 10, 1929.]

Increase in
pension of
widow of
Frederick
Funston

WHEREAS, The late Frederick Funston as colonel, as brigadier general, and as major general, in the army of the United States, served his nation with distinction in time of war; and,

WHEREAS, The said Frederick Funston as commanding officer of the Presidio of San Francisco, in April of 1906, rendered signal service to San Francisco in time of hazard and danger; and,

WHEREAS, The late Frederick Funston, having devoted his life time to the service of others, accumulated no worldly wealth, and his widow, Eda B. Funston, with three minor children, since his death in 1917 has been the recipient of a pension from the government of the United States of one hundred dollars monthly; and,

WHEREAS, It has been brought to the attention of the Legislature of the State of California that this pension has never been increased; now, therefore, be it,

Resolved, That the Legislature of the State of California memorialize the congress of the United States to take such action as may be legally necessary to increase the said pension of Eda B. Funston, in order that the declining years of the widow of this gallant soldier may be spent in comfort and security comparable in some degree to the security which Frederick Funston devoted his life to securing for others.

CHAPTER 52.

Assembly Concurrent Resolution No. 23—Providing for the creation of a joint committee of the Senate and Assembly to study street improvement laws of the State of California; to prepare and make recommendations concerning changes in existing laws and to make an appropriation to meet expenses of said committee necessarily incurred in said work.

[Filed with Secretary of State May 10, 1929.]

Joint com-
mittee to
study state
street im-
provement
laws and
make recom-
mendations
concerning
changes in
the existing
laws.

WHEREAS, Due to the vast increase in the population of cities and counties of the State of California there will hereafter be a great number of public improvements constructed, and

WHEREAS, The present procedural statutes for the making of street improvements were enacted at a time when present problems did not confront the members of the Legislature; and said system and procedures although adequate at the time of enactment are inadequate at this time and have resulted in

numerous amendments being offered to present statutes in an effort to meet existing conditions, and

WHEREAS, In order to permit a thorough and systematic study and revision thereof, and in order to permit the enactment of procedural statutes to provide for the efficient, expeditious and economical construction of public improvements; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That there is hereby created a joint committee of the Assembly and Senate to consist of four members of the Assembly to be appointed by the speaker of the Assembly and three members of the Senate to be appointed by the president of the Senate; and, be it further

Resolved, That said committee shall proceed to organize by the election of one of its members as chairman and one of its members as vice chairman and by the election of a secretary, and shall proceed with said investigation in such a manner as may be determined by said committee; and, be it further

Resolved, That it shall be the duty of said committee ^{Duties} to study existing street improvement procedural statutes of the State of California, and said committee shall carefully consider the laws and systems enacted in other states, and said committee shall after said study, recommend legislation to correct and modernize existing street improvement procedural statutes and shall include in this report, the measures which in its judgment should be enacted; and, be it further

Resolved, That it shall be the duty of said committee to simplify and cut down the number of existing street improvement statutes and it shall recommend only such procedural statutes as will be necessary to permit efficient, economical and expeditious construction of public improvements; and, be it further

Resolved, That the members of said committee shall receive no compensation for their services other than their official salaries but they shall be reimbursed for their actual expenses necessarily incurred hereunder not exceeding the amount hereinafter specified. Such committee is hereby authorized to employ competent clerical and other help to assist in the preparation and compiling of said report. The said committee shall be provided with headquarters in the state building at Los Angeles if such quarters are available, but if such quarters are not available such committee may procure such quarters in any other building in the city of Los Angeles as its headquarters; and, be it further

Resolved, That the expenses of the committee and the members thereof and of such clerical and other help incurred by the committee under the authority hereof shall be payable out of the moneys heretofore or hereafter appropriated for the contingent expenses for the Senate and Assembly at this session of the Legislature, payable one-half from the contingent fund of the Assembly and one-half from

the contingent fund of the Senate, not exceeding the sum of seven thousand five hundred dollars from the contingent fund of the Assembly, which sum of seven thousand five hundred dollars is hereby set apart, reserved and appropriated out of the contingent fund of the Assembly for the purposes aforesaid, and the sum of seven thousand five hundred dollars from the contingent fund of the Senate, which sum of seven thousand five hundred dollars is hereby set apart, reserved and appropriated out of the contingent fund of the Senate for the purposes aforesaid, to be disbursed from time to time by controller's warrants to be drawn against said contingent funds upon the written orders of the chairman of said joint committee; and, be it further

Resolved, That said committee be instructed to have prepared its report not later than the thirty-first of December, 1930, and that a copy of said report be not later than said date transmitted to the governor of the state in order that he may make such comment thereon as he may deem appropriate to the Legislature at its next ensuing session.

CHAPTER 53.

Assembly Concurrent Resolution No. 24—Relative to joint rules of Senate and Assembly.

[Filed with Secretary of State May 13, 1929.]

Joint rule
fourteen
amended
Directions
for printing
bills, reso-
lutions, etc

Resolved by the Assembly, the Senate concurring, That joint rule number fourteen shall be amended to read as follows:

14. The state printer shall observe the following directions in printing all bills, constitutional amendments, joint and concurrent resolutions:

(a) The body of such bills and resolutions shall be printed in solid unspaced form so that the same type shall be used both before and after enrollment.

(b) All titles of bills, resolutions, etc., shall be set in italics, statute form, and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only; *provided, however*, that concurrent resolutions approving city or county or city and county charters or amendments thereto, may be set in smaller type and without line numbers.

(d) Enrolled bills may be enclosed in stock cover.

(e) Except as herein and otherwise provided in these rules, the state printer shall, in conformity with section 529 of the Political Code, prescribe the style and manner of printing of all bills, constitutional amendments, joint and concurrent resolutions, journals, histories and files; *provided, however*, that

his authority shall not extend to changes in punctuation, or substitution of words different from the author's copy. But it shall be his duty to correct all misspelling by and with the consent of the secretary of the Senate or the chief clerk of the Assembly.

CHAPTER 54.

Assembly Concurrent Resolution No 26—Relative to expediting proceedings for the construction, operation and maintenance of a dam on the American river near Folsom.

[Filed with Secretary of State May 13, 1929]

WHEREAS, This Legislature has passed Senate bill number five hundred forty-eight authorizing the state department of finance to enter into negotiations with reference to the construction, operation and maintenance of a dam, reservoir and necessary complementary works for impounding the water of the American river near Folsom; and

Expediting
proceedings
for construc-
tion of dam
on American
river near
Folsom

WHEREAS, Immediate prosecution of the work contemplated by said act is necessary for the early correction of the present saline conditions in the Sacramento river and the elimination of flood conditions on the Sacramento and American rivers; and

WHEREAS, The construction of said dam, reservoir and necessary complementary works is a part of the general plan for the development and conservation of the water resources of the State of California; therefore, be it

Resolved by the Assembly, the Senate concurring, That the state department of finance and the governor of the State of California, to such extent as may be compatible with the public interest, commence early negotiations pursuant to said Senate bill number five hundred forty-eight to the end that the work therein contemplated may be commenced at an early date.

CHAPTER 55.

Assembly Joint Resolution No. 17—Relative to measures for farm relief pending in the congress of the United States.

[Filed with Secretary of State May 13, 1929]

WHEREAS, The house of representatives of the United States has enacted a measure designed to accomplish comprehensive farm relief for all parts of this country; and

Amendment
of federal
farm relief
bill pending
in congress

WHEREAS, There is now pending before the senate of the United States a similar measure, to which certain amendments have been proposed which, if adopted, will exclude from the relief provisions thereof fruits and vegetables and will thus

work great hardship and irreparable injury upon the producers of such products throughout the United States and especially within the State of California; and

WHEREAS, The production and marketing of fruits and vegetables constitute one of the most important agricultural activities of this state; now, therefore, be it

Resolved by the Assembly and Senate, jointly, That the Legislature of the State of California does hereby request the Honorable Hiram W. Johnson and the Honorable Samuel M. Shortridge, representing the people of this state in the senate of the United States, to support the farm relief measure which has been enacted by the house of representatives, and to use every honorable means to prevent the adoption of any amendment to the bill pending before the senate, which would deny the same fair rights and privileges of farm relief to the growers and producers of fruits and vegetables as are to be accorded to all other agricultural industries; and, be it further

Resolved, That the chief clerk of the Assembly is hereby directed to transmit by telegraph, forthwith upon its adoption, copies of this resolution to the President and Vice President of the United States, to the speaker of the house of representatives, and to the senators and representatives, from California, in the congress of the United States.

CHAPTER 56.

Assembly Concurrent Resolution No. 42—Relative to study on prison labor.

[Filed with Secretary of State May 15, 1929.]

Preamble.

WHEREAS, Men foremost in the study of crime and of criminals and prison reform throughout the country are advocating the employment of every convict during his commitment; and

WHEREAS, Other states in the union seeing the advantage of the employment of criminals as a means of keeping them more contented mentally and in better condition physically and rendering them better able to cope with the world when they are released and thus going a long way in preventing them from violating the law and again returning to prison; and

WHEREAS, The prison population of California is constantly increasing at a net increase of sixty per month; therefore, be it

Resolved by the Assembly, the Senate concurring, That a committee of five be appointed, consisting of three members of the Assembly and two of the Senate, to be appointed by the speaker of the Assembly and the president of the Senate, to investigate the advisability of a more extended employment of convicts in all our penal institutions and to report its findings to the Legislature meeting in 1931; and be it further

Committee
to investi-
gate more
extended
employment
of convicts

Resolved, That the sum of three thousand dollars or so much thereof as may be necessary, be, and the same is hereby made available for the purpose of defraying the expenses of said committee and said investigation, said sum to be paid equally from the contingent funds of the Senate and Assembly and the state controller is hereby authorized and directed to draw the warrants in favor of the chairman of said committee for such expenditures as may be certified to him from time to time by the chairman of said committee and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 57.

Assembly Joint Resolution No. 7—Relating to memorializing the congress of the United States for federal aid in making provision for the national forests of the state.

[Filed with Secretary of State May 15, 1929]

WHEREAS, The national forests in California constitute a large and important part of the natural resource of the state ;

WHEREAS, The adequate protection and successful management of this resource is of vital importance socially and economically to the people of California ; and

WHEREAS, Large losses from fire continue to occur and operate to defeat the purposes for which these national forests were created ; now, therefore, be it

Resolved, by the Assembly and Senate of the State of California, jointly, That the attention of congress be respectfully called to the need for making additional provision for the national forests of the state. Among the immediate needs are those having to do with the proper housing, communication and travel of the existing protection force, such as look-out houses, firemen's cabins, telephone lines, roads, trails, and fire trucks. Lack of sufficient facilities of this nature results in many fires becoming conflagrations, with large expenditures for their suppression and tremendous losses of timber and other forest resources. Second only to this need for additional facilities is the importance of augmenting the protection personnel to the end that the number of fires may be reduced through the employment of proper prevention activities and that the fires that do start may be held to minimum area through prompt and adequate attack.

Preamble

Attention of congress called to need of additional forest protection

CHAPTER 58.

Senate Concurrent Resolution No. 24—Relative to salmon fishing on the Pacific coast, and directing the state fish and game commission to confer and cooperate with the states

of Oregon, Washington, and with the United States department of fisheries, relative to the control of salmon fishing.

[Filed with Secretary of State May 15, 1929.]

Preamble

WHEREAS, The reports of the fish and game commission of the State of California show that for some years last past the amount of salmon taken in the waters of the State of California has been diminishing, and that one of the chief causes thereof has been the excessive use of trolling, both adjacent to and off the coasts of California, Oregon and Washington; and,

WHEREAS, It has been reported that by reason of the fact that a part of said trolling activities have been conducted so far off-shore that no state, acting alone, has ample jurisdiction to regulate, prohibit or control the said fishing by trolling, and that millions of immature salmon are taken in their natural feeding grounds in this manner, thereby reducing the annual catch of this valuable food fish; now, therefore, be it

Fish and game commission directed to confer with other officials for protection of salmon industry

Resolved by the Senate, the Assembly concurring, That the fish and game commission of the State of California, be, and is hereby directed to confer with the proper officials of the states of Oregon, and Washington, and also with the United States department of fisheries, to the end that a comprehensive plan for the protection and control of the salmon industry may be outlined, and to report to the Legislature at the next regular session its findings and recommendations.

CHAPTER 59.

Senate Concurrent Resolution No. 28—Relative to continuing the legislative investigation as to the advisability of establishing a states prison in one of the southern counties of the State of California.

[Filed with Secretary of State May 15, 1929]

Preamble

WHEREAS, The present state prisons located at San Quentin and Folsom are insufficient in size and inadequate in equipment to properly care for the large influx of prisoners; and

WHEREAS, Said influx of prisoners is annually increasing; and

WHEREAS, The transportation of such prisoners sentenced from the southern counties of this state to and from said prisons is a difficult and hazardous task; and

WHEREAS, The transportation of prisoners sentenced from the southern counties in this state is expensive and imposes an undue burden upon the taxpayers of this state; and

WHEREAS, A committee of the Legislature was appointed at the forty-seventh session thereof to investigate the aforementioned matters; and

WHEREAS, The work of said committee is as yet unfinished and it is necessary and proper that its work should be continued to completion and a report of their findings in full be submitted to the forty-ninth session of the Legislature; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That the committee of the Legislature appointed at the forty-seventh session thereof for the purpose of investigating the advisability of locating a states prison in one of the southern counties of this state and recommending to the Legislature a suitable location therefor, and the estimated cost of construction thereof and the positions of all of the members of said committee be continued in full force and effect for the purpose of completing the work of said committee and reporting their findings in full to the forty-ninth session of the Legislature and to collaborate with state officials in their reports; and be it further

Committee continued to investigate advisability of establishing prison in one of the southern counties of the state.

Resolved, That the expenses incurred in the completion of such investigation, not to exceed the sum of one thousand dollars, shall be paid equally by the Senate and Assembly out of their respective contingent funds.

CHAPTER 60.

Senate Joint Resolution No. 12—Requesting the United States senate to pass a resolution, relating to the appointment of a committee to investigate the organization and operation of public utility corporations supplying telephone communications.

[Filed with Secretary of State May 15, 1929]

WHEREAS, It seems to the best interests of the people of California that an investigation be made by the United States government of all corporations supplying telephone communications, with a view of securing facts and information which will assist the California state railroad commission in determining and fixing just and equitable rates for telephone service; now, therefore, be it

Congress requested to cause federal investigation to be made of operations of telephone companies

Resolved by the Senate and Assembly, jointly, That the Legislature of the State of California hereby respectfully requests that congress cause a federal investigation to be conducted into the affairs and operations of telephone companies, including controlled, affiliated and subsidiary companies and organizations for the purpose of ascertaining if the relations between these companies and their subsidiaries constitute a monopoly in the production or selling of telephone service and telephone equipment and supplies throughout the United States and that the said investigation also be directed towards ascertaining the cost of production and fair price of telephone

apparatus, equipment and supplies, the nature and value of the services rendered any and all subsidiary, controlled or affiliated companies and that the investigation determine if a fair division of revenues derived from toll service between connecting lines of different telephone companies throughout the United States is made; and be it further

Resolved, That the Legislature urges the senators and representatives in congress from California to use all honorable means in furtherance of the adoption of such legislation and means as will secure the investigation and information herein requested; and be it further

Resolved, That the secretary of the Senate is hereby directed to transmit copies of this resolution to the president of the senate of the United States. to the speaker of the house of representatives and each of the members from California of the senate and house of representatives of the United States.

CHAPTER 61.

Senate Constitutional Amendment No. 8—Relative to the framing and ratifying of municipal charters and amendments thereto.

[Filed with Secretary of State May 15, 1929]

Constitutional amendment proposed

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its forty-eighth regular session beginning on the seventh day of January, 1929, two-thirds of all the members elected to each of the houses voting in favor thereof, proposed to the people of the state that section 8 of article eleven of the constitution of the state be amended to read as follows:

City or city and county charters, how framed and ratified

Sec. 8. Any city or city and county containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States or the Legislature of California, may frame a charter for its own government consistent with and subject to this constitution; and any city, or city and county having adopted a charter may adopt a new one. Any such charter shall be framed by a board of fifteen freeholders chosen by the electors of such city at any general or special election, but no person shall be eligible as a candidate for such board unless he shall have been, for the five years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city, and, on presentation of a petition signed by not less than fifteen per cent of the registered electors of such city, the legislative body shall call such election at any time not less than thirty or more than sixty days from date of the filing of the petition. Any such

petition shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections. The board of freeholders shall, within one hundred twenty days after the result of the election is declared, prepare and propose a charter for the government of such city; but the said period of one hundred twenty days may, with the consent of the legislative body of such city be extended by such board not exceeding a total of sixty days. The charter so prepared shall be signed by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city. The legislative body of said city shall, within fifteen days after such filing, cause such charter to be published once in the official paper of said city; (or in case there be no such paper, in a paper of general circulation); and shall cause copies of such charter to be printed in convenient pamphlet form, and shall, until the date fixed for the election upon such charter, advertise in one or more papers of general circulation published in said city a notice that such copies may be had upon application therefor. Such charter shall be submitted to the electors of said city at a date to be fixed by the board of freeholders, before such filing and designated on such charter, either at a special election held not less than sixty days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said sixty days. If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if then in session, or at the next regular or special session of the Legislature. The Legislature shall by a concurrent resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county, and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the secretary of state, one with the recorder of the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such charter. The charter of any city or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by fifteen per cent of the registered electors, or both. Such proposals shall be submitted to the electors at either a special election called for that

Same

purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city or city and county not less than sixty days prior to the election. The signatures on such petition shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon, held at a date to be fixed by the legislative body of such city, not less than forty nor more than sixty days after the completion of the advertising in the official paper. If a majority of the qualified voters voting on any such amendment vote in favor thereof it shall be deemed ratified, and shall be submitted to the Legislature at the regular session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter. In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of votes, the proposition receiving the larger number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters, and in respect to other matters they shall be subject to general laws. It shall be competent in any such charter, or amendment thereof, to provide for the creation of boroughs in all or any part of the territory of the city or city and county governed thereby, and to provide that each such borough may exercise such general or special municipal powers, and to be administered in such manner, as may be prescribed for each such borough in such charter; *provided, however*, that after the creation of any such borough, the powers thereof shall not be modified, amended or abridged in any manner without the consent of a majority of the qualified electors of such borough voting at a regular or special election.

The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general state election; and the qualified electors shall be those whose names

appear upon the registration records of the same or preceding year. The election laws of such city or city and county shall, so far as applicable, govern all elections held under the authority of this section.

CHAPTER 62.

Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the constitution of said state by adding section 15 to article nine thereof, relating to the Henry E. Huntington Library and Art gallery.

[Filed with Secretary of State May 15, 1928.]

Resolved by the Senate, the Assembly concurring, that the Legislature of the State of California at its forty-eighth regular session, beginning on the seventh day of January, 1929, two-thirds of all members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, an amendment to the constitution of said state by adding to article nine thereof a new section to be numbered 15 and to read as follows:

Constitutional amendment proposed

Sec. 15. The trusts and estates created for the founding, endowment and maintenance of the Henry E. Huntington Library and Art gallery, under and in accordance with an act of the Legislature approved March 10, 1885, chapter forty-seven of the statutes of California of 1885, by the endowment grant executed by Henry E. Huntington and Arabella D. Huntington on the thirtieth day of August, 1919, and recorded in book 6937, page 97 of deeds, records of Los Angeles, California, on the fifteenth day of September, 1919, and by the amendments of such grant and by gifts and grants supplementary thereto and by confirmatory grants, are permitted, approved and confirmed. The board of trustees of the Henry E. Huntington Library and Art gallery, as such, or in the name of the institution, or by other intelligible designation of the trustees, or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the benefit of the institution, and such property, unless otherwise provided, shall be held by the trustees of the Henry E. Huntington Library and Art gallery upon the trusts provided for in the grant founding the institution, and amendments thereof and grants supplementary thereto. All property as of July 1, 1929, held in trust for the founding, maintenance or benefit of the Henry E. Huntington Library and Art gallery and the increments thereof and all personal property received in exchange therefor shall be exempt from taxation. The Legislature may modify, suspend and revive at will the exemption from taxation herein given. The trustees of said institution shall annually report their proceedings to the per-

Creation of Henry E. Huntington Library and Art gallery approved

Power of trustees to receive property

Tax exemption

son who for the time being shall fill the office of secretary of state of the State of California, and said trustees shall accompany said report with a full account of their financial operations for the preceding year and with a statement of the financial affairs of the institution.

CHAPTER 63.

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California that the constitution of said state be amended by adding to article five thereof a new section to be numbered 21, relating to the executive branch of the state government.

[Filed with Secretary of State May 15, 1929.]

Constitutional amendment proposed

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the seventh day of January, 1929, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the constitution of said state be amended by adding to article five thereof a new section to be numbered 21, to read as follows:

Power of Legislature to include office, board or commission in executive department

Sec. 21. The Legislature shall have power to include in any department of the executive branch of the state government, any office, board or commission established by the provisions of this constitution, and appointed by the governor or by the governor with the advice and consent of the Senate, and to provide representation therefor in the governor's council, through the director of the department; *provided, however,* that this section shall not apply to officers and boards which under the provisions of this constitution are filled through elections by the people; *and provided,* that the Legislature shall not have power thereby to limit, restrict, or impair any of the powers, duties, purposes, responsibilities, or jurisdiction of such office, board, or commission, conferred or imposed upon it by the provisions of this constitution, except to the extent and in the manner the Legislature is now or may hereafter be authorized so to do.

CHAPTER 64.

Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to article twelve of the constitution of the State of California amending sections 1 and 7, and repealing sections 2, 3, 9, 11, 12 and 14 of that article.

[Filed with Secretary of State May 15, 1929.]

Constitutional amendment proposed.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its forty-eighth regular session commencing January 7, 1929, two-thirds of all

the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that article twelve of the constitution of the State of California be amended as follows:

Section 1 of article twelve of the constitution of the State of California is hereby amended to read as follows:

Section 1. The Legislature shall have power, by general laws and not otherwise, to provide for the formation, organization and regulation of corporations and to prescribe their powers, rights, duties and liabilities and the powers, rights, duties and liabilities of their officers and stockholders or members. All laws now in force in this state concerning corporations and all laws that may be hereafter passed pursuant to this section may be altered from time to time or repealed.

Corporations
to be formed
by general
laws

For the purpose of removing existing limitations upon the power granted by section 1 of article twelve of the constitution amended as herein proposed, sections 2, 3, 9, 11, 12 and 14 of article twelve of the constitution are hereby repealed, and section 7 of article twelve of the constitution is hereby amended to read as follows:

Repealed

Sec. 7. The Legislature shall not extend any franchise, nor remit the forfeiture of any franchise, of any quasi public corporation, but may provide by general laws, uniformly applicable to all corporations formed for a limited period, for the extension of the term of existence of any corporation.

Franchises
of public or
quasi public
corporations
to be
extended or
forfeiture
remitted by
general laws

CHAPTER 65.

Senate Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to section 23a of article four of the constitution of said state, relating to officers, employees, and attaches.

[Filed with Secretary of State May 15, 1929]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its forty-eighth regular session commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 23a of article four of the constitution of said state be amended to read as follows:

Constitutional
amendment
proposed

Sec. 23a. Each house of the Legislature may, by resolution, provide for the employment of help, prescribe the duties and fix the compensation thereof; but in no case shall the total expense for officers, employees and attaches exceed the sum of four hundred dollars per day for the Senate and four hundred fifty dollars per day for the Assembly, at any regular session, exclusive of the salary of the secretary of the Senate and the

Officers,
employees
and
attaches

chief clerk of the Assembly, who shall each receive such salary as shall be fixed by resolution, nor the sum of one hundred fifty dollars per day for each house at any special or extraordinary session, exclusive of the salaries of the secretary of the Senate and the chief clerk of the Assembly. Except as herein otherwise specified, the provisions of this section shall be self-executing.

CHAPTER 66.

Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the constitution of said state, being an amendment of section 1 of article two of said constitution, relative to elections and eligibility of voters, disabilities and absent voters.

[Filed with Secretary of State May 15, 1929]

Constitutional amendment proposed.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California hereby proposes to the people of the State of California that section 1 of article two of the constitution of said state be amended to read as follows:

Eligibility of voters

SECTION 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under and by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the state one year next preceding the day of the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct forty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within forty days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct from which he so removed until after such election; *provided, further*, no alien ineligible to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was sixty years of age and upwards on October 10, 1911;

provided, further, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which any election is held.

Absent voters

CHAPTER 67.

Assembly Concurrent Resolution No. 9—Providing for the creation of a joint committee of the Senate and Assembly to investigate aviation conditions in the State of California and to the question of safety and prevention of accidents thereto; to prepare and make recommendations concerning changes in existing laws, and the enactment and enforcement of laws relating to the use and operation of aeroplanes, and to prepare and submit with supporting facts, ascertained, a report as to the advisability of the adoption of a uniform law regulating aviation and making appropriation to meet the expenses of said committee necessarily incurred in said work.

[Filed with Secretary of State May 15, 1929]

WHEREAS, There has been a great increase in the number of airplanes and aircrafts used and operated in the State of California within recent years; and

Preamble

WHEREAS, The matter of regulation of aviation and aircraft at the present time presents peculiar and novel difficulties and problems because of the infancy of the aviation and aircraft industry, and the rapid growth of the same within the past few years, and the anticipated stupendous advance of the same within the next two years; and

WHEREAS, It is felt that so young and progressive an industry may be hampered and throttled by the enactment of legislation without serious and continued thought and study of the underlying condition governing its proper growth and expansion; and

WHEREAS, Public necessity and protection require the enactment of fair and proper legislation governing the same for the stability and growth of the industry as well as the protection of the public; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That there is hereby created a joint committee of the Assembly and Senate to consist of three members of the Assembly to be appointed by the speaker of the Assembly and three members of the Senate to be appointed by the president.

Committee to study aviation conditions and make recommendations concerning changes in existing laws

It will be the duty of the said committee to investigate the adequacy of the facilities for the enforcement of existing laws relating to the use and operation of aeroplanes, the advisability of establishing new laws relating to the safe operation of aeroplanes, and to make recommendations concerning

the advisability of amendments to existing laws, if in the discretion of the committee is deemed necessary, and if the committee reports in favor of the adoption of any specified laws, it should include in its report or plan recommended, the measures which in its judgment should be enacted.

It shall also be the duty of said committee to study the advisability of adopting a uniform law or laws relating to the regulation and control of aviation and more particularly to the regulation of air ports and aviation schools. In making this study the said committee shall carefully consider the laws and systems enacted in other states and countries and the effect that any such system would have in the State of California on account of any unusual conditions arising in this state. Said committee is to make its report to the Legislature at its next regular session.

The members of said committee shall receive no compensation for its services other than their official salaries but it shall be reimbursed for their actual expenses necessarily incurred hereunder not exceeding the amount hereinafter specified. Such committee is hereby authorized to employ competent clerical and other help to assist in the preparation and compiling of all data ascertained included by making of the final report. The said committee shall be provided with headquarters in the state building at San Francisco if such quarters are available, but if such quarters are not available such committee may procure such quarters in any other building in the city of San Francisco for its headquarters.

The expenses of such clerical or other help and for any other necessary expenses of the committee, shall be passed upon and fixed by the committee subject, however, that the total of the expenses and costs shall not exceed the amount hereinafter specified.

Expenses,
now paid

The expenses thus incurred by said committee under the authority hereof shall be payable out of the money heretofore or hereafter appropriated for the contingent expenses for the Senate and Assembly at this session of the Legislature, payable one-half from the contingent fund of the Senate, and one-half from the contingent fund of the Assembly, but not exceeding the sum of three thousand dollars in all, the sum, or so much thereof as may be necessary is hereby set apart, reserved and appropriated out of said respective contingent fund for the purpose aforesaid to be disbursed from time to time by controller's warrants to be drawn against said contingent funds upon the written orders of the chairman of said joint committee; and be it further

Resolved, That the said committee be instructed to have prepared its report not later than the thirty-first of December, 1930, and that a copy of said report be not later than said date transmitted to the governor of the state in order that he may make such comment thereon as he may deem appropriate to the Legislature at its next ensuing session.

CHAPTER 68.

Assembly Concurrent Resolution No. 25—Relating to the preservation of the coast line of the State of California and the land and water areas contiguous thereto and authorizing the appointment of a committee for the purpose of study and investigation.

[Filed with Secretary of State May 15, 1929]

WHEREAS, One of the most valuable assets of the State of California lies in its coast line along the Pacific ocean and in the land and water areas contiguous thereto; and Preamble

WHEREAS, The factors contributing to this great value are of varied character, including those natural resources and natural features of said land and water areas which are adapted to development in furtherance of navigation, commerce, fisheries, and the production of minerals and oil, and for residential, recreational and scenic purposes; and

WHEREAS, It is desirable that these land and water areas be so developed as to meet the needs of the people of all parts of the state, both now and in the future, in an orderly manner, to the end that all of these natural resources and features may be given due consideration and those interested therein given proper recognition and assistance; and

WHEREAS, Much legislation has been enacted both by the congress of the United States, the state Legislature and by local political subdivisions of the state relative to such matters and it is desirable that such legislation and future legislation be so correlated as best to accord with and promote the orderly and properly balanced development of this great natural asset of the state; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the department of natural resources is hereby requested to make its organization and facilities available for a thorough investigation and study of the subject matter of this resolution under the direction of the committee hereinafter designated and to make available to the committee from time to time as may be convenient to the committee, the results of such investigations; and the other executive branches and offices of the state government, particularly the department of finance, the surveyor general, the attorney general and the department of public works, are hereby requested to furnish all desirable and practicable assistance to the department of natural resources and to the committee in making this investigation and study; and be it further

Committee to study the preservation of California coast line

Resolved, That there shall be and hereby is created a committee to consist of four members of the Assembly, to be appointed by the speaker of the Assembly and four members of the Senate to be appointed by the president of the Senate, to effect a thorough investigation and study of the subject matter of this resolution by the executive departments

hereinbefore designated; to receive and consider the results of the investigation and study so requested; to make such further study and investigation as to it may seem desirable; to prepare such compilation of its findings and present such recommendations as it may determine in a report to be submitted to the forty-ninth session of the Legislature during the first week thereof; and to cause such report to be published as a public document not later than November 15, 1930, at the same time submitting a copy of it to the governor for his use in making such recommendations as he may desire in his biennial message to the Legislature; and be it further

Resolved, That said committee shall proceed to organize by the election of one of its members as chairman and by the election of a secretary and shall proceed to carry out the purposes of this resolution in such a manner as may be determined by said committee; and be it further

Resolved, That said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters herein referred to, it shall be the duty of all state, county, municipal and political subdivision officers to furnish such reports, books, documents, records, papers and testimony, upon request of said committee as may be pertinent to the purposes herein set forth; and be it further

Appropriation

Resolved, That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby set apart, reserved and appropriated out of the respective contingent funds of the Senate and Assembly, which may have heretofore or may hereafter be appropriated for the contingent expenses of the Senate and Assembly by this session of the Legislature, said sum to be payable one-half from the contingent fund of the Senate and one-half from the contingent fund of the Assembly, but not exceeding the sum of five thousand dollars in all, for the purpose of paying the expenses incurred by the joint committee herein designated, under the authority hereof, and for the purposes herein set forth, and said payments shall be disbursed from time to time by controller's warrants to be drawn against such contingent funds upon the written orders of the chairman of said joint committee herein provided for.

CHAPTER 69.

Assembly Concurrent Resolution No. 27—Providing for the appointment of a committee to investigate the possibility of regulating and controlling the location of gasoline stations, hot dog stands, advertising signs, and other structures of a commercial nature along scenic roads and highways.

[Filed with Secretary of State May 15, 1929.]

Preamble.

WHEREAS, The scenic value of our mountains, hills, streams, fields and oceans are one of the greatest assets of our state; and

WHEREAS, This asset is being gradually diminished in value by the indiscriminate placing of advertising signs, hot dog stands, gasoline stations and other structures; and

WHEREAS, These structures and advertising signs are almost entirely on private property and it is questionable whether the Legislature of the State of California may enact laws to regulate and control such structures and advertising signs; and

WHEREAS, It is necessary that the Legislature of the State of California have available adequate information so as to enable its members to consider proper legislation to control such structures and advertising signs; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That a committee of six members, consisting of three members of the Assembly to be appointed by the speaker of the Assembly, and three members of the Senate to be appointed by the president of the Senate, for the purpose of investigating the possibility of regulating and controlling the location of gasoline stations, hot dog stands, advertising signs, and other structures of a commercial nature along scenic roads and highways, in our rural regions, by law, and to prepare and submit to the next session of the Legislature of the State of California its findings and make such recommendations as it may deem necessary and proper for the regulation and control of the location of gasoline stations, hot dog stands, advertising signs, and other structures of a commercial nature; and be it further

Committee to investigate possible regulation of the location of commercial structures along scenic roads and highways

Resolved, That said committee shall proceed to organize by the election of one of its members as chairman and by the election of a secretary, and shall proceed with said investigation in such manner as may be determined by said committee; and be it further

Resolved, That each department, board, commission or officer of the State of California, whenever requested to do so by said committee, shall furnish to said committee such assistance as it may require and that the expenses incurred in such investigation, not to exceed the sum of twenty-five hundred dollars, shall be paid equally by the Senate and Assembly out of their respective contingent funds; and be it further

Resolved, That said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters herein referred to and is hereby authorized and empowered to issue subpoenas and to compel the attendance of witnesses, and to procure testimony; *provided,* that nothing herein contained shall authorize the investigation or examination of private books, documents, records or writings of the owners or lessees of lands facing on or adjacent to such scenic roads and highways. Each of the members of said committee is hereby authorized to administer oaths, and all the provisions of article eight of chapter two, title one, part three of the Political Code of the state relative to the attendance and assemblage of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution. The said committee

is hereby given leave to sit during the session of the Legislature, during the recess thereof and during the interval between sessions thereof, at any place in the state as said committee shall from time to time determine.

CHAPTER 70.

Assembly Concurrent Resolution No. 29—Approving certain amendments to the charter of the city of Chico, county of Butte, State of California, voted for and ratified by the electors of said city of Chico at a general municipal election held therein on the eighth day of April, 1929.

[Filed with Secretary of State May 15, 1929.]

Chico city
charter
amendments

WHEREAS, The city of Chico in the county of Butte, State of California, has at all times mentioned herein been, and now is a municipal corporation of the State of California, containing a population of more than three thousand five hundred inhabitants, and is now and has been ever since the sixteenth day of April, 1923, organized, existing and acting under a freeholders' charter adopted under and by virtue of section 8, article eleven, of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the fifteenth day of December, 1921, and approved by the Legislature of the State of California, on the third day of February, 1923; and

WHEREAS, The legislative body of said city, namely, the council of said city, did pursuant to provisions of section 8, article eleven, of the constitution of the State of California, by ordinance adopted the twenty-first day of February, 1929, and duly published in the manner and form as required by law, duly propose to the qualified electors of the city of Chico, certain amendments to the charter of said city, and order that said amendments be submitted to said qualified electors of said city at the general municipal election to be held in said city on the eighth day of April, 1929, the date of which said election is fixed by said charter of said city of Chico referred to hereinbefore, and which said date was fixed in said ordinance as the date for the voting upon said amendments as proposed; and

WHEREAS, Said proposed amendments were published in the "Chico Enterprise," a newspaper of general circulation printed and published in the city of Chico, and having a general circulation therein, the said paper being the official paper of the city of Chico, for the time and in the manner prescribed by section 8 of article eleven of the constitution of the State of California, and copies of said proposed amendments to said charter were printed in convenient pamphlet form, and from the date of the first publication of said proposed amendments

aforesaid, until the date fixed for the election of said charter amendments, the legislative body of said city of Chico, to wit: the council, caused to be published in said "Chico Enterprise," said official newspaper of the city of Chico, and a newspaper of general circulation printed and published in said city of Chico, a notice that copies of said proposed amendments to said charter could be had at the office of the city clerk of the city of Chico upon application therefor; and

WHEREAS, Said general municipal election was duly and regularly held on said eighth day of April, 1929, and at said election the said proposed amendments to said charter were voted upon by the qualified electors of said city of Chico, and at said election a majority of qualified electors voting thereon, voted in favor of ratifying and did ratify the following proposed amendments to said charter, said proposed amendments so ratified being in words and figures as follows, to wit:

PROPOSITION ONE.

That section 6 of article three of the charter of said city of Chico be amended to read as follows:

Section 6—Calling Election. The council shall by ordinance order the calling and holding of elections, within the city of Chico and within Chico school district, excepting that the board of education shall have the power to call such special elections within Chico school district as are authorized by law.

The election ordinance shall specify the objects, times and places for the holding of such elections, and the names of the inspectors, judges of election and clerks for each voting precinct into which the city or the Chico school district shall be divided for the holding and making returns for such election. The number of election officers at each precinct shall not exceed six in number, at least three of whom shall be present at all times during the election. The ordinance calling an election shall be published once each week in the official paper of the city, during the two weeks next before time appointed for holding the election.

The expenses of all elections called by the council shall be borne by the city of Chico, excepting the expense thereof incurred in that portion of the Chico school district outside of the exterior boundaries of said city as set forth in the city charter, and said last mentioned expenses shall be borne by the Chico school district. The expenses of all elections called by the board of education shall be borne by the Chico school district.

PROPOSITION TWO.

That section 19 of article four of the charter of the city of Chico, which said section is entitled "Certain powers and duties enumerated," and which said section refers to certain powers and duties of the city council, be amended by adding thereto a new subdivision, to be known as sixteen, to read as follows, to wit:

Power to
appoint
board of
social
service.

16. Appoin. a board of social service of five members, to serve at the pleasure of the council, and which said board shall have charge of all matters pertaining to the care and relief of the needy, the establishment of employment bureaus, day nurseries, and such health matters as are not embraced within the duties of the health department of the city. Said board, shall have charge of the expenditure of the relief and health funds provided by the council. It may receive and distribute gifts from private individuals and from institutions; it shall elect a chairman and secretary from its members, and an auditing committee of three, and all members thereof shall serve without compensation.

All funds received by said board shall be divided into two funds, to be known as the "relief fund," and the "health fund," and such moneys of the board shall be allotted to each fund as may be determined by the council, and no money shall be transferred from either fund to the other until the expiration of the fiscal year in which allotted or received, and then only by order of the council, and

That section 61 of article seven of the charter of said city of Chico, shall be amended by repealing subdivision five thereof, which relates to the board of social service.
and,

WHEREAS, The council of said city of Chico, in accordance with law in such cases made and provided, and in accordance with and in pursuance of the charter of said city, did meet on Tuesday the tenth day of April, 1929, at their usual place of meeting, and duly canvassed the returns of said election as certified by the election board, and duly found, determined and declared that the majority of the qualified electors of said city voting thereon, had voted for and ratified each of the amendments to the charter of the city of Chico particularly set forth hereinabove and alleged to have been so ratified; and

WHEREAS, That the foregoing is true is shown by the certificate of A. R. Waters, mayor of the said city of Chico, and H. H. Hume, clerk of said city, which said certificate is in words and figures as follows, to wit:

State of California, }
County of Butte, } ss.
City of Chico.

Certificate.

This is to certify that we, A. R. Waters, mayor of the city of Chico, and H. H. Hume, clerk of the city of Chico, have compared the foregoing proposed and ratified amendments to the charter of the city of Chico with the original resolution, ordinance and proclamation proposing such amendments and submitting the same to the qualified electors of said city of Chico at a general municipal election held April 8, 1929, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said charter and the matters set forth herein are, and each of them is, true.

In witness whereof we have hereunto set our hands and caused the corporate seal of the city of Chico to be attached this tenth day of April, 1929.

A. R. WATERS,
Mayor of the city of Chico.

[SEAL]

H. H. HUME,
City clerk of the city of Chico.

and,

WHEREAS, The said amendments so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California for approval or rejection, without the power of alteration or amendment, in accordance with section 8 of article eleven of the constitution of the State of California; now, therefore, be it

Approval by
Legislature

Resolved by the Assembly, the Senate concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That the said amendments to the said charter of the said city of Chico herein set forth, as presented and submitted to and adopted and ratified by the qualified electors of the said city of Chico, be, and the same are hereby approved as a whole for and as amendments to the said charter of the said city of Chico.

CHAPTER 71.

Assembly Concurrent Resolution No. 30—Relative to pioneer memorial bridge.

[Filed with Secretary of State May 15, 1929]

WHEREAS, There has been appointed by the Sacramento county supervisors a commission designated as the pioneer memorial bridge commission to handle the preliminary work on a worthy project looking to the construction of a modern bridge across the Sacramento river between the city of Sacramento and the county of Yolo, at some point yet to be determined; and

Preamble

WHEREAS, There is a need for a new highway bridge as aforesaid; and

WHEREAS, It is proposed by the pioneer memorial bridge commission that there be erected a structure designated as a memorial to the California pioneers and the war heroes of all wars; and

WHEREAS, There is on record widespread interest in and support of such memorial bridge, not only in Sacramento and vicinity, but throughout the State of California; and

WHEREAS, The United States of America through its war department has recognized the movement for the construction

of such bridge by granting a permit to build the bridge across the Sacramento river; and

WHEREAS, It is proposed to build this bridge without the use of public funds and the plan for financing said bridge has received the approval of the Honorable C. C. Young, governor of California, and many other organizations and individuals; and

WHEREAS, The purpose of this resolution is to pledge the moral support of the State of California to this worthy project in honor of the early pioneers and the heroes of American wars; therefore be it

Resolved by the Assembly of the State of California, the Senate concurring, That its moral support to the project of the pioneer memorial bridge, be voiced.

Moral
support of
pioneer
memorial
bridge
voiced

CHAPTER 72.

Assembly Concurrent Resolution No. 33—Relating to the holding of the tenth Olympiad games in the State of California.

[Filed with Secretary of State May 15, 1929]

Preamble

WHEREAS, The tenth Olympiad games to be held in 1932 were allocated by the International Olympic committee to the city of Los Angeles in the State of California, in 1932; and

WHEREAS, At the general election held November 6, 1928, the people of the State of California approved the California Olympiad bond act passed by the Legislature of the State of California in 1927, authorizing the issuance and sale of one million dollars state bonds, known as the "California Tenth Olympiad bonds," the proceeds of the sale of said bonds to be used for the purpose of providing a fund to be used and distributed for the purposes of an Olympiad to be held in the city of Los Angeles, in the State of California; and

WHEREAS, A commission to be known as the "California Olympiad commission" has already been created to carry out the provisions of the "California Tenth Olympiad Bond Act of 1927"; and

WHEREAS, The International Olympic committee claims the right to allocate to certain states those certain events always heretofore considered a part of the Olympiad games and said committee has stated that the winter sports usually held in connection with such games shall be held in one of our eastern states, thereby depriving the State of California of a feature of such games which the State of California desires to hold at a suitable location in this state; and

WHEREAS, The International Olympic committee may be persuaded by eastern colleges and eastern influence, to ordain that the aquatic sports or other features of said game shall be

held in some eastern state or locality other than the State of California; and

WHEREAS, The people of the State of California approved the one million dollars California Olympiad bond act with the understanding and belief that all of the events of the tenth Olympiad would be held in the State of California, believing that those events which could not be held in the southern part of this state might well be handled and allocated by the California Tenth Olympiad Association to the northern or central part of this state; therefore, be it

Resolved, by the Assembly, the Senate concurring, That the people of the State of California represented by the Senate and Assembly of this state, do protest against the action of said International Olympic committee taken and had without the consent of the California Tenth Olympiad Association, in allocating the winter sports of said games to a state other than the State of California, and be it further

Resolved, That a commission to be known as the Olympiad state-wide cooperating commission be created, the members of said commission to be appointed by the governor of the state and to hold office until all of the business and affairs of said commission shall have been fully completed and settled. Said commission is hereby created for the purpose of cooperating with the California Olympiad commission in order to facilitate and determine what events of the tenth Olympic games shall be allocated to central or northern California and the place where such games so allocated are to be held. It shall be the purpose and duty of this commission to assist and cooperate at all times with the California Olympiad commission for the purpose of facilitating all work of said commission.

Commission created to determine what events of tenth Olympic games shall be allocated to central and northern California

CHAPTER 73.

Assembly Concurrent Resolution No. 41—Providing for the creation of a joint committee of the Senate and Assembly to study joint highway district laws of the State of California; to prepare and make recommendations concerning changes in existing laws and to make an appropriation to meet expenses of said committee necessarily incurred in said work.

[Filed with Secretary of State May 15, 1929.]

WHEREAS, "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California" was approved April 5, 1917, and since that time has been variously amended; and

WHEREAS, The bonds provided to be levied and issued under said act are being questioned in the courts of this state

Preamble

thereby largely nullifying the effect and purposes of said act; and

WHEREAS, Through the great increase in motor vehicles many county roads and highways in California are carrying a great volume of traffic which, in many instances originates outside of such counties and contributes nothing to the construction and maintenance of roads therein; and

WHEREAS, Under the present motor vehicle fuel license taxes a fund for state and county highway construction and maintenance has been provided; now, therefore, be it

Committee
to study
joint high-
way district
laws and
to make
recommendations

Resolved by the Assembly, the Senate concurring, That there is hereby created a joint committee of the Assembly and Senate to consist of four members of the Assembly to be appointed by the speaker of the Assembly, and three members of the Senate to be appointed by the president of the Senate; and, be it further

Resolved, That said committee shall proceed to organize by the election of one of its members as chairman and one of its members as vice chairman and by the election of a secretary, and shall proceed with said investigation in such a manner as may be determined by said committee; and, be it further

Resolved, That it shall be the duty of said committee to study existing joint highway district and state aid highway procedural statutes of the State of California, and said committee shall carefully consider the laws and systems enacted in other states whereby cooperation is had between state and counties in mutually beneficial highway development, and to draft recommendations covering legal and workable amendments to existing laws to facilitate the purposes herein expressed.

It shall be the duty of said committee to recommend such procedural statutes as will permit a fair participation by state and county or counties in the improvement and maintenance of such county roads as connect different sections of state highway or which carry an appreciable burden of foreign traffic, that is, traffic originating outside of such county and said committee shall further recommend some plan of financing whereby an adequate state fund shall be provided to carry out their recommendations.

The members of said committee shall receive no compensation for their services other than their official salaries but they shall be reimbursed for their actual expenses necessarily incurred hereunder not exceeding the amount hereinafter specified. Such committee is hereby authorized to employ competent clerical and other help to assist in the preparation and compiling of said report. The said committee shall be provided with headquarters in the state building at San Francisco if such quarters are available, but if such quarters are not available such committee may procure such quarters in any other building in the city of San Francisco as its headquarters.

The expenses of the committee and the members thereof and of such clerical and other help incurred by the committee under

the authority hereof shall be payable out of the moneys heretofore or hereafter appropriated for the contingent expenses for the Senate and Assembly at this session of the Legislature, payable one-half from the contingent fund of the Assembly and one-half from the contingent fund of the Senate, but not exceeding the total sum of five thousand dollars which sum, or so much thereof as may be necessary, so composed, is hereby set apart, reserved and appropriated out of said respective contingent funds for the purposes aforesaid to be disbursed from time to time by controller's warrants to be drawn against said contingent funds upon the written orders of the chairman of said joint committee; and be it further

Resolved, That said committee be instructed to have prepared its report not later than the first day of October, 1930, and that a copy of said report be not later than said date transmitted to the governor of the state in order that he may make such comment thereon as he may deem appropriate to the Legislature at its next ensuing session

CHAPTER 74.

Assembly Joint Resolution No. 19—Relative to federal legislation for the building and maintenance of highways over public lands and federal reservations.

[Filed with Secretary of State May 15, 1929.]

WHEREAS, More than two-fifths of the area of the State of California still remains with the federal government as unreserved or unappropriated public land, nontaxable Indian lands and other federal reservations; and Preamble

WHEREAS, These lands are not subject to taxation, and whereas the construction and maintenance of highways through and across these areas should be an obligation of the federal government requiring no financial cooperation on the part of the state or its subdivisions; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the California representatives in the congress of the United States be and are hereby requested to actively support legislation which will provide for appropriations by the federal government with which to build and maintain highways through and across unappropriated or unreserved public lands and other federal reservations; and be it further Federal legislation for construction and maintenance of highways upon public lands, urged

Resolved, That a copy of this resolution be sent to the President of the United States, the Vice President, the speaker of the house of representatives and to each member of the seventy-fifth congress from the State of California.

CHAPTER 75.

Assembly Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section 9 of article six, relating to absence of judicial officers from the state.

[Filed with Secretary of State May 15, 1929.]

Proposed
constitu-
tional
amendment

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its forty-eighth regular session commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 9 of article six of the constitution of this state be amended to read as follows:

Judicial
officers

Sec. 9. The Legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office; provided, however, that the governor of the state may in his discretion and on such terms as he may fix, extend said period. The Legislature of the state may, at any time, two-thirds of the members of the Senate and two-thirds of the members of the Assembly voting therefor, increase or diminish the number of judges of the superior court in any county, or city and county, in the state; provided, that no such reduction shall affect any judge who has been elected.

CHAPTER 76.

Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the constitution of said state by adding a new paragraph to section 14 of article thirteen of said constitution, to be designated as subdivision ab, relating to revenue and taxation.

[Filed with Secretary of State May 15, 1929.]

Proposed
constitu-
tional
amendment.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session commencing on the seventh day of January, 1929, two-thirds of the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes an amendment to the constitution of the State of California by adding a new paragraph to section 14 of article thirteen thereof, to be designated as subdivision ab, to be inserted after the last paragraph of subdivision aa of said section and to read as follows:

ab. Subject to the power vested in the Legislature by this constitution to change the rate in this section prescribed, the percentage of tax in the last paragraph of subdivision *a* of section 14 of article thirteen of this constitution levied on all street railways, herein defined to include interurban electric railways and gasoline propelled railways, shall be four and one-quarter per cent fixed upon their gross receipts from operation ascertained as in this constitution provided; *provided, however,* that in the event that it shall be hereafter finally determined by the courts that the classification herein made is inconsistent with or repugnant to the provisions of the United States constitution or prejudicial to the rights of the state to tax other railroad companies at a different and higher rate of tax, then this amendment shall be void, and the rate of tax levied upon the railroads herein included and all other railroads shall be as prescribed in said subdivision *a* of section 14 of article thirteen of this constitution, or such other rate or rates as may hereafter be adopted, fixed upon their gross receipts from operation ascertained as in this constitution provided.

Taxation
of street
railways

CHAPTER 77.

Assembly Joint Resolution No. 16—Relating to resurvey of north boundary of Hoopa Indian reservation and modification of Klamath river fish and game district initiative act.

[Filed with Secretary of State May 15, 1929]

WHEREAS, The Klamath river is the principal source of supply of salmon and steelhead trout spawn for artificial propagation of those species of food fishes in the State of California; and

Preamble

WHEREAS, The people of the State of California, by initiative act passed at the general election in November, 1924, ordained that the waters of the Klamath river were, and would thereafter be the Klamath river fish and game district and prohibited the construction or maintenance of any dam or other artificial obstruction within the district; and

WHEREAS, An effort is now being made to annul said initiative act by causing the United States to resurvey the north boundary of the Hoopa Indian reservation along the lower Klamath river so as to relocate the said north boundary at a point twenty-six chains north of the position it has occupied since the early eighties, thus placing several miles of the river under the jurisdiction of the federal government and beyond the control of the initiative act; and

WHEREAS, If this resurvey is allowed and approved by the department of the interior, dams will be constructed within the area thus beyond the provisions of the initiative act and the run of salmon and steelhead trout in the Klamath river

will be totally destroyed, and the principal supply of the state's spawn will be eliminated; now, therefore, be it

Protest
against
federal
relocation of
the Hoopa
Indian
reservation

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby protests any change in or relocation of surveyed lines affecting in any manner the Klamath river within the State of California, as being an attempt to modify and annul the solemn act of the people of this state in creating the Klamath river fish and game district; and be it further

Resolved, That it is the sense of this resolution and of this Legislature that before any approval of any change in existing surveys, or before any new surveys be approved, that a public hearing or protests already on file be held under the authority of the department of the interior in the manner and form prescribed by law and existing regulations at which time all parties interested may appear and be heard; and be it further

Resolved, That copies of this resolution be forwarded the President of the United States, the secretary of the interior, and to all senators and representatives of California in congress.

CHAPTER 78.

Assembly Concurrent Resolution No. 38—Providing for the appointment of a joint committee to investigate the water problems of the state and to recommend some method of procedure therewith.

[Filed with Secretary of State May 15, 1929.]

Preamble.

WHEREAS, It is necessary that the Legislature of the State of California have further available adequate information so as to enable its members to consider proper legislation looking to the further conservation and use of the waters of the state; now, therefore, be it

Legislative
committee
for study of
water
problems

Resolved by the Assembly, the Senate concurring, That a committee of eight members, consisting of four members of the Assembly to be appointed by the speaker of the Assembly, and four members of the Senate to be appointed by the president of the Senate, be appointed to make an investigation of the water problems of the state including the desirability for, and the location of, a salt water barrier at or near Carquinez Straits; the water problems of those counties not included in the Big Basin of California and water studies of the state not heretofore completed; and to recommend to the Legislature of the State of California at the forty-ninth session thereof statewide policy for the conservation and use of the waters of the state; and be it further

Organiza-
tion.

Resolved, That said committee shall proceed to organize by the election of one of its members as chairman and by the

election of a secretary, and shall proceed with said investigation in such manner as may be determined by said committee; and be it further

Resolved, That each department, board, commission or officer Assistance of the State of California, whenever requested to do so by said committee, shall furnish to said committee such assistance as it may require; and be it further

Resolved, That said committee is hereby authorized to hold Hearings public hearings at any place in the State of California at which hearings the people shall have opportunity to present their views to the committee; and be it further

Resolved, That said committee is hereby authorized and Powers empowered to do any and all things necessary to make a full and complete investigation of the matters herein referred to, and is hereby authorized and empowered to require the production of books, agreements, documents and papers of every kind; to issue subpoenas and to compel the attendances of witnesses, and to procure testimony. Each of the members of said committee is hereby authorized to administer oaths, and all the provisions of article eight of chapter two, title one, part three of the Political Code of the state relative to the attendance and assemblage of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution. The said committee is hereby given leave to sit during the sessions of the Legislature, during the recess thereof and during the interval between sessions thereof, at any place in the state as said committee shall from time to time determine; and be it further

Resolved, That the sum of fifteen thousand dollars or so Appropriation much thereof as may be necessary be and the same is hereby appropriated for the purpose of defraying the expenses of said committee and said investigation, said sum to be paid equally from the contingent funds of the Senate and of the Assembly and the state controller is hereby authorized and directed to draw his warrants in favor of the person entitled thereto for such expenditures as may be certified to him from time to time by the chairman of said committee and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 79.

Assembly Concurrent Resolution No. 45—Relative to leaves of absence of the governor, lieutenant governor and the members of the Senate and Assembly of the forty-eighth session of the Legislature of the State of California.

[Filed with Secretary of State May 15, 1929]

Resolved by the Assembly, the Senate concurring, That Leaves of absence leave of absence from the State of California for a longer

Leaves of
absence

period than sixty days, during their term of office, is hereby granted to his excellency, C. C. Young, governor of the State of California; to H. L. Carnahan, lieutenant governor of the State of California; and to the following members of the Senate and Assembly of the forty-eighth session of the Legislature of the State of California:

Senators James M. Allen, C. C. Baker, Frank S. Boggs, Arthur H. Breed, Victor J. Canepa, Henry E. Carter, Bert A. Cassidy, E. H. Christian, George C. Cleveland, Chas. H. Cobb, John Joseph Crowley, Walter H. Duval, Nelson T. Edwards, Herbert J. Evans, Roy Fellom, J. C. Garrison, P. J. Gray, Fred C. Handy, Edgar S. Hurley, J. M. Inman, Herbert C. Jones, Ray Jones, Charles W. Lyon, Thomas A. Maloney, Thomas McCormack, J. W. McKinley, Frank F. Merriam, Edwin A. Mueller, Daniel C. Murphy, H. C. Nelson, J. L. Pedrotti, George W. Rochester, Will R. Sharkey, Herbert W. Slater, Ralph E. Swing, Tallant Tubbs, J. I. Wagy, Frank C. Weller, T. C. West and Sanborn Young.

Assemblymen Elbert G. Adams, Roscoe J. Anderson, Emory J. Arnold, Willard E. Badham, Willis M. Baum, Van Bernard, Roy Bishop, George R. Bliss, Archibald E. Brock, William M. Byrne, Harold C. Cloudman, F. C. Cloudsley, Frank B. Collier, Frank L. Coombs, Edward Craig, James C. Crawford, Bradford S. Crittenden, Melvyn I. Cronin, Ernest C. Crowley, Charles H. Deuel, A. C. DeYoe, H. E. Dillinger, Robert P. Easley, Crowell D. Eddy, Dan W. Emmett, Walter W. Feeley, B. J. Feigenbaum, Robert F. Fisher, James C. Flynn, Robert B. Fry, Joseph P. Gilmore, William E. Harper, Fred C. Hawes, S. L. Heisinger, William W. Hoffman, William B. Hornblower, Ray R. Ingels, Chris N. Jespersen, Augustus F. Jewett, Isaac Jones, William P. Jost, Morgan Keaton, Chester N. Kline, Edgar C. Levey, Walter J. Little, Frank W. Luttrell, Harry Lyons, M. J. McDonough, Frank McGinley, Henry McGuinness, M. S. Meeker, Eleanor Miller, James A. Miller, Frank W. Mixter, Albert H. Morgan, Jr., Harry F. Morrison, Roy J. Nielsen, Fred B. Noyes, Charles A. Oliva, Harry L. Parkman, Robert Lincoln Patterson, James L. Quigley, Charles F. Reindollar, Frederick M. Roberts, Eugene W. Roland, Jerome V. Scofield, Hubert B. Scudder, Jerrold L. Seawell, Harry F. Sewell, Bert B. Snyder, C. C. Spalding, James E. Stockwell, Percy G. West, Dan E. Williams, Ray Williamson, Myron D. Witter, Clare Woolwine, T. M. Wright, Forrest R. Young.

CHAPTER 80.

Assembly Concurrent Resolution No. 48—Relative to certain abuses arising from the conduct of fruit and vegetable auctions within this state.

[Filed with Secretary of State May 15, 1929]

WHEREAS, The orderly and systematic conduct of fruit and vegetable markets within this state, is of essential interest and concern to the producer and consumer alike; and Preamble

WHEREAS, Current reports clearly indicate that subsidiaries of certain public utilities operating fruit and vegetable auctions within this state, are guilty of unethical practices, including the sale of fruit and vegetables in car load lots, at auction, for less than the f.o b. price thereof at loading points, and the granting of rebates in various forms to purchasers, thus demoralizing the producers' markets without benefiting the consumers; and

WHEREAS, These fruit and vegetable auctions are controlled or owned by, or are subsidiaries of corporations controlled or owned by, public utilities engaged in public freight and passenger transportation within this state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That the railroad commission of this state is hereby requested fully to investigate and study the operations of the aforesaid fruit and vegetable auctions and to ascertain whether such auctions operating as aforesaid are subject to the regulation and control of the commission, and if so to take such steps as may be necessary in order to eliminate the aforesaid abuses; and, if such auctions are not so subject to the commission to determine the nature and extent of legislation necessary in order to eliminate such abuses and to preclude further unfair trade practices on the part of such public utilities; and, be it further

Fruit and vegetable auctions in investigation of

Resolved, That the railroad commission is requested to report the result of its investigation and study to the Legislature at its next session, together with the commission's recommendations for legislation, if any, necessary in order to accomplish the purposes herein indicated.

CHAPTER 81.

Assembly Joint Resolution No. 15—Relative to memorializing and petitioning congress to enact legislation for the restriction of Filipino immigration.

[Filed with Secretary of State May 15, 1929.]

WHEREAS, The policy of unrestricted immigration as an aid to cheap labor has had a tendency towards destruction of American ideals and American racial unity; and Preamble

WHEREAS, This policy has tended to exploit the Negroes, the Japanese and the Hindus, resulting in their regulation or exclusion; and

WHEREAS, Filipinos have not been among those excluded under the immigration laws of the United States in accordance with our national policy of restrictive immigration; and

WHEREAS, The present absence of restriction on immigration from the Philippine Islands opens the door annually to thousands of Filipinos, causing unjust and unfair competition to American labor, and nullifying the beneficial results to be expected from a national policy of restrictive immigration; therefore be it

Petition to
congress to
restrict
immigration
from the
Philippines

Resolved, by the Assembly and the Senate of the State of California, jointly. That the Legislature of the State of California earnestly petitions congress to enact legislation which will restrict immigration from the Philippine Islands; and which will prevent all Filipinos entering the United States who are afflicted with communicable diseases; and be it further

Resolved, That the chief clerk of the Assembly be and he is hereby directed to send copies of this resolution to each member of the senate and the house of representatives of the United States.

CHAPTER 82.

Senate Constitutional Amendment No. 5—A resolution to propose and submit to the people of the State of California an amendment to section 2, article eighteen of the constitution of the State of California, providing for the election of delegates to be assembled in convention for the purpose of framing a new constitution for the State of California.

[Filed with Secretary of State May 15, 1929.]

Proposed
constitu-
tional
amendment

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session commencing on the seventh day of January, A. D. 1929, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that section 2 of article eighteen of the constitution of the State of California be amended to read as follows, to wit:

Constitu-
tional
convention

Sec. 2. Within ten months after the adoption hereof, a special election shall be held throughout the state, on a day to be fixed by proclamation of the governor, whereat one hundred twenty delegates, one from each assembly district and one from each senatorial district who may or may not be members of the Legislature, shall be elected, having the same qualifications and being chosen in the same manner as members of the Legislature, to form a convention, to meet in the state capitol, for the purpose of framing a new constitution for the State of California. Such convention shall assemble and organize for the transaction of its business within three months after said election of delegates, on

a day to be fixed by proclamation of the governor, and shall thereafter continue in session in the state capitol until it shall have completed its business of framing a new constitution and provided for submitting the same to the vote of the people of the state for adoption or rejection. The compensation of each member of said convention in full payment for all services rendered, shall be fixed by the Legislature, but each delegate shall be entitled to the same mileage as is allowed to a member of the Legislature, and the convention shall have authority to employ such clerks and other attaches as may be reasonably necessary for the transaction of its business and the accomplishment of its purpose, in addition to such experts as the convention shall deem necessary, and it shall be the duty of the Legislature to provide by law for the payment of all and singular the expenses of said election of delegates and their compensation and mileage and other expenses of said convention herein authorized. Within six months after the adjournment of said convention, on a day to be fixed by proclamation of the governor, a special election shall be held throughout the state, whereat the new constitution framed and proposed by said convention shall be submitted to the people for adoption or rejection, and it shall be the duty of the Legislature to provide by law for the payment of all and singular the expenses of such special election. At such special election the ballot shall contain the phrases "For the new constitution" and "Against the new constitution," printed thereon in a suitable place, with an appropriate space for each elector to designate his intention with reference to the adoption or rejection of the proposed new constitution. The election officers in each and every voting precinct in the state shall ascertain and make returns of the number of votes cast in favor of the new constitution and the number of votes cast against the new constitution, as aforesaid, in like manner and with the same particularity as other votes are by law required to be counted and returned, and an abstract thereof shall be transmitted by the several county clerks and registrars of voters throughout the state to the secretary of state, in the same manner and within the same time as votes for state officers are by law required to be transmitted. The secretary of state shall have authority and it shall be his duty to compel the making and transmission of such returns, and, when the same have been received by him, he shall forthwith prepare and present to the governor a complete abstract of the whole number of votes cast in favor of the new constitution and of the whole number of votes cast against the new constitution. If it shall appear from such returns that a majority of the electors voting at such special election on the question of the adoption or rejection of such proposed new constitution shall have voted in favor of its adoption, the governor shall forthwith issue his proclamation declaring the result of said election and proclaiming such new constitution, thus ratified by the people as aforesaid, to be the constitution of the State of

California, and the same shall thereupon become and be, subject only to the constitution of the United States of America, the supreme law and constitution of the State of California.

CHAPTER 83.

Senate Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the constitution of said state, by adding to article sixteen thereof a new section to be numbered 8, authorizing the issuance and sale of ten thousand bonds of the State of California in the denomination of one thousand dollars each, authorizing the disposition of the proceeds of the sale of said bonds for certain purposes, and approving, adopting, legalizing, validating and making fully and completely effective the San Francisco harbor improvement act of 1929 as passed by the Senate and Assembly at the forty-eighth session of the Legislature and approved by the governor.

[Filed with Secretary of State May 15, 1929]

Proposed
constitu-
tional
amendment

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the seventh day of January, 1929, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California that the constitution of said state be amended by adding to article sixteen thereof a new section to be numbered 8, reading as follows:

San Fran-
cisco harbor
improvement
bonds

Sec. 8. The issuance and sale of ten thousand bonds of the State of California in the denomination of one thousand dollars each, and the use and disposition of the proceeds of the sale of said bonds, all as provided in the San Francisco harbor improvement act of 1929, as passed by the Senate and Assembly at the forty-eighth session of the Legislature and approved by the governor, authorizing the issuance and sale of state bonds in the sum of ten million dollars for the purpose of providing a fund for the construction in San Francisco harbor of wharves, piers, seawalls, state railroad, spurs, betterments and appurtenances and for necessary dredging and filling in connection therewith and providing for the payment of the principal and interest of said bonds by the state treasurer from revenues collected for dockage, tolls, rents, wharfage, crantage, demurrage, switching and any and all collections now or hereafter authorized by law paid into the fourth San Francisco seawall sinking fund, is hereby authorized and the said San Francisco harbor improvement act of 1929 is hereby approved, adopted, legalized, validated, and made fully and completely effective. All provisions of this section shall be self-executing and shall not require any

legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this section contained shall be a limitation upon the provisions of this section.

CHAPTER 84.

Senate Constitutional Amendment No. 45—A resolution to propose to the people of the State of California an amendment to section 1 of article thirteen of the constitution of the state, relating to property exempt from taxation.

[Filed with Secretary of State May 15, 1929]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its forty-eighth regular session commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 1 of article thirteen of the constitution be amended to read as follows:

Proposed constitutional amendment

Section 1. All property in the state except as otherwise provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; *and further provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this state, or to any county, city and county, or municipal corporation within this state shall be exempt from taxation, except such lands and the improvements thereon located outside of the county, city and county, or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation; *provided*, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to taxation. When the state or any department or governmental agency thereof acquires any toll bridge or the real or personal property used for any toll bridge, said property and toll bridge shall continue to be subject to taxation by the county, city and county, political subdivision and municipal corporation wherein the same is located during the life of the original franchise, and the state shall pay to the

Taxation of property and exemptions therefrom

county or city and county granting the franchise for said bridge such amounts as may become due to such county or city and county for the franchise for the construction of such toll bridge; *provided, however*, that whenever the state ceases to collect tolls for the use of any such bridge or property so acquired and the same becomes free to the public use, then such bridge and property shall become and remain exempt from all taxation and the state shall not thereafter make any payments to the county or city and county under the provisions of the franchise. All lands or improvements thereon, belonging to any county, city and county, or municipal corporation, not exempt from taxation, shall be assessed by the assessor of the county, city and county, or municipal corporation in which said lands or improvements are located, and said assessment shall be subject to review, equalization and adjustment by the state board of equalization. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this state.

CHAPTER 85.

Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section 18 of article six and repealing section 22 of said article relating to the ineligibility of judges to hold other offices or to accept remuneration other than their salary.

[Filed with Secretary of State May 15, 1929.]

Proposed
constitu-
tional
amendment

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its forty-eighth session, commencing on the seventh day of January, 1929, two-thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California, the following amendments to the constitution of the State of California:

Eligibility
of justices
and judges

First. Section 18 of article six is hereby amended to read as follows:

18. The justices of the supreme court, and of the district courts of appeal and the judges of the superior courts and the municipal courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected or appointed, and no justice or judge of a court of record shall practice law in or out of court during his continuance in office; *provided, however*, that a judge of the superior court or of a municipal court shall be eligible to election or appointment to a public office during the time for which he may be elected, and the

acceptance of any other office shall be deemed to be a resignation from the office held by said judge.

Second. Section 22 of article six of said constitution is hereby repealed. Repealed

CHAPTER 86.

Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the constitution of said state by adding a new section to article thirteen to be known as section 17, relating to revenue and taxation and reimbursement to counties and to a city and county for losses sustained as a result of the withdrawal of property from local taxation.

[Filed with Secretary of State May 15, 1929.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its forty-eighth regular session, commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the constitution of said state be amended by adding a new section to article thirteen thereof, to be known as section 17, to read as follows: Proposed constitutional amendment

Sec. 17. The net loss in revenue sustained by any county or by a city and county by the withdrawal from local taxation of the property taxed for state purposes under the provisions of this constitution, shall be ascertained and determined by the department of finance, and said department shall report to the Legislature the loss sustained by each such county and city and county from such cause, during the biennium next preceding the making of such report together with its recommendations; *provided*, that loss to a city and county shall be based on removal of such property from taxation for county purposes and shall not include loss for removal of such property from taxation for municipal purposes. The Legislature shall, immediately after the adoption and approval of the budget bill, provide in the amount and manner it shall determine for the reimbursement of such loss from any unappropriated money in the general fund in the state treasury; *and provided, further*, that no such reimbursement shall reduce the unappropriated money in the general fund in the state treasury to a sum less than ten million dollars. Reimbursement of counties for losses in revenue
Limitation

CHAPTER 87.

Assembly Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by adding to article four thereof a new section to be numbered section 22a, relating to retirement salaries for state employees.

[Filed with Secretary of State May 15, 1929.]

Proposed
constitu-
tional
amendment.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its forty-eighth regular session commencing on the seventh day of January, 1929, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that the constitution of the State of California be amended by adding to article four thereof a new section to be numbered 22a and to read as follows:

Retirement
salaries for
state
employees

Sec. 22a. The Legislature shall have power to provide for the payment of retirement salaries to employees of the state who shall qualify therefor by service in the work of the state as provided by law. The Legislature shall have power to fix and from time to time change the requirements and conditions for retirement which shall include a minimum period of service, a minimum attained age and minimum contribution of funds by such employees and such other conditions as the Legislature may prescribe, subject to the power of the Legislature to prescribe lesser requirements for retirement because of disability.

The rates of contribution and the periods and conditions of service and amount of retirement salaries fixed in pursuance of this section shall not be changed except by the vote of two-thirds of the members elected to each of the two houses of the Legislature.

CHAPTER 88.

Senate Concurrent Resolution No. 23—Approving four certain amendments to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at a special municipal election held therein on the nineteenth day of March, 1929.

[Filed with Secretary of State May 15, 1929.]

Preamble

WHEREAS, Proceedings have been had and taken for the proposal, adoption, and ratification of certain amendments, hereinafter set forth, to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of

California, as set out in the certificate of the mayor and city clerk of said city of San Diego, as follows, to wit :

San Diego
city charter
amendments

State of California }
County of San Diego } ss.
City of San Diego }

We the undersigned, Harry C. Clark, mayor of the city of San Diego, and Allen H. Wright, city clerk of said city, do hereby certify and declare as follows :

Certificate
of due
adoption
by the
electors

The city of San Diego, in the county of San Diego, State of California, contains a population of over seventy-five thousand inhabitants, and has been ever since the year 1889, and is now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of section 8 of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the second day of March, in the year 1889, in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California, adopted on the sixteenth day of March, 1889.

The legislative body and authority of said city, being the common council thereof, did, on its own motion, by resolutions passed and adopted by said common council on the fourteenth day of January, 1929, and on the twenty-first day of January, 1929, pursuant to section 8 of article eleven of the constitution of the State of California, duly propose to the qualified electors of the city of San Diego, certain amendments to the charter of said city.

The said common council did, by resolution duly passed and adopted on the twenty-first day of January, 1929, proclaim and fix the nineteenth day of March, 1929, as the date upon which all of said amendments, so proposed, would be submitted to the qualified electors of said city.

The said common council did, by resolution number 48806, passed by said common council on the twenty-first day of January, 1929, submit said amendments so proposed as aforesaid to the qualified electors of said city for their approval at a special election held in said city on the nineteenth day of March, 1929.

The amendments so proposed and submitted to the electors of said city for their approval by said resolution number 48806 were, and each of them was, on the twenty-eighth day of January, 1929, and within fifteen days after the passage and adoption of said resolution submitting said amendments, published once in the Evening Tribune, the official newspaper of said city of San Diego.

The common council of the city of San Diego caused copies of all of said amendments to be printed in convenient pamphlet form, and from the twenty-eighth day of January, 1929, until the nineteenth day of March, 1929, being the date fixed for the election upon such charter amendments, did advertise a notice

in the Evening Tribune, a paper of general circulation, published in the city of San Diego, that such copies of said amendments in pamphlet form might be had upon application therefor at the office of the city clerk in the city hall of said city.

Said amendments were submitted, pursuant to the terms of resolution numbered 48806 of the common council to the qualified voters of said city at a special election held in said city on the nineteenth day of March, 1929, being not less than forty nor more than sixty days after the completion of the advertisement of said amendments, and of each of them, in the Evening Tribune, the official paper of the city of San Diego.

On the twenty-fifth day of March, 1929, being the first Monday following said election, at a regular meeting of the common council of said city, said common council duly and regularly canvassed the returns of said election, and duly declared the result thereof, and did thereby find and determine that those four certain charter amendments proposed in said resolutions and submitted to the electors of said city, and designated in said resolution number 48806, as proposition one, proposition three, proposition four and proposition five, respectively, were, and each of them was, duly and regularly ratified by a majority of the qualified voters voting on each such amendment.

The said four certain charter amendments so ratified by the qualified voters of the city of San Diego at said election are in words as follows, to wit:

PROPOSITION ONE.

Text of
amendments

Amend section 13½, chapter two, article six of the city charter, so as to read as follows:

Completion
of municipal
improvement

“Section 13½. In all matters relating to the acquisition, construction or completion of any municipal improvement provided for in sections 12 and 13 of this chapter, the provisions of the general law of the State of California in force at the time shall govern and control; *provided, however*, that bonded indebtedness may be contracted by said city for the acquisition, construction or completion of water works, water rights, reservoir sites, rights of way and easements for pipes, aqueducts, reservoirs, rights of flowage, flumes or other conduits, whether in the county of San Diego, or elsewhere, or any other property or appliances suitable or proper for supplying said city or its inhabitants with water, and may issue bonds for that purpose whenever authorized by a vote of two-thirds of the electors voting at an election held for that purpose, in an amount not to exceed twenty-five per cent of the assessed value of all the real and personal property of said city, in addition to the bonds issued or authorized for other purposes.”

PROPOSITION THREE.

Amend subsection 48(a) of section 1, chapter two, of article two of the city charter, so as to read as follows:

“48(a). That all pueblo lands owned by the city of San Diego lying and being situated north of the north line of the San Diego river, be, and the same are hereby reserved from sale until the year 1940; *provided, however*, that at any time should it be desired to sell any part or portion of such pueblo lands prior to the year 1940, the sale thereof may be authorized by an ordinance duly passed by the common council and ratified by the electors of the city of San Diego at any special or general municipal election; *and provided, further*, that if at any time it should be desired to lease any part or portion of such public lands prior to the year 1940, the leasing thereof may be authorized by an ordinance duly passed by the common council; *provided*, that no lease so authorized shall be for a longer period of time than fifteen years. The common council shall levy, annually, in addition to all other taxes provided for in this charter, two cents on each one hundred dollars valuation of property for the purpose of improving said pueblo lands herein reserved from sale.”

PROPOSITION FOUR.

Amend section 16 of chapter two, article two of the city charter, so as to read as follows:

“Section 16. All official advertising of the city of San Diego shall be done by contract. In May of each odd numbered year the clerk of the common council must publish a notice in a daily newspaper of said city for ten (10) days, calling for proposals to do all of the advertising of said city.

That the bidder must be the responsible publisher of a newspaper in said city having a bona fide daily circulation, and which has been regularly published in said city for at least two (2) years immediately preceding his bid. The award of said advertising shall in all cases be made to the lowest responsible bidder. The newspaper to which the award of advertising is made shall be known and designated as the ‘city official newspaper.’ No board, department, officer or authority shall make any publication which is not expressly authorized by this charter; and all publications so authorized shall be made in the city official newspaper exclusively, unless otherwise expressly provided in this charter.”

PROPOSITION FIVE.

Amend chapter eight, article five of the city charter, by adding thereto a new section, to be known and numbered as section 4, which said section shall read as follows:

“Section 4. The common council shall levy annually, in addition to all other taxes provided for in this charter, ten cents (10c) on each one hundred dollars valuation of property taxable for municipal purposes, for the purpose of the improvement and development of the harbor of San Diego; such moneys to be placed in the San Diego harbor fund.”

In witness whereof, we have hereunto set our hands and caused the seal of the city of San Diego to be affixed this twenty-sixth day of March, 1929.

HARRY C. CLARK,
Mayor of the city of San Diego.

[SEAL]

ALLEN H. WRIGHT,
City clerk of the city of San Diego.

and

WHEREAS, the said proposed amendments are now submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section 8 of article eleven of the constitution of said state; now, therefore, be it

Ratification
by the
Legislature

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the said charter herein set forth as proposed and submitted to and adopted and ratified by the qualified electors of said city, be, and the same are, and each of them is, hereby approved as a whole, without amendment or alteration, for and as amendments, to and as part of, the charter of the said city of San Diego.

CHAPTER 89.

Senate Concurrent Resolution No. 30—Approving two certain amendments to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, voted for and ratified by the electors of said city of San Diego at the general municipal election held therein on the second day of April, 1929.

[Filed with Secretary of State May 15, 1929.]

San Diego
city charter
amendments

WHEREAS, Proceedings have been had and taken for the proposal, adoption, and ratification of certain amendments, hereinafter set forth, to the charter of the city of San Diego, a municipal corporation in the county of San Diego, State of California, as set out in the certificate of the mayor and city clerk of said city of San Diego, as follows, to wit:

State of California. }
County of San Diego, } ss.
City of San Diego, }

Certificate
of due
adoption by
the electors.

We, the undersigned, Harry C. Clark, mayor of the city of San Diego, and Allen H. Wright, city clerk of said city, do hereby certify and declare as follows:

The city of San Diego, in the county of San Diego, State of California, contains a population of over seventy-five thousand inhabitants, and has been ever since the year 1889, and is

now, organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the second day of March, in the year 1889, in manner, form and substance as required by law, and was thereafter duly approved by joint resolution of the Legislature of the State of California, adopted on the sixteenth day of March, 1889. Certificate

The legislative body and authority of said city, being the common council thereof, did, on its own motion, by resolutions passed and adopted by said common council on the 21st day of January, 1929, and on the 15th day of February, 1929, pursuant to section eight of article eleven of the constitution of the state of California, duly propose to the qualified electors of the city of San Diego, certain amendments to the charter of said city.

The said common council did, by resolution duly passed and adopted on the 15th day of February, 1929, proclaim and fix the 2nd day of April, 1929, as the date upon which all of said amendments, so proposed, would be submitted to the qualified electors of said city.

The said common council did, by Resolution No. 49118, passed by said common council on the 15th day of February, 1929, submit said amendments so proposed as aforesaid to the qualified electors of said city for their approval at the General Municipal Election held in said city on the 2nd day of April, 1929.

The amendments so proposed and submitted to the electors of said city for their approval by said Resolution No. 49118, were, and each of them was, on the 19th day of February, 1929, and within fifteen days after the passage and adoption of said resolution submitting said amendments, published once in the Evening Tribune, the official newspaper of said city of San Diego.

The common council of the city of San Diego caused copies of all of said amendments to be printed in convenient pamphlet form, and from the 18th day of February, 1929, until the 2nd day of April, 1929, being the date fixed for the election upon such charter amendments, did advertise a notice in the Evening Tribune, a paper of general circulation, published in the city of San Diego, that such copies of said amendments in pamphlet form were to be had upon application therefor at the office of the city clerk in the city hall of said city.

Said amendments were submitted pursuant to the terms of resolution numbered 49118 of the common council to the qualified voters of said city at the General Municipal Election held in said city on the 2nd day of April, 1929, being not less than forty nor more than sixty days after the completion of the advertisement of said amendments, and of each of them, in the

Evening Tribune, the official paper of the city of San Diego.

On the 8th day of April 1929, being the first Monday following said election, at a regular meeting of the common council of said city, said common council duly and regularly canvassed the returns of said election, and duly declared the result thereof, and did thereby find and determine that those two certain charter amendments proposed in said resolutions and submitted to the electors of said city, and designated in said Resolution No. 49118, as Proposition One and Proposition Three, respectively, were, and each of them was, duly and regularly ratified by a majority of the qualified voters voting on each such amendment.

Text of
amendments.

The said two certain charter amendments so ratified by the qualified voters of the city of San Diego at said election are in words as follows, to-wit:

PROPOSITION ONE.

Amend Article X, Section 16 of the City Charter, so as to read as follows:

Removal
from office

“Section 16. Unless otherwise provided by this Charter any officer, board or department authorized to appoint any deputy, clerk, assistant or employee shall have the right to remove for cause as hereinafter provided any person in the classified service so appointed who has not been continuously employed within that department for a period of six calendar months or more; provided that a notice of such discharge shall be given to said employee and the Civil Service Commission.

No officer or employee in the classified service after six months continuous employment shall be removed or discharged except for some cause relating to his efficiency, conduct or loyalty to his oath of office and only after written charges shall have been filed and served in writing to said officer or employee and transmitted to the Civil Service Commission and after an opportunity to be heard in his own defense at a public hearing before the Civil Service Commission, and in accordance with the rules of said Commission. The decision of the Civil Service Commission shall be certified to the appointing officer, board or department and shall be binding upon all city officers including said officer, board or department.”

PROPOSITION THREE.

Amend Section 5 of Chapter VII of Article V of the City Charter, so as to read as follows:

Tax levies
for parks,
plazas and
squares

“Section 5. That the said Common Council shall levy annually, in addition to all other taxes provided for in this Charter, not less than ten (10) cents, nor more than sixteen (16) cents on each one hundred dollars valuation of property, for the purpose of maintaining and improving said parks, plazas and squares. At least two (2) cents on each one hundred dollars valuation of property of this special tax shall be used by the Board of Park Commissioners exclusively for the maintenance in Balboa Park of a Zoological Exhibit.”

IN WITNESS WHEREOF, we have hereunto set out hands and caused the seal of the city of San Diego to be affixed this 12th day of April, 1929.

HARRY C. CLARK,
Mayor of the city of San Diego.

[SEAL]

ALLEN H. WRIGHT,
City Clerk of the city of San Diego.

and

WHEREAS, The said proposed amendments are now submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section 8 of article eleven of the constitution of said state; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the said charter herein set forth as proposed and submitted to and adopted and ratified by the qualified electors of said city, be, and the same are, and each of them is, hereby approved as a whole, without amendment or alteration, for and as amendments, to and as part of, the charter of the said city of San Diego. Ratification
by the
Legislature

CHAPTER 90.

Senate Concurrent Resolution No. 31—Relative to the passing of the mother of H. L. Carnahan.

[Filed with Secretary of State May 15, 1929.]

WHEREAS, The members of the Legislature of the State of California have this day learned, with profound regret, of the death of Mrs. Jennie Carnahan the beloved mother of H. L. Carnahan, our respected and honored lieutenant governor; and Preamble

WHEREAS, Our hearts are touched by this sudden death and we realize the loss sustained by our presiding officer in the passing of his mother, thus depriving him of the loving companionship of a parent; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That the members of the Legislature of the State of California extend to the family of the deceased their deepest sympathy in this their hour of great bereavement; and, be it further Expression
of sympathy

Resolved, That the secretary of the Senate and the chief clerk of the Assembly are hereby directed to convey to the family this expression of sympathy and regret at the passing of their beloved mother.

CHAPTER 91.

Assembly Concurrent Resolution No. 34—Relative to the joint legislative committee appointed to study, inquire into, and survey, the corporation laws of, and the sale of corporate securities within, this state and other states.

[Filed with Secretary of State May 15, 1929]

Preamble.

WHEREAS, A legislative committee consisting of three members of the Assembly and three members of the Senate was appointed pursuant to the provisions of Assembly concurrent resolution number six of the forty-eighth session of the Legislature filed with the secretary of state January 18, 1929, and enrolled as chapter six, and

WHEREAS, Said committee has met, held hearings and reported its findings and submitted its recommendations to the Legislature, all as directed in said concurrent resolution number six, and

WHEREAS, Said committee has incurred certain expenses in the performance of its duties as prescribed in said concurrent resolution number six, and

WHEREAS, Said committee has recommended to the Legislature that said committee continue to function until the convening of the forty-ninth session of the Legislature, now, therefore, be it

Legislative
corporation
committee

Resolved by the Assembly, the Senate concurring, That the aforesaid joint legislative committee, consisting of the three members of the Assembly heretofore appointed by the speaker of the Assembly and the three members of the Senate heretofore appointed by the president of the Senate, together with the speaker of the Assembly and the president of the Senate, who are hereby made ex officio members of the committee, shall continue to meet and function, at such times and places as it may determine, during the session of the present Legislature and during the interim between sessions and until the convening of the forty-ninth session of the Legislature of the state; and said committee shall, upon the convening of the forty-ninth session of the Legislature report its findings and submit its recommendations to said Legislature, based upon the result of the committee's study, survey, and inquiry, made and conducted in the manner hereinafter directed, and be it further

Vacancies

Resolved, That in case any vacancy occurs in the membership of said committee due to death, inability to act or other cause, such vacancy shall, upon request of a majority of the members of the committee be filled by appointment by the speaker of the Assembly from the membership of the Assembly, or by the president of the Senate from the membership of the Senate, as the case may be, and be it further

Purposes
and powers

Resolved, That for the purpose of recommending legislation based upon its findings, the committee is hereby authorized to

study, inquire into, and survey: (1) The laws, rules and regulations of this state and of other states relating to corporations and to the sale of corporate securities therein; (2) the methods of control and supervision of the formation, licensing and operation of domestic and foreign corporations within this state and other states; (3) the methods of regulation and control of the sale of corporate securities within this state and other states; (4) the control, management and operation of stock and bond exchanges within this state and other states; (5) all matters, laws, and conditions, which may be necessary or advisable in order to enable the committee fully to inform itself and advise the Legislature at its forty-ninth session of the necessity or advisability of legislation in relation to corporations incorporated or doing business, and/or the sale of corporate securities, within this state, and be it further

Resolved, That nothing herein contained shall be construed to authorize the committee to investigate or interfere with the conduct of the corporation commissioner's office, but the committee shall be given such cooperation, assistance, and advice, by the corporation commissioner and his deputies as, within the limits specified, the committee may desire and request, and be it further

Corporation
commissioner

Resolved, That said joint committee, heretofore appointed and hereby continued in existence, is a committee of the Legislature and as such is hereby authorized and empowered to sit at such places and times as the committee may determine, and, in the manner prescribed in article eight of chapter two of title one of part three of the Political Code, to take all steps necessary to compel attendance upon the committee of witnesses and to procure evidence and testimony, and to subpoena, summon and examine all witnesses and to require the production of all persons, books, agreements, minutes of meetings, documents, records, papers of every kind, and accounts, which the committee deems necessary in order to fully inform itself of the advisability or necessity of future legislation for the control or regulation of corporations, and/or the sale of corporate securities, within California, and every member of the committee is hereby authorized to administer oaths, and the committee is fully empowered to do all things necessary to fully accomplish all the purposes of this resolution, and be it further

Further
powers

Resolved, That the sum of five thousand dollars or so much thereof as may be necessary, is hereby appropriated and set aside from the contingent funds of the Assembly and Senate, for payment of the actual and necessary expenses of said committee heretofore incurred in compliance with the provisions of said Assembly concurrent resolution number six and for payment of the actual and necessary expenses of said committee (including the actual and necessary traveling and per diem expenses of the ex officio members thereof) to be incurred in compliance with the provisions of this concurrent

Appropriation

resolution; said sum of five thousand dollars to be paid from the contingent funds of the Assembly and of the Senate, one-half of said amount to be paid from each of said contingent funds upon warrants drawn on the state treasurer by the controller to cover vouchers certified to by the chairman of said committee, which warrants the controller is hereby directed to draw and the state treasurer to pay.

CHAPTER 92.

Assembly Concurrent Resolution No. 17—A resolution calling for the appointment of a special legislative committee to consider the constitutional mandate with respect to mechanic's liens and to suggest remedial legislation.

[Filed with Secretary of State May 15, 1929.]

Preamble WHEREAS, The constitution of the State of California declares that mechanics, materialmen, artisans and laborers shall have a lien upon the property upon which they have bestowed labor or furnished material and provides that the Legislature shall provide for a speedy and efficient enforcement of such liens; and

WHEREAS, It appears that existing statutes do not efficiently provide for the protection of such classes of lienors and that the purpose of such constitutional mandate seems to be defeated; and

Legislative committee to study mechanic's lien laws WHEREAS, It appears that remedial legislation may be needed, now, therefore, be it

Resolved by the Assembly, the Senate concurring, That a joint legislative committee of four, two of whom shall be members of the Assembly and appointed by the speaker of the Assembly and two of whom shall be members of the Senate and appointed by the lieutenant governor, be appointed to consider the matter and make a report at the next session of this Legislature and to suggest any appropriate legislation that in their opinion may be proper with respect thereto.

CHAPTER 93.

Assembly Concurrent Resolution No. 49—Relative to appreciation of the financial aid extended to California in road building by the United States.

[Filed with Secretary of State May 15, 1929.]

Preamble. WHEREAS, The United States government, in federal aid, forest road, and national park funds, during the past ten years, has contributed approximately thirty-two million dollars to the

highway development of California under the direction of the United States bureau of public roads; and

WHEREAS, The United States bureau of public roads, through Thomas H. MacDonald, director, Dr. L. I. Hewes, deputy chief engineer in charge of the eleven western states, and Captain C. H. Sweetser, district engineer in charge in California, has been uniformly helpful and courteous in its participation in highway development in California, and has contributed greatly toward establishing the fine standard of highway construction now in force in California; now, therefore be it

Resolved, That the State of California through its Legislature, by concurrent resolution of the Assembly and Senate, does hereby express its appreciation of the financial aid extended to California in road building by the United States and does hereby further express its appreciation of the fine cooperation supplied by Mr. MacDonald, Dr. Hewes and Captain Sweetser representing the bureau of public roads; and be it further

Expression
of appre-
ciation

Resolved, That a copy of this concurrent resolution properly engrossed be sent to the President of the United States, the secretary of agriculture, Thomas H. MacDonald, Dr. L. I. Hewes and Captain C. H. Sweetser.

CHAPTER 94.

Senate Joint Resolution No. 9—Relative to Dale-Lehlbach retirement bill.

[Filed with Secretary of State May 15, 1929.]

WHEREAS, There was passed at the last session of congress, the Dale-Lehlbach retirement bill, which contained provisions for needed liberalization of the federal civil service retirement laws; and

Preamble

WHEREAS, The bill reached the President only seven days before adjournment of congress, and same was permitted to die by pocket veto; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That we most heartily approve the provisions of this act, and request congress at its coming session to again enact the provisions of the Dale-Lehlbach bill; and that the President of the United States be requested to attach his signature thereto, so that it may become a federal law.

Retirement
salaries for
federal civil
service
employees,
urged

Resolved, That the secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the speaker of the house of representatives, and to senators and representatives in California in the congress of the United States.

CHAPTER 95.

Assembly Joint Resolution No. 11—Relative to restricted immigration.

[Filed with Secretary of State May 15, 1929.]

Preamble

WHEREAS, The Legislature of this state has consistently urged adherence by the United States to a policy of restricted immigration; and

WHEREAS, The present absence of restriction and supervision of immigration across the southern boundary line of the United States, opens the door annually to thousands of citizens of the republic of Mexico, to large numbers of citizens of nations under the quota who would otherwise be excluded and to many aliens ineligible to citizenship; and

WHEREAS, The standard of living of the great mass of citizens of the republic of Mexico is such that no good reason exists why the citizens thereof should be given preference, as to entry into the United States, over the peoples of the European stocks from which the great majority of American citizens are descended; and

WHEREAS, The influx of laborers across the Mexican border causes unfair and unjust competition to American labor, and at the same time abrogates and nullifies the beneficial results to be expected from a national policy of restrictive immigration; and

WHEREAS, The continued unrestricted inflow of Mexican people and the rate of increase of those already here, mean the gradual replacement of the American people by those of Mexican blood; and indicate that in the near future the populations of the southern and western states of the United States will become predominantly Mexican; now, therefore, be it

Protest
against
unrestricted
Mexican
immigration

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of this state protests against a continuance of the present unrestricted immigration from the republic of Mexico; and be it further

Resolved, That the congress of the United States be and it is hereby respectfully petitioned and urgently requested promptly to provide legislation placing the republic of Mexico within the provisions of the restrictive immigration laws of the United States and providing a proper annual immigration quota therefor; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, the speaker of the house of representatives of the United States and to each senator and representative in congress from the State of California.